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The President

EXECUTIVE ORDER 9386

REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN

By virtue of and pursuant to the authority vested in me by section 10 of the act of June 16, 1942 (56 Stat. 363; 37 U. S. C., Sup. 110), I hereby prescribe the following regulations governing the granting of (1) allowances for quarters and subsistence to enlisted men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service who are not furnished quarters or rations in kind, and (2) allowances for quarters to enlisted men of the first, second, and third grades in the active military, naval, or Coast Guard service of the United States having dependents as defined in section 4 of the said act, for periods during which public quarters are not provided and available for such dependents:

ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN NOT FURNISHED QUARTERS OR RATIONS IN KIND

SECTION I

Men on duty where quarters or rations in kind are not furnished shall be granted daily allowances as follows:

	No Government messing facilities furnished	Government messing facilities furnished
A. General—When assigned to countries or places not otherwise hereinafter specified:		
(a) Subsistence	$1.80	$1.20
(b) Quarters	1.25	1.25
B. Special—When assigned (except as hereafter provided) to Europe, South America, India, Africa, Australia, or at such other countries or isolated stations as determined by the head of the department concerned, or when absent from their ships on temporary duty not involving travel:		
(a) Subsistence	2.25	2.10
(b) Quarters	1.25	1.25
Exception No. 1—Canal Zone		
(a) Subsistence	1.80	1.20
(b) Quarters	1.25	1.25
Exception No. 2—Alaska		
(a) Subsistence	3.00	3.00
(b) Quarters	2.00	2.00
Exception No. 3—Naval Missions to Brazil, Colombia, Ecuador, Peru, and Venezuela		
(a) Subsistence	$0.75	----------
(b) Quarters	1.25	----------
Exception No. 4—American Embassies, Bogota, Colombia, Havana, Cuba, and Moscow, U. S. S. R., and American Legations, Addis Ababa, Ethiopia, and Guatemala City, Guatemala:		
(a) Subsistence	3.00	$3.00
(b) Quarters	2.00	2.00
C. Special—Enlisted men assigned to duty where emergency conditions justify such allowances, payable at the discretion and upon the determination of the head of the department concerned, in lieu of allowances at rates otherwise specified herein:		
(a) Subsistence—at not to exceed	3.00	3.00
(b) Quarters—at not to exceed	2.00	2.00

NOTE 1. Upon arrival at or departure from a station where allowances for subsistence are paid, allowances shall be computed as follows: The day to begin at midnight; for 18 hours or more at the station, one whole day; for 12 hours or more but less than 18 hours at the station, two-thirds of one day; for 6 hours or more but less than 12 hours at the station, one-third of one day. No allowance for subsistence shall be paid for the day on which a man arrives at a station after 6 o'clock P. M.

NOTE 2. In determining station allowance for quarters, a fractional part of a day shall be computed as a whole day; payment for station allowance shall accrue from midnight. Station allowance for quarters shall be paid for the day of arrival at, but not for the day of departure from a permanent station.

SECTION II

Men traveling on duty including detentions not exceeding thirty-one days at any one place, when not furnished sleeping car, stateroom accommodations, or other quarters and rations in kind, shall be granted a daily allowance of $5.00: *Provided*, that when quarters in kind are furnished, they shall be entitled only to an allowance for subsistence at the rate of $1.00 per meal, and when subsistence is furnished they shall be entitled only to an allowance for quarters at the rate of $2.00 per day. For the purposes of this section quarters in kind will be considered as furnished for the day of arrival at a permanent station.

Men absent under orders from their station upon duty which involves travel and also temporary detentions during the journey shall be deemed to be traveling

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under orders during the entire period of such absence including the day of departure therefrom and return thereto. For periods of detention in excess of thirty-one days at any one place, the allowances prescribed in Section I shall govern after the thirty-first day.

SECTION III

Payments of allowances for quarters and subsistence may be made to enlisted men not more than one month in advance, except that as to men proceeding to or from a station beyond the continental limits of the United States or in Alaska, such payments may be made not more than three months in advance. The heads of the departments concerned may prescribe such additional regulations as may be necessary to carry out the provisions of this paragraph.

SECTION IV

ALLOWANCES TO ENLISTED MEN OF THE FIRST, SECOND, AND THIRD GRADES HAVING DEPENDENTS AS DEFINED IN SECTION 4 OF THE ACT OF JUNE 16, 1942

Each enlisted man of the first, second, or third grade in the active military, naval, or Coast Guard service of the United States who is not entitled to a money allowance for quarters in a non-

travel status under the provisions of section 10 of the said act of June 16, 1942, and who has a dependent as defined in section 4 thereof, shall be entitled to receive for any period during which public quarters are not provided and available for such dependent, the money allowances for quarters prescribed for enlisted men in a non-travel status by Section I above. Any such enlisted man shall continue to be entitled to this allowance although receiving the allowance for quarters in a non-travel status prescribed by Section I above, if by reason of orders of competent authority his dependent is prevented from dwelling with him.

The term "dependent" as defined in section 4 of the said act of June 16, 1942, shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age. It shall also include the father or mother of the person concerned provided he or she is in fact dependent upon such person for his or her chief support: *Provided*, that the term "children" shall be held to include stepchildren and adopted children when such stepchildren or adopted children are in fact dependent upon the person claiming dependency allowance.

This order shall supersede Executive Order No. 9206 of July 27, 1942,[1] as amended by Executive Order No. 9295 of January 9, 1943, and shall be effective as of November 1, 1943.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 15, 1943.

[F. R. Doc. 43-16842; Filed, October 16, 1943; 9:36 a. m.]

EXECUTIVE ORDER 9387

ESTABLISHING AN ADVISORY BOARD ON JUST COMPENSATION AND PRESCRIBING ITS FUNCTIONS

The War Shipping Administration was established to insure the fullest utilization of our shipping facilities for the successful prosecution of the war. Substantially all the vessels of the United States Merchant Marine, including many fishing boats and other small craft, have been requisitioned by the United States through the Administrator, War Shipping Administration. In some cases this requisition was only of the use of the vessel, in others it included full title. In determining the amount of just compensation which the United States is required to pay under applicable statutes, numerous questions of fact and law must be solved. By obtaining guidance in these matters, the operations of the War Shipping Administration will be greatly facilitated and the determination of the proper compensation to be paid for individual vessels will be more speedily accomplished.

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes and particularly by the First War Powers Act, 1941, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. There is hereby established a Board, to be known as the Advisory Board on Just Compensation (hereinafter referred to as the Board), whose composition, powers, functions and responsibilities are defined herein.

2. The Board shall consist of the following members: Judge Learned Hand, Judge John J. Parker, and Judge Joseph C. Hutcheson, Jr. The members of the Board shall serve for a period of three months or for such lesser period of time as may be required for the completion of the functions of the Board as set forth in paragraph 4 of this order.

3. The Board shall be furnished by the War Shipping Administration with such professional, technical, clerical, stenographic and other personnel as may be selected by the Board to assist it in carrying out its functions.

4. The Board, in accordance with the applicable provisions of the Constitution and the laws of the United States, shall establish fair and equitable standards, rules and formulae of general applicability for the guidance of the War Shipping Administration in determining the just compensation to be paid for all vessels requisitioned, purchased, chartered or insured by the Administration. The Board may prescribe such rules, regulations and procedures as it deems necessary or advisable in carrying out its functions.

5. In determining the amount of just compensation which should be paid for each vessel, the War Shipping Administration will be guided by the general standards, rules and formulae established by the Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 15, 1943.

[F. R. Doc. 43-16859; Filed, October 16, 1943; 12:03 p. m.]

EXECUTIVE ORDER 9388

ESTABLISHING A SPECIAL EMERGENCY BOARD TO REPORT ON THE CLAIMS FOR WAGE ADJUSTMENTS OF NONOPERATING RAILWAY EMPLOYEES

WHEREAS, the Director of Economic Stabilization found the report of May 24 and May 29, of the Emergency Board set up to consider the wage adjustment claims of the non-operating railway employees to be inconsistent with the stabilization program established under the Act of October 2, 1942, and the Executive Orders issued thereunder, and directed that the claims be reconsidered in light of the opinion filed by him on June 30, 1942, and

WHEREAS, the Emergency Board originally constituted to consider the claims of the non-operating railway employees has been dissolved and it is necessary to provide further machinery for adjusting these claims in accordance with the Act of October 2, 1942, and the stabilization program established thereunder.

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and the Statutes, and particularly by the First War Powers Act, 1941, as President of the United States and Commander-in-Chief of the Army and Navy, it is hereby ordered as follows:

(1) There is hereby established a Special Emergency Board of three members to be selected by me from the National Railway Labor Panel to reconsider the claims for wage adjustments of the non-operating railway employees, and to recommend to me such wage adjustments which should be made, within the limitations of the Act of October 2, 1942, and the Executive Orders thereunder, and in conformity with the opinion of the Economic Stabilization Director of June 30, 1943. In making its recommendations to me, the Board may give such consideration as it deems appropriate to the report filed with me on September 25, 1943, by the Emergency Board appointed to consider the claims for wage adjustments of the operating railway employees.

(2) The parties before the Special Emergency Board shall be the same as those included within the recommendation of the Emergency Board which reported to me on May 24 and May 29 in this dispute.

(3) The Special Emergency Board shall report to me on or before November 15, 1943. Copies of the report shall be filed at the same time with the Economic Stabilization Director, the National War Labor Board and the Commissioner of Internal Revenue.

The recommendations of the Special Emergency Board in regard to proposed changes affecting wage and salary payments shall become effective fifteen days after the date of the filing of its report with me, unless and except to the extent the Economic Stabilization Director otherwise directs.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 16, 1943.

[F. R. Doc. 43-16860; Filed, October 16, 1943; 2:46 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 532]

PART 352—TREATMENT OF RESTRICTED OR PROHIBITED PLANTS OR PLANT PRODUCTS TEMPORARILY IN THE UNITED STATES

SHIPMENT OF MEXICAN ORANGES AND GRAPEFRUIT IN BOND THROUGH THE UNITED STATES

To prevent the entry into the United States of an injurious insect known as the Mexican fruitfly (Anastrepha ludens Loew) the importation from Mexico of

[1] 7 F.R. 5851.
[2] 8 F.R. 469.

citrus fruit, except lemons and sour limes, for consumption in the United States is not authorized under Quarantine No. 56 (§ 319.56) its governing quarantine, unless so treated as to eliminate pest risk.

However, in accordance with the Order Safeguarding Plants and Plant Products (§ 352.1) and Supplementary Regulations (§§ 352.2 to 352.8) which provide for the entry of prohibited commodities for immediate transportation and exportation in bond or for immediate export when such movement can be made without risk to the plant cultures of the United States, *It is ordered,* That Mexican oranges and grapefruit may enter by either of these purposes as follows:

§ 352.9 *Administrative instructions; oranges and grapefruit from Mexico in transit to foreign countries via the United States*—(a) *Entry via ports on the Mexican border*—(1) *Permits.* Permits shall be procured in advance of shipment from the Division of Foreign Plant Quarantines, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, N. J., by the forwarding agent or other representative of the consignee or consignor in the United States. Application for permits shall indicate the proposed routing of the shipment.

Separate permits shall be procured for each port of entry and for each country of destination, but permits as issued will be continuing for shipments over the approved routes designated therein.

(2) *Origin of oranges and grapefruit.* Oranges may enter at approved ports from any state in Mexico. Entry of grapefruit is limited to that produced in and shipped from the State of Sonora.

(3) *Authorized ports of entry.* Oranges may enter at Nogales and Naco, Ariz., El Paso, Eagle Pass, and Laredo, Tex., grapefruit may enter only from Sonora at Nogales and Naco, Ariz.

(4) *Period of entry.* The entry of oranges and grapefruit from Sonora is authorized throughout the entire year. Oranges originating in other Mexican States may enter from October 1 to March 15, inclusive.

(5) *Notice of arrival.* Prior to entry, a notice of arrival, in duplicate, shall be submitted to the collector of customs at the port of entry, on a form provided for that purpose giving the initials and number of the railroad car and the authorized routing together with other information called for by the form.

(6) *Containers.* Transportation and exportation entry of oranges and grapefruit from any point in Mexico is contingent upon the fruit being packed in containers of the approximate size customarily used by the trade for marketing such fruit in the United States.

(7) *Inspection.* Each shipment shall be subject to inspection at the port of entry to determine the nature of the contents.

(8) *Disinfection.* Each car shall be subject to such disinfection at the port of entry as the plant quarantine inspector shall require.

(9) *Type of car to be used in transportation and exportation of oranges and grapefruit.* Refrigerator cars of United States or Canadian ownership only shall be used for transportation and exportation to Canada of oranges and grapefruit from Mexico.

All refrigerator cars transporting oranges from States in Mexico other than Sonora shall be iced prior to crossing at El Paso, Eagle Pass, and Laredo, Tex., and shall be re-iced if necessary south of Little Rock, Ark., or a line drawn east and west therefrom. North of this line no further icing is required. Icing, insofar as pest risk is concerned, may be omitted if all openings leading from the car to the ice bunkers are covered with a 14-mesh fly screen in a manner satisfactory to the inspector of the Bureau of Entomology and Plant Quarantine, such cars to move through the States with all doors closed and sealed.

(10) *Authorized bonded rail movement.* All shipments shall move in refrigerator cars of United States or Canadian ownership by direct, authorized rail routing in bond under customs seal without diversion from the port of entry to the port of exit as follows:

Fruit entered at Nogales or Naco, Ariz., is limited to direct eastward rail routing to El Paso, Tex., after which it and all other approved fruit shall pass through the territory bound on the west by a line drawn from El Paso, Tex., to Salt Lake City, Utah, and Portland, Oreg., and on the east by a line drawn from Laredo through San Antonio, Tex., to St. Louis, Mo., and a line drawn due east therefrom. Movement for return to Mexico is limited to direct eastward rail routing for export through border ports between and including Nogales and El Paso.

(11) *Cleaning of cars prior to return to the United States.* Cars conveying Mexican citrus fruit through the United States to Canada shall be carefully swept and freed of all fruit, as well as boxes and other rubbish, by the railroad company involved prior to reentry into the United States.

(b) *Entry via North Atlantic ports*—(1) *Provisions made applicable.* The provisions of paragraph (a) (1) *Permits,* (5) *Notice of arrival,* (7) *Inspection,* and (11) *Cleaning of cars prior to return to the United States* shall apply to oranges and grapefruit transported from Mexico to foreign countries via North Atlantic ports.

(2) *Origin of oranges and grapefruit.* Oranges and grapefruit from any State in Mexico may move by the authorized routing indicated in paragraph (b) (5) of this section.

(3) *Authorized ports of entry.* New York and Boston and such other northern ports as may later be approved.

(4) *Period of entry.* Entry of oranges and grapefruit originating in the State of Sonora is authorized throughout the year but limited to the period October 1 to March 15, inclusive, from all other states.

(5) *Authorized routing.* All shipments shall move by water direct to New York or Boston or to such other northern ports as may later be approved for immediate direct export or for immediate direct export or for immediate transportation and exportation in bond by direct approved rail routes to Canada.

These administrative instructions shall be effective on and after October 19, 1943.

(Sec. 5, 37 Stat. 316; 7 U.S.C. 159; 7 CFR §§ 352.1 to 352.8)

Done at Washington, D. C., this 8th day of October 1943.

P. N. ANNAND,
Chief.

[F. R. Doc. 43-16861; Filed, October 16; 1943; 3:56 p. m.]

Chapter X—War Food Administration (Production Orders)

[FPO 14,[1] Supp. Order 2]

PART 1202—NEW FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT FOR ALASKA, HAWAII, PUERTO RICO AND VIRGIN ISLANDS

Sec.
1202.351 Purpose of this supplementary order.
1202.352 Scope.
1202.353 Administration.
1202.354 Restrictions on manufacturers in the continental United States.
1202.355 Quotas.
1202.356 Action by dealers and other persons in territories and possessions.
1202.357 Reports of manufacturers in the continental United States.
1202.358 Reserve under Supplementary Order No. 1.
1202.359 Distribution and rationing procedure.
1202.360 Appeals.
1202.361 Directives.
1202.362 Incorporation into Food Production Order No. 14.
1202.363 Communications.
1202.364 Food Production Order No. 1 superseded.
1202.365 Effective date.

AUTHORITY: §§ 1202.351 to 1202.365, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 9322, 9334; 7 F.R. 10179, 8 F.R. 3807, 5423.

§ 1202.351 *Purpose of this supplementary order* This supplementary order explains the procedure to be followed in distributing listed farm machinery and equipment from manufacturers to retail outlets in Alaska, Hawaii, Puerto Rico and the Virgin Islands (hereinafter referred to as "territories" and "possessions") This supplementary order should be read in conjuction with Food Production Order No. 14, which establishes the general rationing program and which contains definitions of certain terms used herein.

§ 1202.352 *Scope.* This supplementary order deals with rationed farm machinery and equipment, as defined in Food Production Order No. 14, of the types listed in Schedule I attached hereto. Such equipment is referred to generally in this supplementary order as "listed farm machinery and equipment."

This supplementary order does not deal with repair parts or attachments. No type of equipment which is listed shall

[1] 8 F.R. 13217.

be deemed to be an attachment or repair part.

§ 1202.353 *Administration.* This supplementary order shall be administered in each of the territories and possessions by the USDA War Board for the territory or possession. The USDA War Board for Puerto Rico shall act with respect to the Virgin Islands. In administering this supplementary order the USDA War Boards shall be responsible to and subject to the supervision of the War Food Administrator. The USDA War Boards may utilize the facilities and personnel of any agency of the War Food Administration represented on such Boards to the extent necessary to carry out the purposes of this supplementary order, but consistent with the needs and requirements of such agencies in discharging their regular functions. The USDA War Boards may delegate any of the duties and functions imposed upon them by this supplementary order to any committee of such Boards or to any officer or employee of the War Food Administration.

§ 1202.354 *Restrictions on manufacturers in the continental United States.* (a) No manufacturer in the continental United States shall transfer to any dealer or other person in any territory or possession: (1) Any type of farm machinery and equipment not listed on Schedule I unless authorized to do so by another order supplementary to Food Production Order No. 14; or (2) any farm machinery and equipment listed on Schedule I, except with the approval of the USDA War Board for the territory or possession. The approval of the USDA War Board required by this section shall accompany or be stamped on the purchase order.

(b) Each manufacturer in the continental United States who declines to accept an order for farm machinery and equipment made pursuant to this supplementary order shall promptly notify the Director accordingly, stating the reasons for his action.

§ 1202.355 *Quotas.* A quota for each territory and possession with respect to each item of equipment is hereby established as shown on Schedule I. The USDA War Board for a territory or possession shall approve no orders for any item of equipment in excess of such quota. Items of equipment shipped by a manufacturer in the continental United States to a territory or possession pursuant to a purchase order accepted on or after July 1, 1943, shall be charged against the quota for the territory or possession.

§ 1202.356 *Action by dealers and other persons in territories and possessions.* A dealer or other person in a territory or possession desiring to obtain any farm machinery and equipment in the continental United States, which is listed on Schedule I, shall submit his proposed order to the USDA War Board for the territory or possession for approval. If such dealer or other person places an order for shipment to the Virgin Islands, he shall indicate the shipping weight of the equipment covered by his proposed order.

§ 1202.357 *Reports of manufacturers in the continental United States.* Each manufacturer in the continental United States who, on or after July 1, 1943, and before January 1, 1944, accepts or has accepted orders for any items of farm machinery and equipment designated with an asterisk (*) on Schedule I for shipment to a territory or possession, shall, on or before January 10, 1944, report to the Director the item numbers and make of such equipment shipped or to be shipped pursuant to such order and the territory or possession to which shipment was or is to be made. Thereafter, on or before the 10th of each month, each manufacturer in the continental United States who, during the preceding month, accepts an order for any such farm machinery and equipment to be shipped to a territory or possession shall report to the Director the item numbers and make of such equipment shipped or to be shipped and the territory or possession to which shipment was or is to be made. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

§ 1202.358 *Reserve under Supplementary Order No. 1.* Any type of listed farm machinery and equipment shipped by a manufacturer in the continental United States to a territory or possession pursuant to this supplementary order, which is also listed on any of the schedules of Supplementary Order No. 1 of Food Production Order No. 14, shall be charged against the reserve established by Supplementary Order No. 1 (8 F.R. 13221) Notwithstanding any provision of Supplementary Order No. 1, a manufacturer is hereby authorized to ship such equipment pursuant to this supplementary order.

§ 1202.359 *Distribution and rationing procedure.* Notwithstanding any provision of Food Production Order No. 14, the USDA War Board for each territory or possession is hereby authorized, in its discretion, to direct the distribution of any type of listed farm machinery and equipment to provide for the transfer for use of such equipment in such territory or possession. The USDA War Board shall at all times serve the objectives sought by the rationing program and allocate listed farm machinery and equipment in such manner as will afford the maximum contribution to agricultural production. In so doing, the USDA War Board may prohibit transfers for agricultural use, except pursuant to purchase certificates issued under its authority, and may prescribe the form of such certificates. Control over such transfers may be exercised by the USDA War Board under such regulations as it may deem appropriate to carry out the purposes of this supplementary order. Any regulations issued by a USDA War Board for any territory or possession pursuant to this supplementary order shall be published in the FEDERAL REGISTER.

§ 1202.360 *Appeals.* (a) Any person affected by this supplementary order, who resides in any territory or possession and who believes that compliance herewith will work an exceptional and unreasonable hardship on him, may appeal to the USDA War Board for such territory or possession for relief. Such appeal may be made by filing a written statement of the relief sought showing the reasons why such person believes he is entitled to such relief. The USDA War Board may grant such relief if it would not impair the effectiveness of the rationing program established by or pursuant to this supplementary order and if the granting of similar relief to all persons in like circumstances would not hinder such program. The decision of the USDA War Board shall be in writing and shall be communicated to the person appealing. If such person is not satisfied with the decision of the USDA War Board, he may appeal to the Director pursuant to § 1202.278 of Food Production Order No. 14, but in such case the appeal shall be submitted to the USDA War Board and such Board shall promptly transmit such appeal to the Director, together with the recommendation of such Board. Nothing herein shall be construed to authorize the USDA War Board for any territory or possession to increase the quota for any such territory or possession. If an appeal involves an increase in such quota, the USDA War Board shall consider and transmit such appeal to the Director with its recommendation.

(b) Any person affected by this order, who resides in the continental United States and who believes that compliance herewith would work an exceptional and unreasonable hardship on him, may appeal to the Director pursuant to § 1202.278 of Food Production Order No. 14.

§ 1202.361 *Directives.* The Director is hereby authorized to issue such directives to manufacturers in the continental United States and to other persons as he deems necessary or appropriate to carry out the purposes of this supplementary order.

§ 1202.362 *Incorporation into Food Production Order No. 14.* This Supplementary Order No. 2 shall be added to, and become a part of, Food Production Order No. 14, and any violation of this Supplementary Order No. 2 shall be deemed to be a violation of Food Production Order No. 14.

§ 1202.363 *Communications.* All communications concerning this order, unless instructions to the contrary are issued, shall be addressed as follows:

(a) Persons residing in Alaska should address such communications to the USDA War Board for Alaska, University of Alaska, College, Alaska, Ref. FPO 14, Supp. 2.

(b) Persons residing in Hawaii should address such communications to the USDA War Board, 418 Dillingham Building, Honolulu, Hawaii, Ref. FPO 14, Supp. 2.

(c) Persons residing in Puerto Rico or the Virgin Islands should address such communications to the USDA War Board for Puerto Rico, P. O. Box 4349, San Juan, Puerto Rico, Ref. FPO 14, Supp. 2.

(d) Persons residing in the continental United States may address such communications either to the Director of

the Office of Materials and Facilities War Food Administration Washington 25 D C Ref FPO 14 Supp 2 or to the appropriate USDA War Board for a territory or possession

§ 1202 364 *Food Production Order No 1 superseded* Food Production Order No 1, as amended [1] is hereby superseded: *Provided however* That Food Production Order No 1 shall continue to remain in full force and effect in any territory or possession for the purpose of allowing or sustaining any suit action prosecution or administrative or other proceedings heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms of such order

§ 1202 365 *Effective date* This supplementary order shall become effective October 15 1943

Issued this 15th day of October 1943

ASHLEY SELLERS
Assistant War Food Administrator

[1] 7 F.R 7301 7768 8575 8819; 8 F.R 945 8915

SCHEDULE I

Item number	Classification	Quotas		
		Alaska	Hawaii	Puerto Rico
	Group 1: Planting seeding and fertilizing machinery			
1	One row one horse corn planters		4	30
2	One row, one horse corn and cotton planters			52
4*	Two row (horse & tractor drawn) corn planters		4	
5	Two row (horse & tractor drawn) corn and cotton planters			16
10*	Two row tractor mounted corn planters		4	
14	One row, horse and tractor drawn potato planters	10	14	
15-15a	Transplanters horse and tractor drawn		2	
16	Transplanters, hand, wheel type		3	
18*	Listers with planting attachments, two row horse or tractor drawn		1	
25-25a*	Fertilizer drills horse or tractor drawn		1	6
24-26	Grain drills	8		
26-26a*	Plain drills, horse or tractor drawn			6
30	Garden planters, hand, wheel type		6	
32-32a	Fertilizer distributors, horse drawn		14	
33	Lime spreaders wheeled type horse or tractor drawn			10
34	Lime spreaders, endgate type			12
36*	Manure spreaders and loaders four wheel horse or tractor drawn		2	
	Group 2: Plows and listers			
42	Moldboard plows walking one horse steel bottom		65	800
43	Moldboard plows walking one horse, chilled bottom		1	405
44	Moldboard plows walking, two horse and larger		11	1 500
47*	Moldboard plows one bottom, tractor drawn		10	
48	Moldboard plows two bottom, tractor drawn		8	2
49	Moldboard plows three bottom, tractor drawn			12
52	Moldboard plows one bottom, tractor mounted		2	
47-53*	Moldboard plows, tractor drawn or mounted	11		
55	Disc plows one disc, tractor drawn		9	
56	Disc plows two disc, tractor drawn		9	
57	Disc plows three disc tractor drawn		1	20
59	Disc plows two disc—direct connected (one wheel type) tractor drawn		2	
60	Disc plows four disc tractor drawn		6	33
61	Disc plows five disc, tractor drawn		10	12
62	Disc plows, six disc and larger, tractor drawn		5	42
64	Listers (middlebusters without planting attachments) one row horse or tractor drawn.		1	18
65	Listers (middlebusters without planting attachments) two row, horse or tractor drawn.		2	3
67	Listers (middlebusters without planting attachments) one row tractor mounted.		1	
68	Listers (middlebusters without planting attachments) two row tractor mounted		15	6
70	Subsoil plows horse drawn			24
71	Subsoil plows tractor drawn		1	25
72	Subsoil plows tractor mounted		5	

SCHEDULE I—Continued

Item number	Classification	Quotas		
		Alaska	Hawaii	Puerto Rico
	Group 3: Harrows rollers pulverizers and stalk cutters			
78	Spike tooth harrow sections (steel), horse or tractor drawn.		21	
79	Spring tooth harrow sections (steel) horse or tractor drawn		16	
78-79	Spike or spring tooth harrows	21		
80	Disc harrows reversible, row disc, horse or tractor drawn		32	45
81	Disc harrows tractor mounted and tool bar type		13	
80-81*	Disc harrows	6		
83	Packers	4		
85	Ridge busters, horse or tractor drawn		1	10
89	Chain harrow		6	
	Group 4: Cultivators and weeders			
91	Cultivators, one horse, (all types), including hillers, disc hoes shovel plows, little joes, & similar type harrows and rotary harrows		37	250
93b	Cultivators two row, riding, horse drawn shovel or disc type		6	
94	Cultivators, two rows and over, riding			12
97	Hand cultivators, wheel type, including hand plows		21	
99*	Cultivators two row, shovel type, tractor mounted		15	9
100*	Cultivators, three and four row shovel type tractor mounted		6	
98 100*	Tractor mounted cultivators	11		
101d*	Field cultivator, mounted and tool bar type		8	
104c	Tooth weeders, tractor mounted		12	
105	Towner special cultivator with furrower combination			10
	GROUP 5: Sprayers dusters and orchard heaters			
108 108L	Power sprayers		42	
108-108n*	Power sprayers			6
109-109a*	Traction sprayers		10	
110	Hand sprayers compressed air (one qt and larger capacity)		39	86
111	Hand sprayers, knapsack, self-contained (one qt and larger capacity)		631	454
112	Sprayers pump type, trombone			12
113	Sprayers bucket pump type single cylinder (one quart and larger)		197	12
114	Sprayers bucket pump type, double cylinder (one quart and larger)		10	12
115	Sprayers atomizing single action (one quart and larger capacity)		6	18
116	Sprayers atomizing, continuous (one quart and larger capacity)		54	18
117	Sprayers barrel pump type with complete equipment		3	74
118	Sprayers, wheelbarrow type with complete equipment		10	24
119	Spray pumps, power		39	18
120	Weed and pear burners		30	
122*	Traction dusters		3	
123	Hand dusters (agricultural only)			48
123-123a	Hand dusters		133	
	Group 6: Harvesting machinery			
129	Grain binders (ground drive)	1		
130	Grain binders (power take off)	6		
131	Rice binders			10
135	Corn pickers one row pull type		1	
136	Corn pickers, two row pull type		1	
138	Potato diggers walking plow type		3	
138-139	Potato diggers	10		
139-139b*	Potato diggers one and two row ground drive and power take off		10	
	Group 7: Haying machinery			
146	Mowers horse or tractor drawn (ground drive)	8	2	5
147	Mowers, tractor mounted or semimounted (power take-off drive)		15	5
148	Rakes sulky (dump)	8	11	
150	Rakes sweep (horse)		1	
	Group 8: Machines for preparing crops for market or use			
159	Threshers, width of cylinder 23 inches and over			2
160	Stationary pea and bean threshers		1	
162	Ensilage cutters (silo fillers)	6	5	50
163	Feed cutters, hand and power		12	100
164	Corn shellers (hand)		4	125
166	Corn shellers cylinder (150 bu and under)		3	20

SCHEDULE I—Continued

Item number	Classification	Quotas		
		Alaska	Hawaii	Puerto Rico
	Group 8: Machines for preparing crops for market or use—Continued			
173	Feed grinders, hand		3	18
174*	Feed grinders, power, burr type		4	6
175–175a*	Feed grinders and crushers		11	19
176	Cleaners and graders (corn and grain)			6
186	Corn cracker		1	
	Group 9: Farm elevators and blowers			
188*	Elevators, portable		1	
190a*	Blowers (forage)			6
	Group 10: Tractors			
192*	Wheel type, special purpose, under 30 h. p.		25	14
193*	Wheel type, special purpose, 30 h. p. and over			25
194*	Wheel type, all purpose, under 30 h. p.		63	20
195*	Wheel type, all purpose, 30 h. p. and over		2	
192–195*	Tractors	11		
196*	Garden tractors, (including motor tillers)		21	6
	Group 12: Farm wagons, gears and trucks (not motor)			
206	Truck gears (less box)		205	
211	Oxen cane carts, complete			200
211a	Wheels and axles for cane carts (sets)			400
	Group 13: Domestic water system			
213*	Pumps, deep well, reciprocal			20
214*	Pumps, deep well, jet			75
215*	Pumps, shallow well, 250–499 gals. per hour		1	55
216*	Pumps, shallow well, 500 gals. per hour and over			29
217*	Power Pumps, horizontal type, up to and including 75 gals. per minute		1	13
213–217*	Water pumps	23		
	Group 14: Farm pumps and windmills			
220	Pitcher pumps			174
221	Hand and windmill pumps			150
222*	Windmill heads		4	12
223*	Windmill towers			12
224	Pump jacks			22
	Group 15: Irrigation equipment			
227*	Turbine pumps, 0 to 1,200 G. P. M.		6	15
228*	Turbine pumps, 1,200 G. P. M. and up, belt driven		2	
229*	Centrifugal pumps		24	32
230	Hydraulic rams			23
231–231d	Land leveling equipment, ditchers, corrugators, and scrapers (excluding power ditchers, draglines and other self-powered machines).			12
232*	Portable pipe and extensions, sprinklers, valves and gates		3,500 lbs.	45,000 lbs.
	Group 16: Dairy farm machines and equipment			
237*	Milking machines		4	23
238	Farm cream separators, capacity 250 lbs. per hour or less		2	2
241*	Farm milk coolers, immersion type		3	23
242*	Milk coolers, surface or tubular type		5	159
243	Butter churns		1	
245	Milk pails		84	2,823
246	Milk strainers		7	250
247	Stirrers			20
	Group 17: Barn and barnyard equipment			
260	Cattle stanchions and fittings			550
261	Livestock drinking cups		5	
266	Feed cookers		5	
268	Barn door track		230 ft.	
269	Barn door hangers		4	
	Group 18: Farm poultry equipment			
274	Incubators, 1,000-egg capacity and smaller		60	20
276	Floor brooders, oil			49
280	Floor brooders, electric			19
281	Battery brooders, three deck and smaller (heated)		52	10
282	Battery brooders, four deck (heated)		84	
283	Battery brooders, five deck (heated)		4	
284	Growing batteries		5	
285	Laying batteries		4	
289	Egg baskets		220	
291	Egg graders		100	
	Group 19: Miscellaneous farm equipment			
294	Beekeepers' supplies (except bee hives)		8,000 lbs.	8,000 lbs.
297	Horse shoes (including mule and oxen shoes)		32,000 lbs.	33,000 lbs.
298	Harness hardware		3,250 lbs.	
300	Electric fence controllers		10	
301	Electric fence accessories		10 lbs.	

*These items must be reported to the Director in accordance with § 1202.387 of this supplementary order.

QUOTA FOR THE VIRGIN ISLANDS

Any item of equipment for which a quota is established for Puerto Rico may be shipped to the Virgin Islands. The total shipping weight of such items shipped to the Virgin Islands, however, shall not exceed 55 tons.

[F. R. Doc. 43-16355; Filed, October 16, 1943; 11:23 a. m.]

[FPO 14, Supp. Order 3]

PART 1202—NEW FARM MACHINERY AND EQUIPMENT

NEW METAL MILK CANS AND COVERS

Sec.
1202.376 Purpose of this supplementary order.
1202.377 Scope.
1202.378 Compliance with this supplementary order.
1202.379 Manufacturers' transfer of milk cans.
1202.380 Transfers of milk cans for use in handling milk or milk-products in the continental United States.
1202.381 Transfers of milk cans for use in handling milk or milk products in the territories and possessions of the United States.
1202.382 Transfer of milk cans for uses other than in handling milk or milk products.
1202.383 Transfer of milk cans to a Federal agency.
1202.384 Transfers of milk cans for export.
1202.385 Authority for State USDA War Boards to act as county farm rationing committees.
1202.386 Manufacturers' reports.
1202.387 Communications.
1202.388 Incorporation into Food Production Order No. 14.
1202.389 Effective date.

AUTHORITY: §§ 1202.376 to 1202.389, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9230, 9322, 9334; 7 F.R. 10179, 8 F.R. 3807, 5423.

§ 1202.376 *Purpose of this supplementary order.* This supplementary order explains the procedure to be followed in distributing new metal milk cans and covers from manufacturers to retail outlets and it also sets forth the requirements of the rationing program which are of special importance to persons desiring such equipment. This supplementary order should be read in conjunction with Food Production Order No. 14[1] which establishes the general rationing program and which contains definitions of certain terms used herein.

§ 1202.377 *Scope.* This supplementary order deals with new metal milk cans and covers (hereinafter referred to as "milk cans") which are rationed farm equipment as defined in Food Production Order No. 14 (8 F.R. 13217) As used herein, the term "milk cans" includes cans and covers transferred together and cans transferred apart from covers, but it does not include covers transferred apart from cans. Milk cans transferred for any purpose in the continental United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands, and for export, are subject to the provisions of this supplementary order. As used

[1] 8 F.R. 13217.

herein "State" means any State, Alaska, Hawaii, Puerto Rico or the Virgin Islands.

§ 1202.378 *Compliance with this supplementary order* No person shall make a transfer or accept a transfer of milk cans for any purpose, except in accordance with the provisions of this supplementary order or directions which may be issued by the Director.

§ 1202.379 *Manufacturers' transfer of milk cans.* (a) Subject to the provisions of Food Production Order No. 14 and this supplementary order, each manufacturer may transfer not in excess of the following percentages of his scheduled production of milk cans during the designated calendar quarters, and the remainder of such production shall constitute a reserve:

Calendar quarter commencing	Authorized for transfer	Reserve
October 1, 1943	85%	15%
January 1, 1944	70%	30%
April 1, 1944	70%	30%

In making the transfer of milk cans authorized by this paragraph, during any of the calendar quarters mentioned, no manufacturer shall transfer into any State a percentage of milk cans greater than the percentage which his total transfers of milk cans into such State in 1941 and 1942 was of his total transfers during those years into all States. However, if a manufacturer is unable during any calendar quarter to transfer into any State the full number of milk cans permitted by this paragraph, such manufacturer may transfer the remainder into such State during any subsequent calendar quarter in addition to other permitted transfers. For the purposes of this paragraph, when a manufacturer transfers milk cans to a distributor or other person who operates in more than one State, such transfer will be considered as having been made into the State in which the office (home or branch office) of the distributor or other person placing the order is located.

(b) (1) The Director is hereby authorized to direct the transfer or to prohibit the transfer of the reserve established by paragraph (a) of this section. In so doing, the Director may direct the transfer of a manufacturer's current production at any given time, or he may direct the transfer of the reserve from the inventory of such equipment.

(2) Any person who wishes to make a transfer or accept a transfer of milk cans from a manufacturer's reserve for the purpose of handling milk or milk products may apply to the Director. Such application shall be in writing and shall be filed with the State USDA War Board for the State in which the milk cans will be principally used, and such State USDA War Board shall promptly transmit such application to the Director, together with its recommendation.

(3) If, by the fifteenth day before the end of any calendar quarter, the Director has not directed or prohibited the transfer of part or all of a manufacturer's reserve, such manufacturer may transfer his undirected reserve either (i) in the same manner provided in paragraph (a) of this section, or (ii) in accordance with a distribution plan submitted to the Director, unless the Director disapproves such plan and written notice of such disapproval is given to such manufacturer within seven working days after delivery of such distribution plan to the Director. The mailing of such distribution plan to the Director by registered mail shall constitute delivery of the plan under this paragraph.

§ 1202.380 *Transfers of milk cans for use in handling milk or milk products in the continental United States.* (a) Except as provided in paragraph (b) of this section, no person in the continental United States, other than a Federal agency, shall make a transfer or accept a transfer of milk cans for use in handling milk or milk products, except pursuant to a purchase certificate issued under Food Production Order No. 14,[1] and this supplementary order. Such purchase certificate need not be limited to one milk can.

(b) If a dealer wishes to transfer milk cans to farmers for use in handling milk or milk products without obtaining purchase certificates from such farmers, such dealer shall first obtain a purchase certificate in his own name authorizing him to make such transfer. A purchase certificate issued to a dealer for this purpose may authorize the transfer of not to exceed 40 milk cans. Such dealer may then transfer such milk cans to farmers for use in handling milk or milk products without obtaining purchase certificates from such farmers. No farmer shall accept a transfer of more than two such milk cans during any calendar quarter in this manner, and no dealer shall transfer any milk cans during any calendar quarter to a farmer in this manner if he knows or has reason to believe that such farmer is not authorized to accept such transfer. In making transfers authorized by this paragraph, a dealer shall require farmers to sign a statement substantially as follows:

I hereby certify to _____
(Name of Dealer)
with whom this order is placed and to the War Food Administration that I am a farmer and that the milk cans received on this order are needed now and will be used by me in handling milk or milk products and that I have not, and will not, during this calendar quarter accept a transfer of more than two milk cans, except as may be authorized by a purchase certificate issued to me by the County Farm Rationing Committee.

Date _____ _____
Purchaser.

Upon request, such dealer shall submit all certifications which he has received in making transfers authorized by this paragraph to his County Farm Rationing Commitee or State USDA War Board. If a dealer wishes to obtain an additional purchase certificate pursuant to this paragraph, he shall submit with his application to the issuing County Farm Rationing Committee or State USDA War Board all certifications received by him in making transfers authorized by the purchase certificate previously issued to him under this paragraph.

(c) Purchase certificates for milk cans issued under Food Production Order No. 3, as amended,[1] shall continue to be valid as though issued under Food Production Order No. 14 and this Supplementary Order until their revocation or expiration.

§ 1202.381 *Transfers of milk cans for use in handling milk or milk products in the territories and possessions of the United States.* Notwithstanding any provision of Food Production Order No. 14, the USDA War Board for Alaska, Hawaii and for Puerto Rico is hereby authorized, in its discretion, to direct the distribution of milk cans and to provide for their transfer for use in handling milk or milk products in such territory or possession. (The USDA War Board for Puerto Rico shall act for the Virgin Islands.) The USDA War Board shall at all times serve the objectives sought by the rationing program and allocate milk cans in such manner as will afford the maximum contribution to agricultural production. In so doing, the USDA War Board may prohibit transfers of milk cans except pursuant to purchase certificates issued under its authority, and may prescribe the form of such certificates. Control over such transfers may be exercised by the USDA War Board in such manner and under such regulations as it may deem appropriate to carry out the purposes of this supplementary order. Any regulations issued by a USDA War Board shall be published in the FEDERAL REGISTER.

§ 1202.382 *Transfer of milk cans for uses other than in handling milk or milk products.* No person shall make a transfer or accept a transfer of milk cans for use other than for handling milk or milk products, except pursuant to a written authorization from the Director.

§ 1202.383 *Transfer of milk cans to a Federal agency.* No Federal agency shall accept a transfer of milk cans, except pursuant to a written authorization from the Director.

§ 1202.384 *Transfers of milk cans for export.* No person shall make a transfer or accept a transfer of milk cans for shipment, nor shall any person ship milk cans, outside the continental United States, its territories and possessions, except pursuant to a written authorization from the Director.

§ 1202.385 *Authority for State USDA War Boards to act as county farm rationing committees.* (a) A State USDA War Board shall act as the county farm rationing committee in the issuance of purchase certificates for milk cans to persons, including dairies and farmers' cooperatives, operating in two or more counties or in a county in which there is no county farm rationing committee. In such cases, the State USDA War Board shall perform the functions and carry out the duties of the county farm rationing

[1] 8 F.R. 13217.

[1] 8 F.R. 5963, 7299, 7625, 8045, 9100, 9101, 10343, 11607.

committee and shall follow the procedures established for county farm rationing committees. In carrying out these functions, such State USDA War Board may appoint committees to discharge these functions in certain designated areas. Appeals from the action of such committees shall be made directly to the State USDA War Board.

§ 1202.386 *Manufacturers' reports.* Each manufacturer of milk cans shall, within 10 days after the commencement of any calendar quarter, furnish the Director with a report in the following form with respect to transfers of milk cans made during the preceding calendar quarter:

REPORT OF MILK CAN SHIPMENTS

Manufacturer's Name.....
Calendar quarter commencing.....

Name of State, Territory Possession or other [1]	No. of cans authorized to be transferred other than from reserve	No. of cans transferred other than from reserve	No. of cans transferred from reserve

Total.....

[1] Other includes Federal Government agencies and foreign countries (Name Federal agency or country involved).

.....
Name of Company

By .....
Signature

In reporting transfers according to States on the above form, a transfer to a distributor or other person who operates in more than one State, shall be reported as having been made into the State in which the office (home or branch office) of the distributor or other person placing the order is located. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

1202.387 *Communications.* All communications concerning this Supplementary Order No. 3 to Food Production Order No. 14 shall, unless otherwise directed, be addressed to the Director, in charge of the Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref. FPO 14, Supp. 3.

§ 1202.388 *Incorporation into Food Production Order No. 14.* This Supplementary Order No. 3 shall be added to and become a part of Food Production Order No. 14 and any violation of this Supplementary Order No. 3 shall be deemed to be a violation of Food Production Order No. 14.

§ 1202.389 *Effective date.* This supplementary order shall become effective October 15, 1943.

Issued this 15th day of October 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-16856; Filed, October 16, 1943; 11:23 a. m.]

[FPO 14, Supp. Order 4]

PART 1202—NEW FARM MACHINERY AND EQUIPMENT

PRESSURE COOKERS

Sec.
1202.401 Purpose of this supplementary order.
1202.402 Scope.
1202.403 Compliance with this supplementary order.
1202.404 Transfer of pressure cookers by manufacturers.
1202.405 Transfers for use in canning food products in the continental United States.
1202.406 Transfers for use other than in canning food products.
1202.407 Transfers to a Federal agency.
1202.408 Transfers to territories and possessions of the United States.
1202.409 Transfers for use in the territories and possessions of the United States.
1202.410 Authority for State board to appoint special committees.
1202.411 Records and reports.
1202.412 Communications.
1202.413 Incorporation into Food Production Order No. 14.
1202.414 Effective date.

AUTHORITY: §§ 1202.401 to 1202.414, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 9322, 9334; 7 F.R. 10179, 8 F.R. 3807, 5423.

§ 1202.401 *Purpose of this supplementary order.* This supplementary order explains the procedure to be followed in distributing new pressure cookers from manufacturers to retail outlets and it also sets forth the requirements of the rationing program which are of special importance to persons desiring such equipment. This supplementary order should be read in conjunction with Food Production Order No. 14 (8 F.R. 13217) which establishes the general rationing program and which contains definitions of certain terms used herein.

§ 1202.402 *Scope.* This supplementary order deals only with new pressure cookers, which are rationed farm equipment as defined in Food Production Order No. 14. As used herein, "pressure cooker" means any device commonly known as a pressure cooker or pressure canner which may be used for canning food products under steam pressure, which has a capacity of from 5 up to and including 14 one-quart glass jars, and which is equipped with a dial, indicating or weighted gauge, a venting device, and a safety valve.

§ 1202.403 *Compliance with this supplementary order.* No person shall make or transfer or accept a transfer of any pressure cooker, except pursuant to this Supplementary Order or pursuant to directions which may be issued by the Director.

§ 1202.404 *Transfer of pressure cookers by manufacturers.* (a) Subject to the provisions of this supplementary order, a manufacturer may transfer (1) any pressure cookers manufactured by him prior to April 14, 1943, and (2) 80 percent of his scheduled production of pressure cookers under War Production Board Order L-30-d (8 F.R. 3766)

(b) Twenty percent of each manufacturer's scheduled production of pressure cookers under War Production Board Order L-30-d shall constitute a reserve. The Director is hereby authorized, in his discretion, to direct the transfer of such reserve. In so doing, the Director may direct the transfer of a manufacturer's current production at any given time, or he may direct the transfer of the reserve from the inventory of pressure cookers.

§ 1202.405 *Transfers for use in canning food products in the continental United States.* No person other than a Federal agency shall make a transfer or accept a transfer of any pressure cooker in the continental United States for use in canning food products, except pursuant to a purchase certificate issued by a County Farm Rationing Committee or a committee appointed pursuant to § 1202.410 of this supplementary order.

§ 1202.406 *Transfers for use other than in canning food products.* No person shall make a transfer or accept a transfer of any pressure cooker for use other than in canning food products, except pursuant to a written authorization from the Director.

§ 1202.407 *Transfers to a Federal agency.* No Federal agency may accept a transfer of any pressure cooker, except pursuant to a written authorization from the Director.

§ 1202.408 *Transfers to territories and possessions of the United States.* No person shall make a transfer or accept a transfer of any pressure cooker for shipment to Alaska, Hawaii, Puerto Rico, the Virgin Islands, or any other territory or possession of the United States, except pursuant to a written authorization from the Director.

§ 1202.409 *Transfers for use in the territories and possessions of the United States.* Notwithstanding any provision of Food Production Order No. 14, the USDA War Board for Alaska, Hawaii, and for Puerto Rico is hereby authorized, in its discretion, to direct the distribution of pressure cookers and to provide for their transfer for use in such territory or possession. (The USDA War Board for Puerto Rico shall act for the Virgin Islands.) The USDA War Board shall at all times serve the objectives sought by the rationing program and allocate pressure cookers in such manner as will afford the maximum contribution to agricultural production. In so doing, the USDA War Board may prohibit transfers of pressure cookers except pursuant to purchase certificates issued under its authority, and may prescribe the form of such certificates. Control over such transfers may be exercised by the USDA War Board in such manner and under such regulations as it may deem appropriate to carry out the purposes of this Supplementary Order. Any regulations issued by a USDA War Board

shall be published in the FEDERAL REGISTER.

§ 1202.410 *Authority for State board to appoint special committees.* Each State USDA War Board is hereby authorized to provide for the issuance by special committees of purchase certificates for pressure cookers in any county in such State in which no County Farm Rationing Committee has been established.

§ 1202.411 *Records and reports.* Each manufacturer shall maintain records which will enable him upon request from time to time by the Director to report the total number of sizes of pressure cookers produced and the total number of any size distributed by States. (The record keeping requirement of this section has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent reporting requirements will be subject to the approval of the Bureau of the Budget.)

§ 1202.412 *Communications.* All communications concerning this Supplementary Order No. 4 of Food Production Order No. 14, shall, unless otherwise directed, be addressed to the Director of the Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref: FPO 14, Supp. 4.

§ 1202.413 *Incorporation into Food Production Order No. 14.* This Supplementary Order No. 4 shall be added to and become a part of Food Production Order No. 14 and any violation of this Supplementary Order No. 4 shall be deemed to be a violation of Food Production Order No. 14.

§ 1202.414 *Effective date.* This Supplementary Order No. 4 shall become effective October 15, 1943.

Issued this 15th day of October, 1943.

ASHLEY SELLERS,
Assistant War Food Administrator

[F. R. Doc. 43-16857; Filed, October 16, 1943; 11:24 a. m.]

[FPO 14, Supp. Order 5]

PART 1202—NEW FARM MACHINERY AND EQUIPMENT

FARM SCALES

Sec.
1202.426 Purpose of this supplementary order.
1202.427 Scope.
1202.428 Transfer of scales for use on a farm.
1202.429 Communications.
1202.430 Incorporation into Food Production Order No. 14.
1202.431 Effective date.

AUTHORITY: §§ 1202.426 to 1202.481, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 9322, 9334; 7 F.R. 10179, 8 F.R. 3807, 5423.

§ 1202.426 *Purpose of this supplementary order* This supplementary order explains the procedure to be followed in rationing new farm scales (which are rationed farm equipment as defined in Food Production Order No. 14 8 F.R. 13217) for use on a farm and it also sets forth the requirements of the rationing program which are of special importance to persons desiring new scales for use on a farm. This supplementary order should be read in conjunction with Food Production Order No. 14 which establishes the general rationing program and which contains definitions of certain terms used herein.

§ 1202.427 *Scope.* This supplementary order deals with new farm scales as specified in Class Four and Class Five of War Production Board Order L-190 (8 F.R. 5625) having a retail price of more than $5.00 and less than $50.00.

§ 1202.428 *Transfer of scales for use on a farm.* No person shall make a transfer or accept a transfer of new farm scales for use on a farm, except pursuant to a purchase certificate issued by a county farm rationing committee: *Provided, however* That a transfer of farm scales may be made without a purchase certificate on any order to which a preference rating of A-9 or higher was applied or extended prior to May 13, 1943.

§ 1202.429 *Communications.* All communications concerning this supplementary order shall, unless otherwise directed, be addressed to the Director of the Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref.. FPO 14, Supp. 5.

§ 1202.430 *Incorporation into Food Production Order No. 14.* This Supplementary Order No. 5 shall be added to and become a part of Food Production Order No. 14, and any violation of this Supplementary Order No. 5 shall be deemed to be a violation of Food Production Order No. 14.

§ 1202.431 *Effective date.* This supplementary order shall become effective October 15, 1943.

Issued this 15th day of October 1943.

ASHLEY SELLERS,
Assistant War Food Administrator

[F. R. Doc. 43-16858; Filed, October 16, 1943; 11:23 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 42, Amdt. 2]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE

Correction

In F.R. Doc. 43-16645 appearing on page 13970 of the issue for Wednesday, October 13, 1943, paragraph (a) (5) should read as follows: "(5) 'Finished product' means any product produced by a manufacturer for sale as his finished product and carried on his books as his finished product; or any product listed under Schedule A hereof produced by a manufacturer for his own consumption, except an intermediate product used by him in the manufacture of another product listed under said Schedule A. However, the term shall not include:"

Paragraph (b) (5) (ii) (*i*) should read as follows: "Any edible product to any person for the purpose of using such product in the preparation of meals to be served on vessels operated by the United States Maritime Commission;"

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

Subchapter B—Prevention of Animal Diseases; Cooperation With States

[B. A. I. Order 376]

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES

OCTOBER 16, 1943.

Under the authority conferred upon the Secretary of Agriculture by sec. 3 of the Act of Congress approved May 29, 1884 (23 Stat. 32; 21 U. S. C. 1940 ed. 114) and sec. 2 of the Act of Congress approved February 2, 1903 (32 Stat. 792; 21 U.S.C. 1940 ed. 111) Title 9, Chapter I, Subchapter B, Part 53, Code of Federal Regulations (B.A.I. Order 237) is hereby revoked, and the following new Part 53 is hereby adopted in lieu thereof, effective November 1, 1943.

Sec.
53.1 Definitions.
53.2 Cooperation with States.
53.3 Cooperative agreements.
53.4 Appraisal of animals and materials.
53.5 Agreements of owners of animals.
53.6 Destruction of animals.
53.7 Disposal of carcasses.
53.8 Mortgage and other liens against animals.
53.9 Salvage of animals.
53.10 Care and feeding of animals pending destruction.
53.11 Agreements of owners of materials.
53.12 Disinfection or destruction of materials.
53.13 Mortgage and other liens against materials.
53.14 Expense of disinfection of premises and conveyances.
53.15 Disinfection of animals other than cattle, sheep, swine, and goats.
53.16 Presentation of claims.
53.17 Claims not allowed.

AUTHORITY: §§ 53.1 to 53.17, inclusive, issued under 23 Stat. 32, 32 Stat. 792, 46 Stat. 59; 21 U. S. C. 111, 114.

§ 53.1 *Definition.* For the purposes of these regulations the following words, names, and terms shall be construed, respectively to mean:

(a) "The Department" means the United States Department of Agriculture.

(b) "The Secretary" means the Secretary of Agriculture of the United States.

(c) "The Bureau" means the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture.

(d) "Bureau employees" means inspectors and all other individuals employed in the Bureau who are authorized by the Chief of Bureau to do any work or perform any duty in connection with the arrest and eradication of disease.

(e) "Disease, or disease of animals" means foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and other contagious or infectious diseases of cattle, sheep, swine, or goats.

(f) "Materials" means parts of infected barns or other infected structures, and farm products, clothing, straw, hay, other feed for animals, and other arti-

cles stored or contained in or adjacent to such barns or other structures.

(g) "Meat-inspection law" means an Act of Congress approved March 4, 1907, as amended (21 U.S.C. 71–91) or as hereafter amended.

§ 53.2 *Cooperation with States.* Upon determination by the Secretary of Agriculture of the existence of any disease of animals, which in his opinion threatens the livestock industry of the country, the Chief of Bureau shall invite the proper State authorities to cooperate with the Department in the arrest or eradication of such disease.

§ 53.3 *Cooperative agreements.* (a) If it appears to be necessary for the arrest or eradication of any disease of animals to purchase and destroy animals affected by or exposed to, or any materials contaminated by or exposed to, that disease, upon agreement of the authorities of a State to pay 50 percent of the expenses of (1) purchase, destruction, and disposition of animals and materials, and (2) the disinfection of infected premises, within the State, the Chief of Bureau is authorized to agree, on the part of the Department, to pay 50 percent of such expenses.

(b) In cases where the laws of a State fix a maximum price which the State may pay for animals, an agreement by the State to pay, subject to the limitations imposed by the State laws, 50 percent of the expenses of the purchase, destruction, and disposition of animals shall be accepted in lieu of the agreement to pay such expenses provided for by paragraph (a) of this section.

§ 53.4 *Appraisal of animals and materials.* (a) Animals affected by or exposed to, and materials contaminated by or exposed to, disease shall be appraised by a representative of the Bureau and a representative of the State jointly, except that, if the owner and State authorities approve, animals or materials may be appraised by a representative of the Bureau alone.

(b) Animals which are exposed to but are not affected with disease, and whose flesh can be saved for food without risk of spreading the disease, shall be appraised by a representative of the Bureau if the Department proposes to salvage such animals.

(c) Bureau inspectors in charge of the eradication of disease in any State, or in any part of a State, may act as appraisers of animals or materials and may detail competent Bureau employees under their direction to act as appraisers.

(d) The amount of appraisement of animals shall be based on the meat, dairy, or breeding value, but in the case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value.

(e) Appraisals of animals shall be reported on forms furnished by the Bureau. Reports of appraisals shall show the number of animals and either the value per head or the weight and the value per pound.

(f) Appraisals of materials shall be reported on forms furnished by the Bureau. Reports of appraisals of materials shall, when practicable, show the number, size or quantity, unit price, and total value of each kind of material appraised.

(g) Reports of appraisals shall be made in duplicate and signed by the appraiser or appraisers. One copy should be attached to the voucher in which compensation is claimed, and one furnished to the State authorities.

§ 53.5 *Agreements of owners of animals.* (a) Immediately after the completion of appraisals of any lot of animals, except as provided for in paragraph (b) of this section, the owner thereof shall be informed of the amount of the appraisement. If the owner agrees to accept, as compensation in full from the United States for such animals, 50 percent of the amount of the appraisement or 50 percent of such amount less 50 percent of the net proceeds, if any be paid to him, from the disposition of the animals, his signature shall be secured to an agreement to that effect on forms furnished by the Bureau. The agreement should be attached to the voucher in which compensation is claimed for the animals. A copy of the agreement may be delivered to the owner at his request.

(b) Prior to the appraisal of any lot of exposed animals, the flesh of which is to be saved for food, the owner thereof shall be informed of the intention of the Bureau to resell the animals for immediate slaughter for food purposes. Immediately after the completion of appraisals of this class of animals, the owner shall be informed of the amount of the appraisement. If the owner agrees to accept the amount as compensation in full from the United States and offers no objection to the resale of the animals for immediate slaughter, his signature shall be secured to an agreement to that effect on forms furnished by the Bureau.

§ 53.6 *Destruction of animals.* Animals affected by or exposed to disease shall be destroyed by the Department only after obtaining the written agreement of the owner provided for in § 53.5. When such signed agreement has been obtained, all diseased animals shall be promptly killed and all exposed animals shall be promptly killed unless disposed of in accordance with § 53.9.

§ 53.7 *Disposal of carcasses.* (a) Animals killed pursuant to these regulations, except as provided for in § 53.9, shall be disposed of by burial or burning unless the inspector in charge determines that the carcasses can be conveyed to a rendering plant within the State without risk of spreading the disease. When animals are to be buried or burned, arrangements for furnishing the necessary labor and supplies should be made with the owner, if possible, or if not with the owner with some other person in the locality where the animals are killed. Arrangements should include an agreed price for the work and supplies. Allowances may be made for supplies used in blasting and for other unusual expenses when necessarily incurred. Carcasses conveyed to rendering plants shall be disposed of at such plants by tanking.

(b) The killing, burial, burning, and tanking of animals pursuant to these regulations shall be under the supervision of a Bureau employee, who shall promptly prepare and transmit to the Chief of Bureau a certificate identifying the animals and showing the disposition thereof.

§ 53.8 *Mortgage and other liens against animals.* When animals have been destroyed pursuant to these regulations the inspector in charge shall take reasonable precaution to determine, prior to his approval of vouchers in which compensation therefor is claimed, who is the owner of the animals and whether there are any mortgage or other liens outstanding against the animals. If it appears that there are outstanding liens, a full report regarding the same shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having possession of the documentary evidence thereof, and a statement showing what arrangements, if any, have been made to discharge the liens. Every such report should also include a statement of any claims, other than liens, outstanding against the animals destroyed of which the inspector in charge may have knowledge.

§ 53.9 *Salvage of animals.* (a) When the signed agreement has been received from the owner, pursuant to § 53.5 (b) animals which have been exposed to but are not affected by disease may be sold for immediate slaughter under and subject to the provisions of the meat inspection law, whenever the Chief of Bureau determines that they may be so disposed of without risk of spreading disease. Approval of removal for sale of any animals from the premises where they have been exposed to disease must be obtained from the Chief of Bureau in advance. When removal of any animals for sale has been approved, they shall be sold and disposed of under the direction of a Bureau employee designated by the Chief of Bureau for the purpose.

(b) The Bureau employee designated pursuant to this regulation shall follow such procedure with respect to the sale of the animals as the Chief of Bureau may prescribe from time to time.

(c) When the animals have been sold, the Bureau employee designated to dispose of the animals shall collect the salvage money, pay all expenses, take receipts therefor, and remit the net proceeds by postal money order or bank draft to the Treasurer of the United States to be deposited in the miscellaneous receipts.

§ 53.10 *Care and feeding of animals pending destruction.* Expense for the care and feeding of animals held for destruction will not be paid by the Department.

§ 53.11 *Agreements of owners of materials.* Immediately after the conclusion of the appraisal of any materials the owner thereof shall be informed of the amount of the appraisement. If the owner agrees to accept 50 percent of such amount as compensation in full from the

United States for the materials, his signature shall be secured to an agreement to that effect on forms furnished by the Bureau. The agreement should be attached to the voucher in which compensation is claimed for the materials. A copy of the agreement may be delivered to the owner at his request.

§ 53.12 *Disinfection or destruction of materials.* (a) In order to prevent the spread of disease, materials contaminated by or exposed to disease should be disinfected, if practicable. In all cases where the cost of disinfection would exceed the value of the materials, or if disinfection would be impracticable for any reason, materials should be destroyed.

(b) Materials shall be destroyed by Bureau employees only after obtaining the written agreement of the owner provided for in § 53.11.

(c) Materials destroyed under these regulations shall be destroyed in the presence of a Bureau employee, who shall promptly prepare and transmit to the Chief of Bureau a certificate identifying the materials and showing the disposition thereof.

§ 53.13 *Mortgage and other liens against materials.* When materials have been destroyed pursuant to these regulations, the inspector in charge shall take reasonable precautions to determine, prior to his approval of vouchers in which compensation therefor is claimed, who is the owner of the materials and whether there are any mortgage or other liens outstanding against the materials. If it appears that there are outstanding liens, a full report regarding the same shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having possesion of the documentary evidence thereof, and a statement showing what arrangements, if any, have been made to discharge the liens. Every such report should also include a statement of any claims, other than liens, outstanding against the materials, of which the inspector in charge may have knowledge.

§ 53.14 *Expense of disinfection of premises and conveyances.* Stockyards, pens, cars, vessels, and other public premises and conveyances shall be disinfected, whenever necessary for the arrest and eradication of disease, by the owners thereof at their own expense, under the supervision of Bureau employees. Private farms and small premises, unless satisfactorily disinfected by the owners under the supervision of Bureau employees, shall be disinfected by such employees at the joint expense of the Department and the State in which the farms or premises are located.

§ 53.15 *Disinfection of animals other than cattle, sheep, swine, and goats.* Animals other than cattle, sheep, swine, and goats exposed to disease should not be destroyed but, when necessary, should be disinfected by such methods as the Chief of Bureau shall prescribe from time to time.

§ 53.16 *Presentation of claims.* Claims (a) for compensation for the value of animals, (b) for cost of burial, burning, or other disposition of animals, (c) for the value of materials destroyed, and (d) for the expenses of disinfection should each be presented on separate vouchers.

§ 53.17 *Claims not allowed.* (a) The Department will not allow claims arising out of the destruction of animals or materials, unless they shall have been appraised, and the owners thereof shall have executed agreements, in compliance with these regulations.

(b) The Department will not allow claims for amounts exceeding 50 percent of the appraised value of animals killed or materials destroyed except as provided in §§ 53.5 and 53.9.

(c) The Department will not allow claims for amounts exceeding 50 percent of expenses incurred in the burial, burning, or tanking of any lot of animals or in the disinfection of premises except in case of an extraordinary emergency to be determined by the Secretary.

(d) The Department will not allow claims arising out of purchases and destruction of animals affected by or exposed to disease or materials contaminated with or exposed to disease if it be determined that the owner has not complied with all quarantine regulations.

Done at Washington this 16th day of October 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-16937; Filed, October 18, 1943; 11:26 a. m.]

Chapter II—War Food Administration (Packers and Stockyards)

PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK

STATE BRAND INSPECTOR OF IDAHO DEPARTMENT OF LAW ENFORCEMENT

Pursuant to the application of the State Brand Inspector of the Department of Law Enforcement, duly designated under the laws of the State of Idaho to act as Livestock Commissioner and Marketing Agent, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.) and of the provisions of a further amendment to said act described as Public Law 615, 77th Cong., Ch. 421, 2d Sess., approved June 19, 1942, the following authorization is deemed necessary and it is ordered as follows:

§ 203.1 *State Brand Inspector, Idaho Department of Law Enforcement.* The State Brand Inspector of the Department of Law Enforcement, duly designated under the laws of the State of Idaho to act as Livestock Commissioner and Marketing Agent, is hereby authorized, with respect to livestock originating in or shipped from the State of Idaho, subject to the provisions of the act, to charge and collect, at those stockyards posted under the act at which the said State Brand Inspector of the Department of Law Enforcement may register as a market agency to perform such inspection, reasonable and nondiscriminatory fees for the inspection of brands, marks, and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said State Brand Inspector of the Department of Law Enforcement. Such inspection charges and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and such regulations as may be promulgated pursuant thereto.

This authorization supersedes and revokes the authorization issued July 11, 1940, jointly, to the Idaho Cattle and Horse Growers Association and Idaho Department of Law Enforcement, which appears in § 203.1, Chapter II, Title 9, Code of Federal Regulations, (1940 Supp.)

(42 Stat. 159, as amended; 7 U.S.C. and Sup. 181, E.O. 9280, 9322, 9334; 7 F.R. 10179, 8 F.R. 3907, 5423)

Done at Washington, D. C., this 18th day of October 1943.

GROVER B. HILL,
First Assistant War Food Administrator

[F. R. Doc. 43-16936; Filed, October 18, 1943; 11:26 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial 288]

PART 202—ACCOUNTS, RECORDS AND REPORTS

PRESERVATION OF ACCOUNTS, RECORDS, AND MEMORANDA OF AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of October 1943.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (d) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective November 5, 1943, § 202.3, *Preservation of accounts, records, and memoranda of air carriers,* of the Economic Regulations is amended by striking out "March 1, 1942" appearing in the first sentence of paragraph (a) and by inserting in lieu thereof "November 15, 1943."

(52 Stat. 984, 1000; 49 U.S.C. 325, 487)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-16879; Filed, October 16, 1943; 10:19 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 212]

DELINQUENT REGISTRANT REPORT, RECORD OF DELINQUENTS AND SUMMARY OF DELINQUENCIES

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.) E.O. No. 8545, 5 F.R. 3779, E.O. No. 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, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 550, entitled "Delinquent Registrant Report," effective as of the first day of November, 1943.[1]

Addition of a new form designated as DSS Form 551, entitled "Record of Delinquents," effective as of the first day of November, 1943.[1]

Addition of a new form designated as DSS Form 552, entitled "Summary of Delinquencies," effective as of the first day of November, 1943.

The foregoing additions shall become a part of the Selective Service Regulations as of the first day of November 1943.

LEWIS B. HERSHEY,
Director.

OCTOBER 4, 1943.

[F. R. Doc. 43-16823; Filed, October 15, 1943; 2:40 p. m.]

[No. 213]

REPORTS AND NOTICE OF DELINQUENCIES

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.) E.O. No. 8545, 5 F.R. 3779, E.O. No. 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, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 279, entitled "Report of Delinquents to United States District Attorney," effective as of the first day of November, 1943.[1]

Discontinuance of DSS Form 280, entitled "Cumulative Report of Delinquency," effective as of the first day of November, 1943.

Discontinuance of DSS Form 281, entitled "Notice of Delinquency," effective as of the first day of November, 1943.

The foregoing discontinuance shall become a part of the Selective Service Regulations as of the first day of November 1943.

LEWIS B. HERSHEY,
Director

OCTOBER 4, 1943.

[F. R. Doc. 43-16824; Filed, October 15, 1943; 2:40 p. m.]

[1] Form filed as part of the original document.

[Amdt. 179, 2d Ed.]

PART 601—DEFINITIONS

DELINQUENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.) E.O. No. 8545, 5 F.R. 3779, E.O. No. 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 § 601.5 to read as follows:

§ 601.5 *Delinquent.* A delinquent is a man liable for training and service under the provisions of the Selective Training and Service Act of 1940, as amended, who fails or neglects to perform any duty required of him under the provisions of the Selective Training and Service Act of 1940, as amended, or rules and regulations made pursuant thereto.

2. The foregoing amendment to the Selective Service Regulations shall be effective as of the first day of November 1943.

LEWIS B. HERSHEY,
Director

OCTOBER 4, 1943.

[F. R. Doc. 43-16825; Filed, October 15, 1943; 2:40 p. m.]

[Amdt. 180, 2d Ed.]

PART 623—CLASSIFICATION PROCEDURE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.) E.O. No. 8545, 5 F.R. 3779, E.O. No. 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 paragraph (a) of § 623.1 to read as follows:

§ 623.1 *General principles of classification.* (a) Each registrant shall be classified as soon as practicable after his Selective Service Questionnaire (Form 40) is received by the local board or as soon as practicable after the time allowed for him to return his Selective Service Questionnaire (Form 40) has expired.

* * * * *

2. Amend § 623.2 to read as follows:

§ 623.2 *Information considered for classification.* The registrant's classification shall be made solely on the basis of the Selective Service Questionnaire (Form 40) Affidavit of Dependent Over 18 Years of Age (Form 40A) Affidavit—Occupational Classification (General) (Form 42) or Affidavit—Occupational Classification (Industrial) (Form 42A) and such other written information as may be contained in his file: *Provided, however* When a registrant has failed or hereafter fails to return his Selective Service Questionnaire (Form 40) within the time allowed by § 621.2 or when he has failed or hereafter fails to provide the local board with any other information concerning his status which he is requested or required to furnish, the local board shall proceed with his classification without such information. Oral information should not be considered unless it is summarized in writing and the summary placed in the registrant's file. Under no circumstances should the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file.

3. The foregoing amendments to the Selective Service Regulations shall be effective as of the first day of November 1943.

LEWIS B. HERSHEY,
Director

OCTOBER 4, 1943.

[F. R. Doc. 43-16826; Filed, October 15, 1943; 2:40 p. m.]

[Amdt. 181, 2d Ed.]

PART 642—DELINQUENCY

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.) E.O. No. 8545, 5 F.R. 3779, E.O. No. 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 the regulations by deleting part 642 in its entirety and substituting therefor the following:

GENERAL

Sec.
642.1 Regulations governing delinquents.
642.2 Compliance with procedures of this part not condition precedent to prosecution.

CLASSIFICATION AND INDUCTION OF DELINQUENTS

642.11 Registration and classification of nonregistrant delinquent.
642.12 Classification of registrant delinquent.
642.13 Certain delinquents to be ordered to report for induction or for work of national importance.
642.14 Personal appearance, reopening, and appeal.
642.15 Continuous duty of certain registrants to report for induction.

DELIVERY OF DELINQUENT REGISTRANTS

642.21 Procedure.

MEN IN CUSTODY

642.31 Completing records of man liable for training and service.
642.32 Obligation of man in custody, confinement, or imprisonment.
642.33 Obligation of man after release from custody, confinement, or imprisonment.

RECORDS AND REPORTS OF DELINQUENTS

642.41 Report of delinquent to United States Attorney.
642.42 Local board action subsequent to reporting a delinquent to United States Attorney.
642.43 United States Attorney to advise final disposition.

Sec.
642.44 Local board record of delinquents.
642.45 Confirmation of Record of Delinquents (Form 551).
642.46 State record of delinquents.

AUTHORITY: §§ 642.1 to 642.46 inclusive, issued under 54 Stat. 885, 50 U.S.C., App. and Supp. 301 et seq., E.O. 8545, E.O. 9279, W.M.C. Ad. Order 26, 5 F.R. 3779, 7 F.R. 10177, 10512.

GENERAL

§ 642.1 *Regulations governing delinquents.* Delinquents, as defined in § 601.5, shall be governed by the provisions of this part and such other provisions of the Selective Service Regulations as are not in conflict herewith.

§ 642.2 *Compliance with procedures of this part not condition precedent to prosecution.* Compliance by a local board or any other agency of the Selective Service System with any or all of the procedures prescribed by this part of the Selective Service Regulations is not a condition precedent to the prosecution of any person under the provisions of section 11 of the Selective Training and Service Act of 1940, as amended.

CLASSIFICATION AND INDUCTION OF DELINQUENTS

§ 642.11 *Registration and classification of nonregistrant delinquent.* When a nonregistrant delinquent reports or is brought before a local board, he shall be registered and the local board at which he registers shall enter on line 2 of his Registration Card (Form 1) an address within the jurisdiction of such local board. As soon as possible after his registration, the local board shall classify him as provided in § 642.12.

§ 642.12 *Classification of registrant delinquent.* (a) Every registrant delinquent between the ages of 18 and 45, unless he is already so classified, shall be classified in or reclassified into Class I-A, Class I-A-O, or Class IV-E, whichever is applicable.

(b) Every registrant delinquent who is liable for training and service and who is over 45 years of age shall be classified in or reclassified into Class IV-A.

§ 642.13 *Certain delinquents to be ordered to report for induction or for work of national importance.* (a) Without reference to sequence of order numbers or dependency groups the local board shall mail an Order to Report for Induction (Form 150) to each delinquent registrant between the ages of 18 and 38 as soon as he is classified in or reclassified into Class I-A or Class I-A-O unless (1) it has already done so, or (2) pursuant to a written request of the United States Attorney, the local board determines not to mail an Order to Report for Induction (Form 150) to such registrant. If such delinquent registrant executes an Application for Voluntary Induction (Form 165) he shall be inducted immediately; otherwise he shall be inducted as soon as possible after the required 10-day notice.

(b) The local board, without first complying with the provisions of part 651, shall comply with the provisions of part 652, and, without reference to sequence of order numbers or dependency groups, shall forward to the State Director of Selective Service the Conscientious Objector Report (Form 48) for each delinquent registrant between the ages of 18 and 38 as soon as he is classified in or reclassified into Class IV-E unless (1) it has already done so, or (2) pursuant to a written request of the United States Attorney, the local board determines not to forward a Conscientious Objector Report (Form 48) for such registrant to the State Director. The Conscientious Objector Report (Form 48) shall include the statement that such registrant is a delinquent. As soon as the local board receives an Assignment to Work of National Importance (Form 49) for such delinquent registrant, it shall issue to him an Order to Report for Work of National Importance (Form 50)

§ 642.14 *Personal appearance, reopening, and appeal.* (a) When a delinquent registrant is classified in or reclassified into Class I-A, Class I-A-O, or Class IV-E under the provisions of this part, a personal appearance may be requested and shall be granted under the same circumstances as in any other case.

(b) The classification of a delinquent registrant who is classified in or reclassified into Class I-A, Class I-A-O, or Class IV-E under the provisions of this part may be reopened at any time before induction; *Provided,* That the local board, regardless of other circumstances, shall decline to reopen the classification of such registrant if it determines that he knowingly became a delinquent.

(c) When a delinquent registrant is classified in or reclassified into Class I-A, Class I-A-O, or Class IV-E under the provisions of this part, an appeal may be taken under the same circumstances and by the same persons as in any other case. If, upon such appeal, it is found that the registrant knowingly became a delinquent, the registrant shall be classified on appeal in Class I-A, Class I-A-O, or Class IV-E; otherwise the registrant shall be classified on appeal in the usual manner and the fact that he is a delinquent may be disregarded.

§ 642.15 *Continuous duty of certain registrants to report for induction.* Regardless of the time when or the circumstances under which a registrant fails or has failed to report for induction pursuant to an Order to Report for Induction (Form 150) or to report for work of national importance pursuant to an Order to Report for Work of National Importance (Form 50) it shall thereafter be his continuous duty from day to day to report for induction or for work of national importance, as the case may be, to his own local board and to each local board whose area he enters or in whose area he remains.

DELIVERY OF DELINQUENT REGISTRANTS

§ 642.21 *Procedure.* (a) If a delinquent reports or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board and that he will be inducted or assigned to work of national importance, as the case may be, if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(b) If the registrant's own local board advises or if it is ascertained from the United States Department of Justice that the registrant is delinquent because he has failed to respond to an Order to Report for Induction (Form 150) or an Order to Report for Work of National Importance (Form 50) the delinquent shall be delivered for induction or steps taken to assign him to work of national importance and the local board to which the registrant has reported or before which he has been brought shall prepare such papers as may be necessary in order to effect such induction or assignment and forward copies thereof to the registrant's own local board. The induction or assignment of such a registrant shall be reported to the registrant's own local board in the same manner as if the registrant had been transferred for delivery to the local board from which such registrant was inducted or assigned.

(c) If the registrant's own local board advises that an Order of Report for Induction (Form 150) or an Order to Report for Work of National Importance (Form 50) has not been issued to such registrant or that the registrant is no longer a delinquent, it shall advise the local board before which the registrant has appeared or has been brought of the action to be taken with reference to such registrant.

MEN IN CUSTODY

§ 642.31 *Completing records of men liable for training and service.* (a) Provided they are required and have not already been accomplished, the following steps shall be taken in connection with every man who has registered or who is required to register under the provisions of the Selective Training and Service Act of 1940, as amended, immediately upon his reporting to or being brought before a local board or immediately upon his being taken into custody or his being placed in confinement:

(1) He shall be registered in accordance with part 616: *Provided,* That any law-enforcement official or any other authorized persons may act as a registrar.

(2) He shall complete his Selective Service Questionnaire (Form 40)

(3) He shall complete his Special Form for Conscientious Objector (Form 47) when applicable.

(4) He shall complete his Selective Service Occupational Questionnaire (Form 311)

(5) He shall complete all other necessary forms.

(6) He may be physically examined. If he is in custody or confinement, the institution physician may act as the examining physician.

(b) If such man is unable or refuses to fill out any form in the manner required by paragraph (a) of this section, such form shall be filled out by a mem-

ber or clerk of a local board or the superintendent, warden, or other law-enforcement official from information gained by interviewing the delinquent and from other sources.

(c) If the signature of such man is required upon any form after it is filled out and he is unable or refuses to sign his name or make his mark upon any such form, a member or clerk of a local board or the superintendent, warden, or other law-enforcement official shall sign such man's name and indicate that he has done so by signing his own name beneath the name of such man. The act of a member or clerk of a local board or of the superintendent, warden, or other law-enforcement official in so doing shall have the same force and effect as if such man had signed his name to such form.

§ 642.32 *Obligation of man in custody, confinement, or imprisonment.* No man is relieved from complying with the selective service law during the time he is in custody, confinement, or imprisonment. He shall perform the duties and shall be accorded the rights and privileges of all registrants, subject to the provisions of part 662.

§ 642.33 *Obligation of man after release from custody, confinement, or imprisonment.* When a man is released from custody, confinement, or imprisonment, he shall immediately advise his local board of that fact and shall perform the duties and be accorded the rights and privileges of all registrants. This applies equally to a man taken into custody, confined, or imprisoned for a violation of the selective service law and to a man taken into custody, confined or imprisoned for any other cause.

RECORDS AND REPORTS OF DELINQUENTS

§ 642.41 *Report of delinquent to United States Attorney.* (a) Every registrant who has heretofore or who hereafter fails to comply with an Order to Report for Induction (Form 150) or an Order to Report for Work of National Importance (Form 50) shall be reported promptly to the United States Attorney on Delinquent Registrant Report (Form 550) *Provided,* That if the local board believes that by reasonable effort it may be able to locate the registrant and secure his compliance, it may delay the mailing of such Delinquent Registrant Report (Form 550) for a period not in excess of 30 days. A copy of such Delinquent Registrant Report (Form 550) shall be placed in the delinquent's Cover Sheet (Form 53)

(b) In endeavoring to locate and to secure the compliance of a delinquent prior to reporting him to the United States Attorney, the local board should contact the delinquent and the "employer" or "person who will always know" the delinquent's address, as shown on the Registration Card (Form 1) or any other person likely to know his whereabouts. The local board may enlist the aid of local and State police officials or any other public or private agencies it deems advisable. In no event, however, will the local board order or participate in a delinquent's arrest.

(c) Whenever the local board suspects a person, other than one of its own registrants, of being a delinquent, it shall, upon its own motion or upon request of the United States Attorney, advise such person, by letter, that he is suspected of being a delinquent and direct him to submit evidence concerning his selective service status to the local board. It shall be the duty of the person to whom such a letter is mailed to present such evidence to the local board and, if directed to do so, to appear personally before the local board. Unless the local board is convinced that such person is not delinquent, it shall report the facts to the United States Attorney by letter.

§ 642.42 *Local board action subsequent to reporting a delinquent to United States Attorney.* (a) After a delinquent has been reported to the United States Attorney, it is the responsibility of the United States Attorney to determine whether he shall be prosecuted. Before permitting such a delinquent to be inducted or assigned to work of national importance, the local board should obtain the views of the United States Attorney concerning such action.

(b) After a delinquent has been reported to the United States Attorney, the local board promptly should advise the United States Attorney by letter when: (1) The local board receives any additional information which (i) may be of assistance in locating the delinquent, (ii) has been requested by the United States Attorney, or (iii) may assist the United States Attorney in determining whether prosecution is warranted; or (2) a local board has taken any action with reference to the classification or status of the registrant.

§ 642.43 *United States Attorney to advise final disposition.* The State Director shall request the United States Attorney promptly to advise the local board concerned by letter when he finally disposes of a case which has been reported by letter when he finally disposes of a case which has been reported to him on Delinquent Registrant Report (Form 550)

§ 642.44 *Local board record of delinquents.* (a) The local board shall open and maintain a Record of Delinquents (Form 551) listing thereon all currently delinquent registrants ages 18 through 44. A person suspected of being a nonregistrant delinquent shall not be entered upon such report unless and until he becomes a registrant. On the last day of each month the local board shall forward two copies of the Record of Delinquents (Form 551) to the State Director of Selective Service and two copies to the United States Attorney having jurisdiction over the area in which such local board is located.

(b) On the last day of each month the local board shall post a copy of the current Record of Delinquents (Form 551) on its bulletin board. The aid of the press and radio should be solicited to give the widest possible publicity to delinquencies.

§ 642.45 *Confirmation of Record of Delinquencies (Form 551)* The State Director shall request the United States Attorney to prepare, as of the 10th day of each month, a letter, in duplicate, either confirming the Record of Delinquents (Form 551) which was forwarded to him by the local board on the last day of the previous month or specifically setting forth discrepancies therein and to forward the original thereof to the local board concerned and the copy to the State Director of Selective Service.

§ 642.46 *State record of delinquents.* The State Director of Selective Service will prepare a Summary of Delinquencies (Form 552) on or before the 15th day of each month and forward one copy to the Director of Selective Service, Washington, D. C., and one copy to the Director of Selective Service, Gimbel Building, Philadelphia, Pennsylvania.

2. The foregoing amendment to the Selective Service Regulations shall be effective as of the first day of November 1943.

LEWIS B. HERSHEY,
Director.

OCTOBER 4, 1943.

[F. R. Doc. 43-16327; Filed, October 15, 1943; 2:40 p. m.]

[No. 215]

EDUCATIONAL VERIFICATION

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.) E.O. No. 8545, 5 F.R. 3779, E.O. No. 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, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 211, entitled "Educational Verification,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

Addition of a new form designated as DSS Form 212, entitled "Medical and Social History,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

Addition of a new form designated as DSS Form 213, entitled "Cooperative School Report,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

Addition of a new form designated as DSS Form 214, entitled "Special School Report,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 12, 1943.

[F. R. Doc. 43-16354; Filed, October 16, 1943; 1:50 p. m.]

[1] Filed as part of the original document.

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amdt. 111]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

In the column headed "General License Group" the group and country designation assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Muriatic acid	8307.00	K

This amendment shall be effective October 1, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong., Order 3 and Delegation of Authority 25, 7 F.R. 4951, Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

Dated: October 16, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-16880; Filed, October 18, 1943; 10:13 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1156—TOYS AND GAMES

[Interpretation 1 to Limitation Order L-81]

DARTS AND DART BOARD EQUIPMENT

The following interpretation is issued with respect to Limitation Order L-81.

Darts and dart board equipment come within the definition of "toy or game" contained in paragraph (a) (1) of Order L-81 (§ 1156.1); hence their production is governed by the restrictions in that order. This applies to all darts and dart board equipment whether or not they are made for sale through outlets which customarily sell toys and games.

Issued this 16th day of October 1943.

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

[F. R. Doc. 43-16849; Filed, October 16, 1943; 11:29 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Quota Schedule III to Limitation Order L-292]

PRODUCTION QUOTAS FOR CANNING MACHINERY AND EQUIPMENT

§ 1226.80 *Production quotas for canning machinery and equipment*—(a) *Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of canning machinery and equipment, for the year beginning October 1, 1943, and ending September 30, 1944. These quotas are being set up in accordance with paragraph (g) (1) of Limitation Order L-292 which states that the War Production Board may at any time adopt schedules prescribing the number of units of food processing machinery of any kind that may be manufactured and assembled by any manufacturer. The quotas for the items described in this schedule shall take the place of the quota provisions of paragraph (g) (2) (ii) of Order L-292 with respect to those items.

(b) *Definition.* "Base production" means the annual average number of units of any item of canning machinery or equipment produced by a manufacturer during the years 1939, 1940 and 1941. However, where a different period is indicated, "base production" means the total number of units produced by a manufacturer during that period.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall fabricate or assemble more units of any type of new canning machinery or equipment listed below than the quota percentage of his base production of each type.

Production Quotas

The first column gives the machine code numbers of the various types of canning machinery and equipment shown on Form WPB-2721 as revised on September 1, 1943. This is a form which each manufacturer is required by paragraph (h) (1) of Order L-292 to file monthly.

The second column describes the types of machinery and equipment covered by this schedule.

The third column shows the quota percentage that each manufacturer is allowed.

Wherever two or more items are bracketed together, they must be treated as one item and the manufacturer must apply the quota percent opposite those items to his total base production of all of the items in the bracket. The permitted number of units may then be distributed among all or any one or more of the items in that bracket.

Machine code No.	Type of machine	Quota percent
201.001	Accumulators (box)	240
201.002	Agitators	60
201.003A	Blanchers, peas, beans, cylinder, pipe	100
201.003B	Blanchers, draper, fruit & vegetable	1,660
201.004	Boosters, cans, jars	280
201.005A	Brushers, citrus fruit & vegetable polishers, large units	140
201.005B	Brushers, corn silk	100
201.005C	Brushers, apples, small units	100
201.006	Bunchers, fruit & vegetable	2,800
201.008	Cars, retort	100
201.009	Case packers	100
201.010	Checkers, weight	65
201.011	Chinks, iron (fish)	170
201.013A	Choppers, apples, etc	170
201.013B	Choppers, tomatoes, relish	100
201.014A	Cleaners, green peas, beans	100
201.014B	Cleaners, string beans, blower	100
201.014C	Cleaners, cans	100
201.018A	Coils, pulp cooking	100
201.018B	Coils, heating & pre-heating	50
201.019	Compression units, carton	(1)
201.020A	Conveying lines, runway system for cans, jars	100
201.020B	Conveying lines—short units—cans, jars	100
201.021A	Conveyors, metal belt or cable type	175
201.021B	Conveyors, rubber belt	
201.022	Conveyors, interlocking buckets, gooseneck	100
201.023	Conveyors, flume type	100
201.024	Conveyors, gravity, chute type	100
201.025	Conveyors, hydraulic	100
201.026	Conveyors, roller gravity	
201.027	Conveyors, spiral, fruit & vegetable	100
201.028A	Cookers, continuous reel type, cans, jars, atmospheric	80
201.029	Cookers, continuous reel type, pressure	60
201.030	Cookers, fish	(1)
201.031A	Coolers, continuous reel type, atmospheric	90
201.031B	Coolers, continuous draper, or tramway type, cans, jars, atmospheric	167
201.032	Coolers, continuous reel type, pressure	160
201.033	Corers, tomatoes	[2] 370
201.034	Corers, cabbage	(1)
201.035	Crates, retort	130
201.036	Crushers, fruit & vegetable	600
201.037	Crushers—preheaters	100
201.038A	Cutters, corn	75
201.038B	Cutters, beets	80
201.038C	Cutters, string beans	175
201.038D	Cutters, fish	270
201.038E	Cutters, kraut	50
201.038F	Cutters, miscellaneous	370
201.039	Cutters, knife grinders (special)	100
201.040	Deaerators	100
201.041	Defuzzers, peaches, etc	400
201.042	Dehydrators, cabinet, manual batch tray type	[2] 40
201.043	Dehydrators, continuous tunnel belt conveyor type	[2] 230
201.044	Dehydrators, continuous tunnel truck tray type	660
201.045	Dehydrators, rotary drum, exterior, spray type	(1)
201.046	Dehydrators, rotary drum, interior, Louvre type	300
201.048	Dehydrators, vacuum tunnel type	(1)
201.049	Dehydrators, other	60
201.050	Dicers	65
201.051	Dirt removers	100
201.052	Dispensers, salt, sugar, etc	100
201.053	Drainers, cans	100
201.054	Driers, cans	100
201.055	Driers, fruit, vegetable and fish	60
201.056	Dumpers, fruit and vegetable	100
201.057	Dumps, crate, wagon	100
201.058	Elevator boots	100
201.059	Elevators, fruit and vegetable	60
201.060	Elevators, hydraulic	100
201.061	Ensilage stackers	100
201.062	Ensilage towers	70
201.063	Exhaust boxes	100
201.064A	Extractors, tomato juice	100
201.064B	Extractors, citrus fruit	75
201.065	Extruders (ricers)	1,200
201.066	Feeders, green peas, beans, etc	135
201.067A	Fillers, peas, beans, whole grain corn	100
201.067B	Fillers, plunger measuring type	40
201.067C	Fillers, gravity type, fruit and vegetable juices, liquids, etc	90
201.067D	Fillers, vacuum type	50
201.067E	Fillers, miscellaneous	50
201.068A	Fillers, hand pack, rotary, fruits, vegetables	80
201.069	Fillers, fish	50
201.070	Filters, fruit and vegetable juices	100

Footnotes at end of tables.

Machine code No.	Type of machine	Quota percent
201.071	Finishers	100
201.073	Gluers, carton, hand operated	140
201.074	Graders, quality, gravity, fruit and vegetable	100
201.075A	Graders, size, green peas and green beans	100
201.075B	Graders, size, string beans	80
201.075C	Graders, size, cherries and small fruits, shaker type	100
201.075D	Graders, size, peaches and pears, large fruit, rope, tee belt	100
201.075E	Graders, size, citrus fruit	100
201.075F	Graders, size, potatoes, apples, tomatoes, pickles, small units	100
201.075G	Graders, size, sample, miscellaneous	100
201.076	Graters, fruit and vegetable	50
201.077	Hoists, air	(1)
201.079	Hoists, steam, belt	250
201.080	Homogenizers	50
201.081	Hoppers	600
201.082	Hopper cars	100
201.083	Hullers, hominy, nuts, etc	(1)
201.084	Huskers	100
201.085	Kettles, jacketed, 90 lbs. pressure & over	50
201.086	Kettles, open	70
201.087	Labelers, cans	80
201.088A	Labelers, jars	800
201.088B	Labelers, boxes	50
201.089	Lidding presses (without nailing attachments)	110
201.091A	Markers, fruit & vegetables	50
201.091B	Markers, cans, cases	360
201.092A	Mixers, batch, corn	55
201.092B	Mixers, batch	
201.093A	Mixers, blending, corn	300
201.093B	Mixers, blending	100
201.094	Packers, asparagus, etc	50
201.095	Parers, fruit & vegetable	65
201.096	Peelers, abrasive, batch	50
201.097	Peelers, abrasive, continuous	80
201.098	Peelers, caustic soda	1,500
201.099	Peelers, flame	700
201.099	Peelers, steam pressure	[3] 1,233
201.100	Peelers, pear	250
201.101A	Pitters, cherries	65
201.101B	Pitters, peaches	320
201.102	Podders	145
201.103	Precoolers, fruit & vegetables	320
201.104A	Preheaters, tank type	235
201.104B	Preheaters, high pressure, sterilizer, coil type	100
201.104C	Preheaters, sterilizer, straight tube type	145
201.104D	Preheaters, miscellaneous	100
201.105	Presses, fruit, vegetable and fish	100
201.106	Pulpers, fruit & vegetable	260
201.107	Pulverizers, fruit & vegetable (including disintegrators and comminuters)	50
201.108	Pumps, sanitary (quick removable suction cover or end)	84
201.109	Racks, fish	(1)
201.110	Reamers, juice	1,500
201.111	Recleaners	600
201.112	Rehuskers	(1)
201.113	Resilkers	100
201.114	Retorts, pressure, horizontal type	100
201.115	Retorts, pressure, vertical 39" to 44" diameter	100
201.116	Retorts, pressure, vertical small size under 30" diameter	100
201.117	Ripeners and conditioners	50
201.118	Scalders, caustic soda	100
201.119	Scalders, hot water	100
201.120	Scalders, steam	100
201.121	Scalers, fish	(1)
201.122	Sealers, case, large power driven	170
201.123	Seeders	(1)
201.124	Separators, sewage	300
201.125	Separators, water	100
201.126A	Shakers, cans	700
201.126B	Shakers, fruit & vegetable	100
201.127A	Shredders, cabbage core	100
201.127B	Shredders, fruit & vegetable	100
201.128	Silkers, corn	90
201.129	Slicers, fruit and vegetable	75
201.130A	Snippers, beans	130
201.130B	Snippers, gooseberries	(1)
201.131	Sorters	100
201.132	Stackers, boxes, cases, cans	50
201.134	Stemmers	135
201.136	Syrupers	100
201.137A	Tables, belt type	100
201.137B	Tables, grading, cable, chain	50
201.138	Tables, merry-go-round, revolving bucket	100
201.139	Tables, stationary type	100
201.140A	Tanks, glass lined, plain and jacketed	95
201.140B	Tanks, stainless steel, plain & jacketed	95
201.140C	Tanks, brass and copper, plain and jacketed	100
201.140D	Tanks, steel, plain and jacketed	100
201.141	Tanks, wood, storage, cooking, cooling, dipping, soaking	100
201.142	Tenderometers	75
201.143	Textureometers	50
201.144	Toppers, beets, etc	900
201.145A	Treaters, fruit & vegetable, single units	50
201.145B	Treaters, fruit & vegetable, combined system	100
201.146A	Trimmers, green corn	60
201.146B	Trimmers, fruit & vegetable	50
201.147	Trucks, crate, warehouse	50
201.148	Unscramblers, cans, jars, and bottles	200
201.149	Vacuum pans	100
201.151	Viners, peas & beans	95
201.152	Viner feeders	95
201.153	Washers, cans	150
201.154A	Washers, bath draper, bath spiral, fruit & vegetable	100
201.154B	Washers, apples, potatoes, small units	100
201.154C	Washers, rotary	100
201.154D	Washers, flume, pump type	100
201.154E	Washers, shakers	100
201.154F	Washers, transverse, brushes, rollers	100
201.155	Washers, jars & bottles	100
201.156	Waxers, fruit & vegetables	50
201.158	All others (excluding car squeezers)	85
201.168	Car squeezer	375

[1] Upon approval. No base production. These items may be manufactured only to fill approved orders actually received.

[2] Base production for these items is the total number of units produced by a manufacturer during the year 1942.

[3] Base production for these items is the total number of units produced by a manufacturer during the first nine months of 1943.

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of canning machinery or equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada, or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may by specific written directions issued to any manufacturer or class of manufacturers, increase or decrease any quota established by this schedule and may transfer any portions of a quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L-292* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292 as amended from time to time.

Issued this 16th day of October 1943.

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

[F. R. Doc. 43-16850; Filed, October 16, 1943; 11:29 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 5 to CMP Reg. 3]

PRODUCTION MATERIAL RATINGS CANNOT BE USED TO BUY AUTOMOTIVE REPLACEMENT PARTS FOR RESALE

The following direction is issued pursuant to CMP Regulation 3:

(a) A producer of automotive replacement parts, as defined in Order L-158, must not use the preference rating assigned to his authorized production schedule covering the production of automotive replacement parts, to buy automotive replacement parts for resale as such, as distinguished from parts which will be physically incorporated in the automotive replacement part made by him. This direction supersedes the provisions of paragraph (b) (1) of CMP Regulation No. 3 relating to purchases to round out a line so far as the use by the producer of the rating assigned to his production schedule to buy automotive replacement parts for resale is concerned.

Issued this 16th day of October 1943.

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

[F. R. Doc. 43-16351; Filed, October 16, 1943; 11:29 a. m.]

PART 3281—PULP AND PAPER

[General Conservation Order M-241 as Amended October 16, 1943]

PAPER AND PAPERBOARD

§ 3281.63[1] *General Conservation Order M-241*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(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) "Produce" and "manufacture" mean and include all making and finishing operations prior to packing or packaging.

(3) "Finished production" means paper or paperboard ready for packing or packaging.

(4) "Grade" as used in paragraph (d) means any kind of paper or paperboard for which a caption is provided in Form WPB-514, as currently revised, or any particular grade, even though not specifically mentioned, within such kind.

(c) *Restrictions on production of paper and paperboard.* Unless specifically authorized by the War Production Board, no person shall produce paper or paperboard on any paper machine (Yankee, Harper, Fourdrinier, Cylinder or Wet Machine) which did not produce paper or paperboard in the period May 1, 1943 to July 15, 1943 inclusive.

(d) *Reserve production.* (1) Each manufacturer of paper or paperboard shall reserve in the production for each of his mills for the month of November 1943 and for each calendar month thereafter time and supplies sufficient to produce and deliver within such month 10 percent of such mill's finished production (or any other percentage of such produc-

tion by grade or in total as the War Production Board may from time to time designate by notice in writing to each mill or by publication in the Federal Register, at least 15 days prior to the month for which such production is reserved) The War Production Board may direct, on or before the 15th day of any month, any such manufacturer to employ such reserve, subject to the provisions of paragraph (d) (2) to produce any grades of paper or paperboard which such manufacturer is qualified to produce at such mill and in any quantity not exceeding the tonnage of such reserve production represented by the percentages designated for such month by the War Production Board, and may require such manufacturer to sell and deliver such tonnage to any person named by the War Production Board. Any order taken by a mill at the direction of the War Production Board shall reduce the reserve production for which such mill is obligated by the amount of finished production represented by such order. The manufacturer may refuse so to produce and deliver such reserve production only for the reasons specified for the refusal of rated orders in § 944.2 paragraph (b) of Priorities Regulation No. 1. If the manufacturer does not on or before the 15th day of the month in which such production is reserved receive from the War Production Board directions as to the disposition of all such production, he may employ the production for which no directions have been received as he may desire consistent with the provisions of this and other orders of the War Production Board.

(2) Any manufacturer who has voluntarily accepted an order or orders for paper or paperboard to be produced, directly or through another person, for the account of any government department or agency, or for any activity or use, listed in paragraph (d) (3) may request the War Production Board to consider the finished tonnage of such order or orders as applying against the reserve production of the mill for the month in which such order or part thereof is manufactured. For the consideration of any such request certain information is needed. The nature of this information shall be disclosed in form WPB-3270 which may be reproduced. No mill is obligated under this order to make such request or use such form. If such form is used, it shall be filed in duplicate with the War Production Board. If such request is granted by the War Production Board, the mill is obligated to produce according to the accepted schedule and, and the production which the mill is obliged to reserve for such month will be reduced accordingly and a record kept of such reduction by mill and by company. Whether denied or granted the mill will be advised.

(3) 1. United States Army
2. United States Army Map Service
3. United States Army Air Forces
4. United States Navy
5. The United States Marine Corps
6. The United States Coast Guard
7. United States Maritime Commission and War Shipping Administration
8. Lend Lease Administration—Foreign Economic Administration
9. Panama Canal
10. Bureau of Public Debt
11. United States Government Printing Office
12. United States Bureau of Engraving and Printing
13. Procurement Division of the United States Treasury
14. Office of Economic Warfare—Foreign Economic Administration (orders with an O. E. W. or F. E. A. approved export license)
15. United States Post Office
16. Envelope manufacturers to the extent the paper is for use in manufacturing envelopes contracted for or purchased by the Armed Forces, Lend-Lease Administration—F. E. A., the United States States Government Printing Office or the United States Post Office. (Report Government Department order number.)

(e) *Restrictions on inventory.* Unless specifically authorized by the War Production Board or excepted by paragraph (e) (4)

(1) *Consumers inventories.* (i) Prior to January 1, 1944 no person shall knowingly deliver to any person except a paper merchant and no person except a paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard (other than newsprint) if the inventory in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (*a*) in excess of two carloads or (*b*) if in excess of two carloads, greater than forty-five days' supply, on the basis of either his average rate of consuming such paper or paperboard for the preceding quarter or his average rate of consuming such paper or paperboard as projected for the then current quarter.

(ii) After January 1, 1944, no person shall knowingly deliver to any person except a paper merchant and no person except a paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard (other than newsprint) if the inventory in the hands of the person accepting delivery is, or will by virtue of such acceptance become either (*a*) in excess of two carloads or (*b*) if in excess of two carloads, greater than thirty days' supply, on the basis of either his average rate of consuming such paper or paperboard for the preceding quarter or his average rate of consuming such paper or paperboard as projected for the then current quarter.

(iii) Regardless of the provisions of (1) (i) and (1) (ii) above, no person shall knowingly deliver to a manufacturer of folding boxes, setup boxes, or paper shipping sacks and no manufacturer of folding boxes, setup boxes, or paper shipping sacks shall accept delivery of any quantity of any grade of paper or paperboard (other than newsprint) if the inventory in the hands of the person accepting delivery is, or will by virtue of such acceptance become either (*a*) in excess of two carloads or (*b*) if in excess of two carloads greater than sixty days' supply on the basis of either his average rate of consuming such paper or paperboard for the preceding quarter or his average rate of consuming such paper or paperboard as projected for the then current quarter.

(2) *Merchants inventories.* (i) Prior to January 1, 1944, no person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of any quantity of any grade of paper or paperboard (other than newsprint) if the inventory in the hands of such paper merchant is, or will by virtue of such acceptance become, either (*a*) in excess of two carloads, or (*b*) if in excess of two carloads, greater than sixty days' supply, on the basis of either his average rate of distributing such paper or paperboard for the preceding quarter or his average rate of distributing such paper or paperboard as projected for the then current quarter.

(ii) After January 1, 1944, no person shall knowingly deliver to a paper merchant, and no paper merchant shall accept delivery of any quantity of any grade of paper or paperboard (other than newsprint) if the inventory in the hands of such paper merchant is, or will by virtue of such acceptance become, either (*a*) in excess of two carloads, or (*b*) if in excess of two carloads, greater than forty-five days' supply, on the basis of either his average rate of distributing such paper or paperboard for the preceding quarter or his average rate of distributing such paper or paperboard as projected for the then current quarter.

(3) *Mill inventories.* "Mill inventory" means all paper and paperboard other than that produced or being produced for prompt shipment against a definite order.

No person shall produce at any mill any quantity of paper or paperboard, if his inventory at such mill is, or will by virtue of such production, become, in excess of (*a*) two carloads or (*b*) if in ex-

cess of two carloads, greater than sixty days' supply, on the basis of either the average rate of shipment of paper or paperboard from such mill for the preceding quarter or the average rate of shipment of paper or paperboard from such mill as projected for the then current quarter.

(4) *Item inventories.* For inventory purposes, the term "grade" of paper or paperboard refers to the classification on United States Department of Commerce (Census) Form WPB-514, as revised February 24, 1943, or as subsequently revised, each caption (except those which are further broken down by following captions) representing a separate grade, also included as items under the appropriate captions (unless specifically excepted below) are all coated papers not mentioned by captions but for which any captioned grade or item thereunder is used as a base stock. If a person's gross inventory is in excess of two carloads or the specific number of days supply as specified in (e) (1) (2) or (3) but his inventory of a particular item is less than thirty days' supply (or, in the case of a paper merchant, less than forty-five days' supply) he may accept delivery of or produce, and others may deliver to him, any quantity of such item as may be required to provide him with thirty days' supply (or in the case of a paper merchant forty-five days' supply) The restrictions of this paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in Section 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB-514 as revised February 24, 1943, under the captions "Blueprint and similar base stock" (07610) "Photographic and other sensitizing stock" (07611) and "Cigarette" (08512) or to any paper or paperboard after it is printed or converted beyond waxing or coating.

(f) *Miscellaneous provisions* — (1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

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

(3) *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, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(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 materials under priority control and may be deprived of priorities assistance.

(5) *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.

(6) *Communications.* All communications concerning this order shall unless otherwise directed be addressed to War Production Board, Pulp and Paper Division, Washington 25, D. C., Ref.. M-241.

Issued this 16th day of October 1943.

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

[F. R. Doc. 43-16352; Filed, October 16, 1943; 11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER [1]

[Conservation Order M-124 as Amended Oct. 18, 1943]

RUBBER YARN AND ELASTIC THREAD

§ 3290.36 [1] *Conservation Order M-124*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Restrictions on use and delivery.* No person shall knit, weave or otherwise process or use, sell, deliver, purchase, order or accept any rubber yarn, latex yarn or elastic thread, including all types of synthetic rubber yarn or thread, except:

(1) As specifically authorized by letter or telegram of the War Production Board.

(2) For sale or delivery by or to the Defense Supplies Corporation or its representatives;

(3) Any rubber yarn, latex yarn or elastic thread in a retail merchant's stock as such on March 29, 1942.

Until April 1, 1944, the restrictions of this paragraph (b) shall not apply to synthetic rubber yarn or thread.

(c) *Authorizations.* Any authorization requested under paragraph (b) (1) shall be filed on Form WPB-1319 (formerly PD-556) including inventory data and the prime contractor's name and prime contract number if a Government contract is involved. These reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(d) *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.

(e) *Communications.* All reports required to be filed under, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing, and Leather Division, Washington, (25) D. C., Ref: M-124.

(f) *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.

(g) *Equitable distribution.* It is the policy of the War Production Board that rubber yarn, latex yarn, elastic thread and all types of synthetic rubber yarn and thread not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such products, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

Issued this 18th day of October 1943.

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

[F. R. Doc. 43-16317; Filed, October 18, 1943; 11:13 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER [1]

[Conservation Order M-174 as Amended Oct. 18, 1943]

ELASTIC FABRICS, KNITTED, WOVEN, OR BRAIDED

§ 3290.41 [1] *Conservation Order M-174*—(a) *Definition.* In this order:

"Elastic fabric" means knitted, woven or braided fabric, six inches in width or

[1] Formerly Part 1173, § 1173.1.

[1] Formerly Part 1279, § 1279.1.

less, of any quality or in any condition, containing bare natural rubber core or covered natural rubber thread.

(b) *Restrictions.* No person shall process, cut, change the form of, attach, sew on, sell, deliver, purchase or accept elastic fabric, except

(1) As specifically authorized by letter or telegram of the War Production Board; or

(2) For sale or delivery by or to the Defense Supplies Corporation or its representatives;

[(3) Deleted, Oct. 18, 1943]

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

(d) *Authorizations.* Any authorization requested under paragraph (b) (1) shall be filed on form WPB-1319 (formerly PD-556 including inventory data and the prime contractor's name and prime contract number if a Government contract is involved. These reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

(f) *Communications.* All reports required to be filed under, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.. M-174.

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

(h) *Equitable distribution.* It is the policy of the War Production Board that elastic fabric and fabric containing synthetic rubber core or thread not required to fill rated orders shall be distributed equitably. In making such distribution, due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such products, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

Issued this 18th day of October 1943.

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

[F. R. Doc. 43-16918; Filed, October 18, 1943; 11:13 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-217, as Amended Oct. 18, 1943]

FOOTWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material 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:

§ 3290.191[1] *Conservation Order M-217*—(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, except Priorities Regulation 17, which shall be inapplicable to footwear.

(b) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers, but does not include (i) rubber footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) "Horizontal quarter seams" means seams on quarters running in a predominantly horizontal direction (i. e. parallel to the sole).

(5) "Design and construction" of footwear means the make-up of the footwear in every detail, so that any two items of footwear of the same design and construction are necessarily identical, except in size; but does not refer to the means whereby the footwear is manufactured.

(6) "Cattle hide leather" means any leather (including splits) made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks) and shall also include buffalo hides.

(7) "Pintucking" means a raised effect on the surface of footwear accomplished by either single or double needle stitching, but does not include the raised seam on a moccasin type vamp.

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) "Padded sole house slippers" means slippers having conventional padded soles where the outsole is made of fabric, imitation leather or split leather not over 2½ ounces in weight and is directly stitched to the upper or to a platform cover.

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

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

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

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

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

(iii) Up to a net wholesale price of $1.37½ a pair (or a net retail price up to $2.00 a pair if the footwear is not sold at wholesale) misses' and children's footwear may be deemed one line, and youths' and boys' footwear one line, but no production in new price ranges is authorized unless specifically approved under (i) (3) (vii) below.

(11) "Price range" shall have the usual trade significance, provided that the highest list price in the range does not exceed the lowest in the range by more than ten (10%) per cent, or twenty-five (25) cents, a pair, whichever is the greater.

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated) the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown

[1] Formerly Part 3063, § 3063.1.

Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other 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) and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 to April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals)

(17) "Long shield tip" means a shield tip having a horizontal measurement from the bottom of the curve to the upper end of the tip of more than 1 inch (using size 4B as a standard)

(c) *Curtailment in the use of materials and colors in the manufacture of footwear* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) Leather seam laps gauging over ½ inch in width.

(ii) Horizontal quarter seams, on lined low quarter shoes.

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls' misses' youths' little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and footwear with fabric uppers.

(v) Woven vamp or quarter patterns.

(vi) Quarter collars, except on unlined shoes and house slippers.

(vii) Bows or other ornaments, if made of leather in whole or in part.

(viii) Outside leather taps, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in goodyear welt footwear other than work shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) Welting in excess of ½ inch in width and 5/32 inch in thickness in shoes other than work shoes, or welting in excess of 9/16 inch in width and 5/32 inch in thickness in work shoes.

(xiii) Straps, buckles, knife pockets or decorative stitching on boots or work shoes.

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back)

(xv). Extension stitched heel seats, except on:

Prewelts in all sizes,
Stitchdowns in all sizes,
Children's shoes up to and including size 3, and
Safety and established orthopedic footwear.

(xvi) Metal nail heads for studs or any metal for decorative purposes.

(xvii) Any stitching thread made from reserved Egyptian cotton (as defined in Conservation Order M-117) or reserved American extra staple cotton (as defined in Conservation Order M-197) for any decorative or any non-functional purpose.

(xviii) Any non-functional or decorative stitching except:

(*a*) Not more than four rows of non-functional stitching on imitation tips, foxings, saddles, mudguards and moccasin type vamps.

(*b*) Not more than an aggregate of four rows of functional and non-functional stitching parallel to the vamp, tip, foxing, saddle, and moccasin seams.

(*c*) Design stitching solely to permit direct non-stop stitching between cutouts.

(*d*) Design functional stitching on utility work cowboy boots.

(xix) Any strippings, braidings, pintuckings, lacings or overlays, except those serving a necessary functional purpose.

(xx) Straps passing over, under or through a tongue or vamp.

(xxi) Raised quarter or raised back seams (other than vertical back seams), except on genuine moccasins.

(xxii) Multiple straps, on Roman sandals.

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) Platform soles and platform effects, on all footwear of heel height over 1⅜ inches, using size 4B as the standard.

(xxv) Leather covered platforms or leather platform effects, on any footwear.

(xxvi) Heels gauging over 2⅛ inches in height, using size 4B as the standard.

(xxvii) Metal spikes, on golf shoes.

(xxviii) Storm welting (except laminated split leather storm welting on work shoes) or caulk welting.

(xxix) Rawhide or other leather laces, except on work shoes.

(xxx) Leather or part leather loops performing the function of eyelets.

(2) No person shall use in the manufacture of any footwear any steel shanks of any gauge except:

18 gauge	.045 minimum,	50 carbon steel.
21 gauge	.032 minimum,	50 carbon steel.
19 gauge	.040 minimum,	low carbon or basic steel.

unless such shanks were in said person's inventory on September 10, 1942, or were subsequently acquired from a producer of steel shanks who had, prior to September 10, 1942, rolled steel plate for shanks of a different gauge.

(3) No person shall put into process any leather for the manufacture of any boots except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: *Provided, however* That upon letter application the War Production Board may permit any person to make boots higher than ten inches for use in specified hazardous occupations.

(4) No person shall put into process any leathers or fabrics for the manufacture of footwear of more than one color (subject to unavoidable deviations in shade normally experienced in finishing leathers or dyeing fabrics) This restriction shall apply to the color of stitching, lacing and bindings, but shall not apply to the color of linings and soles. Nothing in this paragraph shall prevent unavoidable discoloring of thread, leather, and perforations as a result of antiquing, or the use of:

(i) Embossed leather or genuine reptiles of the colors permitted in paragraph (f) (1) below but having slight variations in shade caused by normal finishing of such leathers, or

(ii) Embossed leather or genuine reptiles of any color or colors (in all-over shoes) if finished prior to October 16, 1942.

(iii) Shearling collars made of scrap pieces, on house slippers, to the extent available under General Conservation Order M-94.

(iv) An additional color on tips or tongues of safety shoes as above defined.

(5) No person shall put into process for the manufacture of footwear any leather or fabric except leather or fabric finished or dyed in accordance with paragraph (f) below: *Provided, however,* That nothing contained in this paragraph (c) (5) shall prevent any person from using:

(i) Any solid color white cattle hide, turftan, bluejacket blue, gold or silver leather finished prior to March 16, 1943.

(ii) Any other solid color leather or any genuine or imitation reptile leather of any color or colors (in all-over shoes) finished prior to October 16, 1942.

(iii) Any solid color turftan or bluejacket blue fabric acquired by the manufacturer prior to February 20, 1943; or

(iv) Any other solid color fabric dyed prior to September 13, 1942 and acquired by the manufacturer prior to February 16, 1943.

No person shall use any natural colored leather for the manufacture of any footwear except work shoes.

(6) No person shall put into process any cattle hide upper leather (other than kip sides, kipskins and calf) including upper leather splits, gauging 4½ ounces or over for the manufacture of any footwear except work shoes, cowboy utility boots and lined police type high shoes.

(7) No person shall put into process any cattle hide leather (including splits) for uppers or any grain leather outsoles (except heads, bellies, shins and shanks

of 5 iron or less) for the manufacture of house slippers or romeos.

(8) No person shall attach any leather outsoles or outside leather taps to any footwear having raised or flat seam mocassin type vamps (including genuine moccasins utilizing soles) or mudguard vamps, any saddle-type footwear, or any footwear with imitation wing tips, imitation stitched moccasin types, imitation stitched mudguards and imitation stitched saddles; *Provided, however* That nothing in this subparagraph (c) (8) shall apply to women's and girls' shoes with heels 1⅛ inches and over in height, using size 4B as the standard.

(9) No person shall put into process any patent leather for the manufacture of men's shoes.

(10) No person shall put into process any upper leather or leather or rubber soles for the manufacture of men's sandals.

(11) No person shall manufacture any leather or part leather bows for use on footwear.

(d) *Restrictions on styling and types manufactured.*

(1) No person shall put into process any leather or fabric for the manufacture of any footwear of a design and construction not utilized by him between September 1, 1940 and December 31, 1942, except that:

(i) In the case of footwear the soles of which are made wholly from materials other than leather or rubber (which may, however, utilize leather for hinges or for tabs, heel inserts or other non-skid or soundproofing features covering not more than 25% of the area of the bottom of the sole) designs and constructions utilized between September 1, 1940 and October 18, 1943 may be used;

(ii) Nothing in this paragraph shall prevent correction of patterns to the extent necessary to remove features prohibited by this order; and

(iii) The War Production Board may make exceptions in this paragraph in favor of patterns or designs which will conserve leather or other materials.

(2) No person shall put into process any leather or fabric for the manufacture of any women's evening slippers, except those using gold or silver upper leather finished prior to March 16, 1943 with split, head, belly, shin or shank outsoles of 5 iron or less.

(3) No person shall use special processes or materials at any stage of manufacturing footwear for the purpose of rendering such footwear more adaptable to retail display.

(4) No person shall attach to any footwear (except infants' footwear and house slippers) outsoles other than wooden soles) not conforming to the specifications contained in Schedule I annexed to this order.

(e) *Exceptions to paragraphs* (c) *and* (d) *above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear put into process by October 25, 1943 and completed ready for shipment by November 18, 1943 with soles (other than insoles) which are made wholly from materials other than leather or rubber (which may, however, utilize leather for hinges or for tabs, heel inserts or other non-skid or soundproofing features covering not more than 25% of the area of the bottom of the sole) After said dates this exemption shall apply only to footwear made wholly without leather and without rubber soles and then only if no two-tone effect is created, and the exemption shall extend only to paragraph (c) However, shoes of multi-colored fabric (a single fabric containing more than one color) are permitted and may have bindings or other trimmings in one of the colors of the material.

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' soft sole footwear.

(6) Footwear the uppers of which are made of shearlings.

(e-e) *Restrictions on the manufacture of safety shoes.* No person shall manufacture any safety shoes which have leather uppers with leather or rubber (including synthetic rubber) compound bottoms, except those which comply in respect to types, patterns, materials, method of construction, labelling and all other details with the American War Standards Specifications for Protective Occupational Footwear, published by the American Standards Association. These specifications are listed below and may be obtained from the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., or from the American Standards Association, 29 West 39th Street, New York, N. Y.

Men's Safety-Toe Shoes—Z41.1-1943 (2nd edition)—September 24, 1943
Men's Conductive Shoes—Z41.3-1943 (3rd edition)—September 24, 1943
Men's Explosives-Operations (Non-Sparking) Shoes—Z41.4-1943 (2nd edition)—September 24, 1943
Men's Electrical-Hazards Shoes—Z41.5-1943 (3rd edition)—September 24, 1943
Men's Foundry (Molders) Shoes—Z41.6-1943 (3rd edition)—September 24, 1943
Women's Safety-Toe (Oxford) Shoes—Z41.2-1943 (3rd edition)—September 24, 1943
Women's Safety-Toe (High) Shoes—Z41.7-1943 (2nd edition)—September 24, 1943
Women's Explosives-Operations (Non-Sparking) Shoes—Z41.8-1943—(2nd edition)—September 24, 1943
Women's Conductive Shoes—Z41.9-1943 (2nd edition)—September 24, 1943

Upon letter application the War Production Board may authorize deviations from the above mentioned standards when necessary to meet minimum civilian requirements for safety shoes.

(f) *Restriction on tanning and dyeing.* (1) No person shall finish any leather for use as upper leather except in the following colors (subject to unavoidable deviations in shade normally experienced in finishing leathers)

Black.
White, except in cattle hide leathers.
Army russet and town brown, as appearing on the Fall 1942 color card of the Textile Color Card Association of the United States, Inc.
Natural color.

(2) No person shall color any leather or dye any fabric for use in shoe uppers except in the colors mentioned in paragraph (f) (1) above, (subject to unavoidable deviations in shade normally experienced in tanning and dyeing)

(3) No person engaged in the business of shoe manufacturing shall dye any new footwear except in the colors mentioned in paragraph (f) (1) above.

(4) Restrictions of this paragraph shall not apply to the dyeing of fabrics for use in footwear excepted by paragraph (e) (1) above.

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by, or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for non-military use shall not constitute a discriminatory cut.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning March 1, 1943 complete the manufacture of more civilian footwear within any line than the following percentages of his civilian line quota for such line:

	Percent
Men's work	115
Youths' and boys'	125
Misses' and children's	125
Infants'	125
Men's safety shoes	125
All others	100

Provided, however That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs (i) (1) and (i) (2)* (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

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

To the extent shown in the following schedule, any person may transfer the unused portion of any civilian line quota or quotas of men's dress or women's and growing girls' footwear to the production of the following types of footwear:

Type:	Percentage of unused quota permitted to be added
Men's work	115
Youths' and boys'	125
Misses' and children's	125
Infants'	125

Provided, however That in no event shall any unused quota be added to a higher priced line, *And provided further* That in no event shall a new line be added until authorization has been obtained under paragraphs (d) (1) above and paragraphs (i) (3) (vii) below.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) Any person whose civilian line quotas total less than 24,000 pairs, may produce up to 24,000 pairs during any six months' period, provided he increases his production in each line above his quota by the same percentage (with 5% tolerance)

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear made for the physically maimed or deformed on a custom-made basis and not for stock.

(vi) Until September 1, 1943 footwear made wholly without leather and without rubber soles shall not be included in computing production for the purposes of this paragraph (i) The War Production Board may authorize any person making a line of reasonably durable footwear utilizing non-critical materials to exceed his civilian line quota for such line. Application for such authorization shall be made by letter, describing fully the footwear proposed to be manufactured, listing in detail all the materials to be used and stating the quantity of such footwear to be made, the price range, the source of the manpower to effect such increase in production, and all other facts pertinent to the application.

(vii) Any person who has no civilian line quota for a particular type of footwear may apply by letter for one or more civilian line quotas, stating the types and construction of the footwear he proposes to manufacture, the number of pairs to be made, the price range, the consumer need for footwear of the quality proposed to be made, the source of the manpower to make such footwear, and whether production will be reduced in any other line or lines. No such quota will be granted unless the footwear to be made has been specifically priced by the Office of Price Administration.

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed.

(j) *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.

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

(l) Each shoe manufacturer shall file Form WPB-3238 in accordance with the instructions appearing on said form.

This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.. M-217.

(n) *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.

(o) *Effective dates.* This order as amended shall become effective on October 18, 1943 with the exception of paragraphs (c) (1) (xxx) and (d) (4) which shall become effective on November 1, 1943, and of paragraph (e-e), which shall become effective December 1, 1943.

Conservation Order M-217 as presently in force shall remain in force until superseded by this amended order.

Issued this 18th day of October 1943.

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

SCHEDULE I—SPECIFICATIONS FOR SOLES

Abrasion. The substitute material shall have a resistance to abrasion of not less than 4000 revolutions to abrade 50% of the thickness of the material, when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

Crackiness. The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180° over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F. ± 2° F. and reconditioning at 65 per cent ± 2 per cent relative humidity and 120° F. ± 2° F., when bent 180° over a 3-inch mandrel.

Tackiness. The material shall not become tacky or flow when subjected to a temperature of 120° F. ± 2° F. for 4 hours.

Stitch tear. Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours.

Effect of water. After submerging in water at 75° F. ± 2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3290.191. (Conservation Order M-217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date. (Issued October 6, 1942.)

[F. R. Doc. 43-16919; Filed, October 18, 1943; 11:13 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER [1]

[Interpretation 2 to Conservation Order M-217]

FOOTWEAR

The following interpretation is issued with respect to Conservation Order M-217.

The reference to "leather outsoles or outside leather taps," in paragraph (c) (8) of § 3290.191 Conservation Order M-217 designates outsoles and outside taps the wearing

[1] Formerly Part 3063, § 3063.1.

qualities of which are derived primarily from leather. For example: An outsole composed primarily of leather but having a paper coating would constitute a "leather outsole," since, presumably, the paper would soon disappear and the wearing quality of the sole would rest primarily upon the leather.

On the other hand, if a sole of durable substitute material were cemented on a thin leather sole so that the substitute material received the wear the leather sole would constitute a midsole rather than an outsole.

Similarly, a wooden sole having a leather heel insert to provide nonskid and soundproofing features is not a "leather outsole," because the wear of the shoe is derived mainly from the wooden portion of the sole.

Issued this 18th day of October 1943.

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

[F. R. Doc. 43-16920; Filed, October 18, 1943; 11:13 a. m.]

Chapter XI—Office of Price Administration

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 83]

FUEL OIL RATIONING REGULATIONS

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

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (8) is amended by adding after the period at the end of the subparagraph the sentences, "The term includes any equipment altered or refitted to use an alternate fuel and thereafter converted to the use of fuel oil. The term also includes any fuel oil burning equipment used for furnishing heat or hot water, or both, to premises other than a private dwelling, if by September 24, 1943, substantial work had been done on the equipment to alter or refit it to use an alternate fuel."

2. Section 1394.5001 (a) (9) is revoked.

3. Section 1394.5151 (a) (3) is revoked.

4. Section 1394.5152 is added as follows:

§ 1394.5152 *District Director must approve certain rations for additional or converted facilities.* (a) On and after October 15, 1943, no Board may issue a ration for the operation of any additional or converted facility for the reason that the applicant cannot use an alternate fuel because it is not available or because technical utilization factors prevent its use, unless the OPA District Director has, in writing, approved the application. However, such approval is not required with respect to a space heater or any facility as to which the Petroleum Administration for War has granted an exception pursuant to Petroleum Distribution Order No. 13, as amended.

(b) The District Director shall approve the application if he finds that the applicant cannot use an alternate fuel because it is not available or because technical utilization factors prevent its use; otherwise he shall disapprove, and the Board shall deny, the application.

(c) Regardless of paragraph (a) of this section, in the case of extreme hardship, a ration may be issued for the operation of the facility until the application can be acted on by the District Director. If the application is denied, a ration may be issued until the earliest date the equipment can be altered or refitted to use an alternate fuel. The total of any interim rations granted under this paragraph to any applicant shall not exceed 10% of the allowable ration for the full 1943-44 heating year.

5. Section 1394.5301 (a) is amended by changing the colon at the end of the phrase "may obtain an auxiliary ration" to a period and deleting the phrase "*Provided,* That no auxiliary ration may be obtained for the operation of convertible facilities."

This amendment shall become effective October 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong., WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16812; Filed, October 15, 1943; 12:04 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 19,[1] Amdt. 3]

ANTHRACITE COAL

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

Ration Order 19 is amended in the following respect:

The following two sentences are added to section 4 (a) (1):

However, persons who make deliveries may further classify such consumers, on the basis of lesser amounts on hand. (For example: consumers having on hand less than one-fourth (1/4) of their base year use may be sub-classified on the basis of whether they have on hand less than one-tenth (1/10) or one-tenth (1/10) or more but less than one-fourth (1/4) in which case deliveries must first be made to consumers having less than one-tenth (1/10) on hand.)

This amendment shall become effective on October 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562; Supp. Dir. No. 1-W 8 F.R. 11900; E.O. 9125, 7 F.R. 2719)

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16811; Filed, October 15, 1943; 12:04 p. m.]

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 222]

NORTHERN SOFTWOOD LUMBER

Revised Maximum Price Regulation 222 is redesignated Second Revised Maximum Price Regulation 222 and is revised and amended to read as follows:

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 the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. The standards and specifications used in this regulation were, prior to such use, in general use in the Northern softwood lumber industry. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1381.251 *Maximum prices for Northern softwood lumber* 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. Second Revised Maximum Price Regulation 222 (Northern Softwood Lumber) which is annexed hereto and made a part hereof, is hereby issued:

AUTHORITY: § 1381.251 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION 222—NORTHERN SOFTWOOD LUMBER

ARTICLE I—SCOPE OF THE REGULATION

Sec.
1. Prices higher than ceiling prohibited.
2. What transactions are covered.
3. What products are covered.
4. What persons are covered.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Basic prices and cash discount.
6. Addition for direct mill retail sale.
7. Transportation charges.
8. Sales for export.

ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES

9. What the invoice must contain.
10. Special rule on averaging out.
11. What records must be kept.
12. Prohibited practices.
13. Special pricing rules.

ARTICLE IV—MISCELLANEOUS

14. Applications for adjustment and petitions for amendment.
15. Enforcement.
16. Licensing.
17. Grades.
18. Grades, services, or extras not listed.

ARTICLE V—APPENDIX A: HEMLOCK

ARTICLE VI—APPENDIX B: PINES, WHITE CEDAR, EASTERN SPRUCE AND ASPEN

ARTICLE VII—APPENDIX C: CANADIAN WESTERN WHITE SPRUCE

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

[1] 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2942, 2993, 2887, 3106, 3521, 3628, 3733, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059, 9219, 9458, 9382, 10082, 10304, 10435, 11380, 11637, 11756, 11814, 12543, 12139, 12934, 12713, 13125.

[1] 8 F.R. 12097, 13024, 13175.

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after October 15, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of business, any Northern softwood lumber for direct-mill shipment at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 2. *What transactions are covered.* (a) This regulation covers, under the name of "sales for direct-mill shipment" all sales of Northern softwood lumber, no matter who the seller is, and regardless of the quantity involved, except sales of Northern softwood lumber which was part of the regular stock of a distribution yard at the time the sale was made.

(b) How to tell a mill from a distribution yard. The term "mill" as used here, covers what are known in the trade as sawmills, planing mills, and concentration yards. Three types of establishments are described below: the first, (1), a typical sawmill or planing mill; the second, (2), a typical concentration yard; and the third, (3) a typical distribution yard. An establishment which resembles (1) or (2) more than it does (3) is considered a mill and one which resembles (3) more than it does (1) or (2) is considered a distribution yard.

(1) "A typical sawmill or planing mill" is an establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Northern softwood lumber;

(2) "A typical concentration yard" is an establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly Northern softwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail or full truckload shipment, and which has been located at its particular site to be near the lumber-producing area;

(3) "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(c) *New yards or changed status.* In order to prevent violation of this regulation by unnecessary routing through yards, the Office of Price Administration will not recognize distribution yards, either new or resulting from a change in operations set up after June 21, 1943, unless the yard writes to the Lumber Branch of the Office of Price Administration, Washington, D. C., and proves that it satisfies the requirements of the definition and that the purpose is not to get around this regulation by means of unnecessary yard business. Until approval is received, the new yard cannot consider itself a distribution yard for the purpose of this regulation.

(d) *"CPA contract yards"* "CPA yards" as defined in Maximum Price Regulation 215[1] are considered distribution yards, regardless of the above requirements.

SEC. 3. *What products are covered.* (a) This regulation covers all items of Northern softwood lumber whether the items are specifically named in the price tables or not. It does not include glued stock, mine material, switch, cross or mine ties, small dimension stock, and posts, poles and piling.

(b) This regulation covers, under the name of "Northern softwood lumber" the following species produced in the states of Michigan, Wisconsin, and Minnesota or imported from the Canadian provinces of British Columbia, Alberta, Saskatchewan, Manitoba and that part of the Province of Ontario west of the 85th meridian: Northern white pine (Pinus strobus) Norway pine (Pinus resinosa) Northern white cedar (Thuja occidentalis) Eastern spruce (Picea Glauca, Picea mariana, and Picea rubra), Western white spruce (Picea canadensis), Northern hemlock (Tsuga canadensis), Aspen (all species), Jack pine (Pinus banksiana) and all other softwood species.

SEC. 4. *What persons are covered.* Any person who makes the kind of sale or purchase described above, for himself or others, is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group, their legal successors and representatives, the United States or any government or any of their political subdivisions or any agency of any of the foregoing.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 5. *Basic prices and cash discount*—(a) *Basic prices.* The maximum f. o. b. mill prices for Northern hemlock lumber produced in the states of Wisconsin, Michigan and Minnesota are set forth in Appendix A. The maximum f. o. b. port of entry prices for Western white spruce are set forth in Appendix C. The maximum f. o. b. mill prices and the maximum f. o. b. port of entry prices for Northern white pine, Norway Pine, Jack pine, Eastern spruce, Northern white cedar and Aspen lumber are set forth in Appendix B.

(b) *Cash.* If cash is paid the maximum price must be reduced by the seller's August 1941 cash discount. When a seller was not in business in August 1941, 2% cash discount for payment in 10 days shall be allowed. On specific written allocations issued by the Office of Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

SEC. 6. *Addition for direct-mill retail sale.* An addition of $5.00 per thousand board feet may be made on a sale of less than 4,000 ft. BM to any buyer who does not purchase for resale, where the shipment originates at a mill and the seller:

(a) Delivers the lumber to the job site if required by the buyer at such time and in such manner as the buyer specifies;

(b) Gives the buyer the privilege of exchanging the lumber and returning unused material; and

(c) Agrees to make good any shortage promptly from stocks kept on hand for this purpose.

The size of the sale is determined by the total quantity involved in the transaction without regard to whether it is broken up into smaller orders or deliveries.

SEC. 7. *Transportation charges*—(a) *Rail charges.* (1) Only two methods of selling are recognized by this regulation. Any other method is prohibited, as a device to evade the ceiling by manipulation of freight.

The two permitted methods are: on a delivered basis using the estimated weights or on an f. o. b. mill basis (or in a proper case, on an f. o. b. port of entry basis) with actual freight (figured, of course, on actual weights) to be paid by the purchaser.

The two methods may not be combined in a single transaction; that is, a seller may not sell on a basis which gives him the benefit of favorable estimated weights but requires the use of actual weights on items where estimated weights would be unfavorable to him. Note that sales described as "ceiling delivered," or as f. o. b. mill with freight paid or included to a given destination are to be treated as sales on a delivered basis. In such cases, the given estimated weights must be used. However, sales f. o. b. mill with seller to pay the freight to a stated destination and include it in his invoice to the buyer is a sale on an f. o. b. mill basis, and settlement on the basis of the actual weights must be made.

(2) The transportation charge, when estimated weights are used, must be evened out to the nearest quarter-dollar per 1,000 feet board measure (or nearest 5 cents per 1,000 pieces of plastering lath)

(b) *Common or contract carrier (other than rail)* Where transportation is by common or contract carrier (other than rail) the only rule is that actual cost of transportation may be added to f. o. b. mill ceiling.

(c) *Private truck.* When shipment is by truck owned or controlled by the seller, the following amounts may be added for transportation: For distances up to and including 10 miles, $1.50 per M'BM; over 10 and up to and including 20 miles, $2.00 per M'BM; and over 20 and up to and including 30 miles, $2.50 per M'BM. Where the distance is greater

[1] 8 F.R. 3789, 5565, 6446, 8705, 10937, 11385.

than 30 miles, the seller may charge the amount of the railroad charge at the carload rate for the most similar haul or $3.00 per M'BM, whichever is greater. Distance, as used in this paragraph, means the distance from the mill to the point of destination as measured by the speedometer. No addition may be made for the return trip.

(d) *Trucking to rail shipping point.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railroad, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

(1) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(2) Where a mill's rail connection has been abandoned since September 3, 1941, and it has no comparable rail shipping point.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., and may be acted upon by letter or telegram. The addition may not be made on quotations or sales until permission has been received.

(e) *Truck delivery after rail haul.* When truck delivery to yard or job site follows a rail haul, and is specified in the order, the actual cost of truck delivery may be added. This may include the actual cost of handling and reloading involved in transfer from rail cars to trucks.

(f) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in sub-paragraphs (b) and (c) of this section.

SEC. 8. *Sales for export.* The maximum price at which a person may export any Northern softwood lumber shall be determined in accordance with the provisions of the Second Maximum Export Price Regulation [2] issued by the Office of Price Administration.

ARTICLE III—SPECIFIC DUTIES AND PROHIBITED PRACTICES

SEC. 9. *What the invoice must contain*—(a) *F. O. B. mill price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum f. o. b. mill prices must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) Charges for transportation. In all delivered sales, the invoice must contain the:

(1) Point of origin of shipment;

(2) Destination;

(3) Rail rate from domestic mill or from applicable port of entry in the case of imported lumber, if estimated weights are used; otherwise the actual amount added for transportation from domestic mill or applicable port of entry.

(4) The words "Direct-mill shipment"

(c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul, or for trucking to railhead, must be separately shown on the invoice.

(d) *Direct-mill retail sale.* If the "direct-mill retail sale" mark-up is permissible and is added, this must be separately indicated in the invoice.

SEC. 10. *Special Rule on averaging out*—(a) *Different grades, classes or sizes.* Different grades, classes or sizes of lumber may be sold and invoiced at an average price if all of the following conditions are observed:

(1) The footage of each item must be shown separately, and a piece tally must be furnished for each shipment.

(2) The average price for the lumber actually shipped must not be higher than it would have been if all the individual grades, classes and sizes shipped had been sold separately at the individual ceiling price.

(3) If the order is shipped in more than a single carload, truckload, or boat shipment the following invoicing and charging practice must also be followed:

(i) The invoice must show that it is part of a larger order and identify the order. It must also show the individual ceiling prices for the various items of lumber actually contained in each shipment, and the average selling price agreed upon.

(ii) The charges which may be made and collected on account for each shipment must not exceed the average price agreed upon or the total of the ceiling prices for the items in the particular shipment, whichever is the lower. Thus, if an average price was quoted on widths from 4" to 12" and if a car of all 4" was shipped, only the 4" price can be charged and collected on that car. But if a car of all 12" widths was shipped, only the average price quoted could be charged on that car.

(iii) Upon completion of the order the seller must render a final invoice showing the quantity of each shipment or delivery, the freight charge for each if sold on a delivered basis, the amount received on account, the total amount due on the order at the agreed average prices, and a reconciliation of the total amount so computed with the maximum prices permitted by this regulation. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

(b) *Different freight rates.* When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more mills to a single destination on varying freight rates, the seller may average-out the transportation charges. For example, if a wholesaler bids $33.00 per M'BM on a singe order of a hundred thousand feet of lumber, the ceiling price being $30.00 per M'BM and the estimated freight $3.00, he can ship half of it on a rate resulting in a $2.00 freight charge and half on a rate resulting in a $4.00 freight charge.

(1) Where this practice is adopted, the seller must observe all of the following conditions:

(i) Each invoice must state that the particular shipment is part of a larger order and identify the order. It must also show the individual rates for each shipment or delivery.

(ii) The transportation charges which may be made and collected for each shipment or delivery, on account, must not exceed the average transportation charge figured on the entire order or the actual transportation charge for the particular shipment based upon the permitted estimated weights, whichever is the lower.

(iii) Upon completion of the order the seller must render a final invoice showing the individual f. o. b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered selling prices and also with the maximum prices permitted by this regulation. In the event that the sale was made at an average price for different grades, classes or sizes of lumber as well as an averaging-out of transportation charges, the provisions of (a) above shall also be observed. Final payment and all necessary adjustments between buyer and seller are to be made upon the final reconciliation.

SEC. 11. *What records must be kept.* All sellers of Northern softwood lumber must keep records which will show a complete description of the items of lumber sold (i. e. grade, condition of dressing, quantity etc.) the name and address of the buyer, the date of the sale and the price, for a period of two years. Buyers must keep similar records, including the name and address of the seller. Failure to comply with this provision shall constitute a violation of this regulation. Persons violating are subject to all penalties, actions and proceedings provided for by the Emergency Price Control Act of 1942 as amended, including a fine of not more than $5,000 or imprisonment for not more than two years, or both.

SEC. 12. *Prohibited practices*—(a) *General.* 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. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were in August 1941. This includes decreasing credit periods or making greater charges for extension of credit.

(2) Refusing, without good reason, to ship except in specified or restricted random lengths, or under other circum-

[2] 8 F.R. 4132, 5987.

stances which bring the seller an extra return.

(3) Selling as specified lengths or widths a specific lot or shipment of lumber which is substantially equivalent to random lengths or widths, or reselling intact as specified lengths or widths a specific lot or shipment bought by the seller as standard or random lengths or widths. This prohibition shall not apply to shipments or deliveries which have been sorted out as to widths and lengths and then resold.

(4) Grading as a special grade lumber which can be graded as a standard grade; or wrongly or falsely grading or invoicing lumber.

(5) Making additions for special specifications, services, or other extras which are not specifically permitted.

(6) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis except in the case of sales of imported Northern softwood lumber.

(7) Failing to invoice properly and in accordance with the requirements of this regulation.

(8) Unnecessarily routing lumber through a distribution yard.

(9) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(10) Making additions for kiln-drying, or other services, treatments, or specifications unless they are expressly ordered by the buyer.

(11) Getting a higher price by charging the buyer for ripping or resawing, or charging on the basis of an original size larger than the item actually delivered: (for example: charging the price of 4 x 4 ripped to 2 x 4 on a sale and delivery of 2 x 4's) except where the items ordered and delivered are non-standard sizes not specifically priced in the tables. This prohibition has no application where the buyer specifies the larger size to be ripped or resawn into items of smaller size and the resulting items are priced higher in the tables than the original larger size. For example; the buyer may order 2 x 6 R/L No. 2 Common Hemlock piece stuff, rough priced at $38.50 per M'BM ripped to 2 x 3. By buying the larger size ripped, the price is lower ($39.50) than it would have been had he ordered the 2 x 3 as such ($40)

(12) Making the buyer take something he does not want in order to get what he does want; for example, making a buyer who orders No. 2 Common take all the upper grades that develop.

(13) Breaking up an order or apportioning deliveries in order to get the direct-mill retail sale addition.

(14) Making an addition for double end trimming when standard lengths are ordered and shipped.

(15) Making any of the additions contained in the footnotes to the tables in Articles V to VII inclusive, to the prices of the various items set forth in the tables unless the purchaser's order expressly requires the working, grade, condition, size, or length for which the additions are permitted.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive, or pay a commission for the service of procuring (including buying, selling or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, in so far as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

(d) *Combination grades.* Lumber sold in a combination of grades may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 2 Common and better is the maximum price fixed for No. 2 Common lumber. But it is permissible to sell a combination of grades where the exact quantity of each grade shipped is separately shown on the invoice and segregated in the car by strips (except timbers) or otherwise easily made identifiable to the purchaser and separately tallied (tally card to be included in car), in which case the appropriate ceiling price for the quantity of each grade shipped may be charged.

(e) *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, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Special pricing rules.* (a) Where the buyer specifies restricted lengths or an average length and the shipment or order fails to conform, the entire shipment must be priced at the random length price (unless the agreed price is lower)

(b) Where the buyer orders a random length shipment, and the given percentages of lengths as specified in footnotes to each of the price tables are not met because there is too large a percentage of shorts, the excess shorts must be priced at the separate prices for the short lengths.

(c) Where the invoice does not specify the grade shipped or delivered, the price of the lowest grade in the shipment shall apply to the whole order.

ARTICLE IV—MISCELLANEOUS

SEC. 14. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" which also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract" who believes that the maximum prices contained in this regulation impede or threaten to impede production of Northern softwood lumber essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6 [3] issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* (1) Any person seeking an amendment 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.

(2) In treating with petitions for amendment or applications for adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Maximum Price Regulation 348 (Logs and Bolts) [5] or any revision or amendment of these regulations. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

SEC. 15. *Enforcement.* (a) Persons violating any provision of this regulation

[3] 7 F.R. 5067, 5664; 8 F.R. 6173, 6174.
[4] 7 F.R. 6961; 8 F.R. 3313, 3533, 6173.
[5] 8 F.R. 3670, 5163.

are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

SEC. 16. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 17. *Grades.* The grades and terms in this regulation are based on the following grading rules and specifications:

(a) For Northern hemlock lumber: the "Official Grading Rules for Hemlock and Tamarack Timber and White Cedar Shingles" published by the Northern Hemlock and Hardwood Manufacturers' Association, effective June 27, 1941.

(b) For domestic and imported Northern white pine, Norway pine, Jack pine, Northern white cedar, Eastern spruce, Aspen and Western white spruce lumber in standard or near standard grades.

(1) Produced in mills located in the State of Minnesota and imported from Canada: the "Standard Grading Rules for Northern White Pine, Norway Pine, Jack Pine, Eastern Spruce, Western White Spruce, Balsam, Tamarack, and Aspen Lumber" published by the Northern Pine Manufacturers' Association effective May 1, 1939.

(2) Produced in mills located in the States of Michigan and Wisconsin: the "Official Grading Rules of the Northern Hemlock and Hardwood Manufacturers' Association for Northern White Pine, Norway Pine, Eastern Spruce, Balsam, Jack Pine, and Aspen" effective July 23, 1941.

SEC. 18. *Species, grades, services, or extras not listed.* (a) If a seller wishes to sell a species or grade which is not specifically priced in the price tables, or wishes to make an addition for special workings, specifications, services or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced; and

(3) The price differential between it and the most comparable item in the price tables, between January 1 and August 1, 1941, from the seller's own records, or if that is impossible, from the experience of the trade. If no established price differential existed, a detailed analysis of comparative value should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

(c) In all cases where special prices have been approved by the Lumber Branch of the Office of Price Administration under § 1381.266, paragraph (c) of the earlier regulation, Maximum Price Regulation 222, those special prices shall no longer apply if specific prices for the items are established by this regulation, but if no specific prices are established in the price tables, the price approved under the earlier regulation shall continue in effect.

ARTICLE V—APPENDIX A: NORTHERN HEMLOCK

The maximum prices for Northern hemlock lumber in standard or near-standard grades f. o. b. mill per one thousand feet board measure where shipment originates at the mill shall be as follows:

TABLE 1—HEMLOCK BOARDS: ROUGH

Thickness and width	Length						
	6'	8'	10'	12'	14'	16'	6' to 16'
NO. 1 COMMON							
1" x 4"	$37.50	$42.00	$43.00	$43.00	$43.00	$45.00	$43.00
1 x 6	40.00	44.50	45.50	45.50	45.50	47.00	45.50
1 x 8	40.00	44.50	45.50	45.50	45.50	47.00	45.50
1 x 10	41.50	46.00	47.00	47.00	47.00	48.50	47.00
1 x 12	42.50	47.00	48.00	48.00	48.00	49.50	48.00
MERCHANTABLE							
1" x 4"	$36.50	$41.00	$42.00	$42.00	$42.00	$44.00	$42.00
1 x 6	38.00	42.50	43.50	43.50	43.50	45.00	43.50
1 x 8	38.50	43.00	44.00	44.00	44.00	45.50	44.00
1 x 10	38.50	43.00	44.00	44.00	44.00	45.50	44.00
1 x 12	39.50	44.00	45.00	45.00	45.00	46.50	45.00
NO. 2 COMMON							
1 x 4	$35.50	$40.50	$41.00	$41.00	$41.00	$43.00	$41.00
1 x 6	36.50	41.00	42.00	42.00	42.00	43.50	42.00
1 x 8	37.00	42.00	43.00	43.00	43.00	44.50	43.00
1 x 10	38.00	42.00	43.00	43.00	43.00	44.50	43.00
1 x 12	38.00	43.00	44.00	44.00	44.00	45.50	44.00
NO. 3 COMMON							
1 x 4	$35.00	$38.00	$38.00	$38.00	$38.00	$39.00	$38.00
1 x 6	35.00	39.50	40.00	40.00	40.00	41.00	40.00
1 x 8	35.50	40.50	41.00	41.00	41.00	42.00	41.00
1 x 10	36.50	40.50	41.00	41.00	41.00	42.00	41.00
1 x 12	36.50	41.00	41.00	41.00	41.00	42.00	41.00
NO. 3 COMMON AND BETTER							
1 x 4 & wider 4' long							$29.50
1 x 4 & wider 6' long							31.50
NO. 4 COMMON							
1 x 4	$27.00	$30.00	$30.00	$30.00	$30.00	$31.00	$30.00
1 x 6	27.50	30.50	30.50	30.50	30.50	31.50	30.50
1 x 8	28.50	31.50	31.50	31.50	31.50	32.50	31.50
1 x 10	28.50	31.50	31.50	31.50	31.50	32.50	31.50
1 x 12	28.50	31.50	31.50	31.50	31.50	32.50	31.50
1 x 4 and wider 4' long							23.00
NO. 5 COMMON							
1 x 4 & wider 4' & longer							$23.00
GRAIN AND COAL DOOR BOARDS							
Grain door boards 6' long							$31.50
Grain door boards 7' long							34.50
Coal door boards 6' long							27.50
Coal door boards 7' long							29.50

[6] 8 F.R. 13,240.

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 1

For working:

1 Crosscutting one cut add $1 00 Each additional cut, add $1 00.

2 Ripping, one cut, add $1 00 Each additional cut add $1 00

3 Resawing one cut add $1 00 Each additional cut, add $1 00

4 S1S, S2S S1E, S2E, add $2 00

5 S1S1E, S2S1E S1S2E S4S D+M shiplap, add $3 00

6 S2S and resaw one cut, add $3 00

7 Drop siding ceiling grooved roofing partition and fancy shiplap, add $4 50

8 Log siding add $6.50

9 Bundling add $1 00

For length:

10 Odd or fractional lengths not listed: Price as and compute footage on next longer standard length

11 Lengths longer than listed: For each 2 feet or fraction thereof over 16 feet to the 16 feet price add $2 00

For width:

12 Widths wider than listed: For each 2 in or fraction thereof over 12 in to the 12 in price add $2 00

13 Odd or fractional widths: Price as and compute footage on next wider standard width.

14. 1 x 2; to the price of 1 x 4 of the same length and grade add $1 00

15. 1 x 3; to the price of 1 x 6 of the same length and grade add $1 00

For thickness:

16 Thin and miscut: From the price of 1 in. of the same width length and grade deduct 25%

17 5/4 and 6/4: To the price of 1 in of the same width length and grade add $4 00

For grade:

18 "D" selects: To the No. 1 price of the same width and length add $5 00.

19 Industrial No 3: From the No 3 price deduct $1.00

20 No 2 and better: Price as merchantable

21 Barky crating: Price as No 3 common of the same width and length

TABLE 2—HEMLOCK DIMENSION: ROUGH

Thickness and width	Length							
	6'	8'	10'	12'	14'	16'	18' & 20'	22' & 24
NO 1 PIECE STUFF								
2"x 3" & 2" x 4"	$35.50	$43.00	$42.00	$42.00	$42.00	$43.00	$46.00	$48.00
2 x 6	34.50	41 50	41.00	41.00	41.00	41 00	46.00	48.00
2 x 8	35.50	42.00	42.00	42.00	42.00	42.00	46.00	48.00
2 x 10	36.50	44.00	45.00	45.00	45.00	45.00	48.00	50 00
2 x 12	37 50	45.00	46.00	46.00	46.00	46.00	48.00	50 00
MERCHANTABLE PIECE STUFF								
2x3 & 2x4	$34.50	$42.00	$41.00	$41 00	$41.00	$42.00	$45.50	$47.50
2x6	33.50	40 50	40.50	40.50	40.50	40.50	44 50	46.50
2x8	34 50	41.00	41.00	41 00	41.00	41 00	45.50	47 50
2x10	35.50	42.50	43.50	43.50	43.50	43.50	46.50	48.50
2x12	35.50	42.50	43.50	43.50	43.50	43.50	46.50	48.50
NO 2 PIECE STUFF								
2x3 & 2x4	$33 50	$41 00	$40 00	$40 00	$40 00	$41.00	$44.00	$46.00
2x6	33.00	39.50	39.50	39.50	39.50	39.50	42.00	44 00
2x8	33 50	39 50	39 50	39 50	39 50	39 50	43.00	45 00
2x10	34 00	40.50	41.50	41.50	41 50	41 50	43.50	45 50
2x12	34 00	40 50	41 50	41 50	41 50	41 50	43.50	45 50
NO 3 PIECE STUFF								
2x3 & 2x4	$30 50	$38.00	$37 00	$37 00	$37 00	$38.00	$40 00	$42.00
2x6	30 50	36.00	36.00	36.00	36.00	36.00	39 00	41 00
2x8	30 50	37.00	37 00	37 00	37.00	37 00	40 00	42.00
2x10	30 50	37 00	37 00	37.00	37 00	37 00	41 00	43.00
2x12	30 50	37 00	37 00	37 00	37 00	37 00	41 00	43 00

TABLE 2—Continued

NO 3 & BETTER PIECE STUFF

Thickness and width	Length							
	6	8	10	12'	14	16	18 & 20	22 & 24
2 x 4 & wider 4 long								$28 00
2' x 4' & wider 6 long								30 00
NO 4 PIECE STUFF								
2' x 3' & 2' x 4	$27 00	$31 00	$29 00	$29 00	$29 00	$30 00		
2' x 6	26 50	27 50	27 50	27 50	27 50	28 50		
2" x 8	27 00	29 00	29 00	29 00	29 00	30 00		
2' x 10"	27 00	29 00	29 00	29 00	29 00	30 00		
2' x 12'	27 00	29 00	29 00	29 00	29 00	30 00		
2' x 4" & wider 4' long								$ 1 00
NO 5 PIECE STUFF								
2' x 4 & wider 4 & longer								$23 00

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 3

For working:

1 Crosscutting, one cut add $1 00 Each additional cut add $1 00

2 Ripping, one cut add $1 00 Each additional cut add $1 00

3 Resawing one cut add $1 00 Each additional cut add $1 00

4. S2S and resawing one cut add $3 00 Each additional cut add $1.00.

5 S1S, S2S, S1E S2E add $2 00

6 S1S1E S2S1E S1S2E S4S D+M shiplap add $3 00

7. Log siding silo staves well curbing add $0.50.

8 Drop siding ceiling, fancy shiplap grooved roofing or partition add $4 50

9 Bundling add $1 00

For length:

10 7 ft lengths: to 14 ft price add $1.00

11 9 ft. lengths: price as 18 ft lengths.

12 Odd or fractional lengths not otherwise listed: Price as and compute footage on next longer standard length

13 Lengths longer than listed: For each 2 ft or fraction thereof over longest length listed to the price of the longest listed length add $2 00

For width:

14 Widths wider than listed: For each 2 in or fraction thereof over 12 in to the 12 in price add $2 00

15 Odd or fractional widths: Price as and compute footage on next wider standard width.

16 2 x 2 : To the price of 2 x 4 of the same length and grade add $1 00

For thickness:

17 Dimension surfaced to 1 9/16 , hit or miss: From the S4S price deduct $3 00

For grade:

18 Special construction grade: to the price of No 3 piece stuff of the same width and length add $2 00

19 No 2 and better: Price as merchantable of the same width and length

NOTE—For random lengths use 14 ft price

TABLE 3—HEMLOCK PLANK AND TIMBERS: ROUGH

MERCHANTABLE

Thickness and width	Length			
	10	12' to 16	18 & 20	22' 24
3 x 6	$39 00	$36.00	$41 00	$43 00
3 x 8	39 00	36.00	41 00	43 00
3 x 10	41 00	38 00	43 00	45 00
3 x 12	42.00	39 00	44 00	46 00
4 x 4	39 00	36.00	41 00	43 00
4 x 6	39 00	36.00	41 00	43 00
4 x 8	40 00	37 00	42.00	44 00
4 x 10	41.00	38.00	43 00	45 00
4 x 12	42.00	39 00	44 00	46 00
6 x 6	40 00	37.00	42.00	44 00
6 x 8	40 00	37 00	42.00	44 00
6' x 10	41 00	38.00	43 00	45 00
6 x 12	42.00	39 00	44 00	46 00
8 x 8	40 00	37 00	42.00	44 00
8 x 10	41.00	38.00	43 00	45 00
8 x 12	42.00	39 00	44 00	46 00
10 x 10	41 00	38.00	43 00	45 00
10 x 12	42.00	39 00	44 00	46 00
12 x 12	42.00	39 00	44 00	46 00

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 3

For working:

1. Crosscutting, one cut add $1.00. Each additional cut add $1.00.
2. Ripping, one cut add $1.00. Each additional cut add $1.00.
3. S1S, S2S, S1E, S2E, 3 in. thicknesses in all widths add $2.50.
4. S1S, S2S, S1E, S2E, 4 in. & thicker in widths up to and including 8 in. add $2.50.
5. S1S, S2S, S1E, S2E, 4 in. & thicker in widths greater than 8 in. add $3.00.
6. S1S1E, S2S1E, S2E1S, S4S, 3 in. thicknesses in all widths add $3.50.
7. S1S1E, S2S1E, S2E1S, S4S, 4 in. and thicker in widths up to and including 8 in. add $3.50.
8. S1S1E, S2S1E, S2E1S, 4 in. and thicker in widths greater than 8 in. add $4.00.
9. D & M or shiplap, 3 in. thicknesses, all widths add $4.00.
10. S4S, D & M, or shiplap 4 in. and thicker in widths up to and including 8 in. add $4.00.
11. S4S, D & M, or shiplap 4 in. and thicker in widths greater than 8 in. add $4.50.

For length:

12. Odd or fractional lengths: Price as and compute footage on next longer standard length.
13. Lengths longer than listed: For each 2 ft. or fraction thereof over 24 ft. to the 24 ft. price add $2.00.

For width:

14. Odd or fractional widths: Compute footage and price as next wider standard width.
15. For widths wider than listed: For each 2 in. or fraction thereof over 12 in. add $2.00.

For thickness:

16. 2½ in. thick: Compute footage as 2½ in. and price as 3 in.
17. Thicknesses greater than listed: For each 2 in. or fraction thereof over 12 in. add $2.00.

For grade:

18. No. 1. To the merchantable price of the same thickness width and length add $3.00.
19. No. 2: From the merchantable price of the same thickness and length deduct $2.00.

TABLE 4—HEMLOCK LATH

PATENT SHEATHING LATH

Worked from	No. 1	Merchantable	No. 2	No. 3
4'' '' & longer mixed, bundled	$45.50	$44.50	$43.50	$42.50
6'' '' & longer mixed, bundled	46.50	45.00	44.00	42.00

Lath (maximum prices per 1,000 pcs.)	
48'' No. 1	6.15
48'' No. 2	5.40
48'' No. 1 Snow Fence ½ x 1½	9.00
48'' No. 3	4.40
32'' Merchantable	3.35

TABLE 5—ESTIMATED AVERAGE WEIGHTS FOR HEMLOCK LUMBER

	Lbs. per MBM
1 in. thick; rough, S1E, S2E	2,500
1 in. thick; S1S, S2S, S1S1E, S2S1E, S1S2E, S2S & resawn	2,000
1 in. thick; S4S, S2S & M, S2S & resawn 2 cuts, fancy shiplap, shiplap, log siding, grooved roofing, partition, ceiling, drop siding	1,800
1 in. thick; resaw 1 cut rough	2,300
1 in. thick; resaw 2 cuts rough	2,100

TABLE 5—ESTIMATED AVERAGE WEIGHTS FOR HEMLOCK LUMBER—Continued

	Lbs. per MBM
5/4, 6/4, 8/4 thicknesses; rough, S1E or S2E	2,500
5/4, 6/4, 8/4 thicknesses; S1S1E, S1S, S2S, S2S1E	2,200
5/4, 6/4, 8/4 thicknesses; S4S, D & M, S2S & M, shiplap, log siding, silo staves, well curbing, S2S & resaw	2,000
5/4, 6/4, 8/4 thicknesses; resaw 1 cut, rough	2,300
5/4, 6/4, 8/4 thicknesses; resaw 2 cuts, rough	2,100
5/4, 6/4, 8/4 thicknesses; S2S and resawn	2,000
10/4, 12/4 thicknesses; rough, S1E, S2E	3,000
10/4, 12/4 thicknesses; and 4 x 4 to 8 x 8, S1S1E, S1S, S2S, S2S1E	2,700
10/4, 12/4 thicknesses; and 4 x 4 to 8 x 8, S4S, D & M, shiplap	2,500
4 x 10 to 12 x 12, rough, S1E, S2E	3,500
4 x 10 to 12 x 12, S1S1E, S2S1E, S1S2E, S1S, S2S	3,200
4 x 10 to 12 x 12, S4S, SL, D & M	3,000
4 x 4 to 8 x 8, rough	3,000
Sheathing lath	1,500

	Lbs. per M pieces
Lath—48 in	500
Lath—32 in	350
Lath—Snow Fence 48''	700

ARTICLE VI—APPENDIX B: PINES, WHITE CEDAR, EASTERN SPRUCE, AND ASPEN

The maximum prices f. o. b. mill per one thousand feet board measure of Northern white pine, Norway pine, Jack pine, Northern white cedar, Eastern spruce, or Aspen lumber shipped from mills located in Wisconsin, Michigan and Minnesota and the maximum prices f. o. b. Baudette, Minnesota, for such lumber shipped from mills located in Saskatchewan and Manitoba, and the maximum prices f. o. b. Ranier, Minnesota, for such lumber shipped from mills located in that part of the province of Ontario, west of the 85th meridian shall be as follows:

TABLE 6—NORTHERN WHITE PINE SELECTS

ROUGH

6' to 16' lengths	"B" and better	"C"	"D"
1 x 4''	$90.00	$80.00	$65.00
1 x 5''	103.00	93.00	82.00
1 x 6''	95.00	85.00	67.00
1 x 8''	95.00	85.00	67.00
1 x 10''	103.00	93.00	82.00
1 x 12''	135.00	125.00	105.00
1 x 13'' & wider	140.00	130.00	110.00
1 x 6'' & wider	102.00	92.00	73.00
1 x 8'' & wider	107.00	97.00	78.00
5/4 & 6/4 x 4''	128.50	113.50	88.50
5/4 & 6/4 x 5''	138.50	123.50	103.50
5/4 & 6/4 x 6''	128.50	113.50	88.50
5/4 & 6/4 x 8''	133.50	118.50	98.50
5/4 & 6/4 x 10''	138.50	123.50	103.50
5/4 & 6/4 x 12''	148.50	133.50	113.50
5/4 & 6/4 x 13'' & wider	153.50	138.50	113.50
5/4 & 6/4 x 6'' & wider	133.50	118.50	93.50
5/4 & 6/4 x 8'' & wider	138.50	123.50	103.50
8/4 x 4''	133.50	118.50	93.50
8/4 x 5''	143.50	128.50	108.50
8/4 x 6''	133.50	118.50	93.50
8/4 x 8''	138.50	123.50	103.50
8/4 x 10''	143.50	128.50	108.50
8/4 x 12''	153.50	138.50	118.50
8/4 x 13'' & wider	158.50	143.50	118.50
8/4 x 6'' & wider	138.50	123.50	98.50
8/4 x 8'' & wider	143.50	128.50	108.50
10/4 & 12/4 x 8'' & wider	186.50	171.50	136.50
16/4 x 8'' & wider	206.50	191.50	146.50

TABLE 6—NORTHERN WHITE PINE SELECTS—Continued

ROUGH—continued

4' to 6' lengths	"D" and better
4/4 x 4'' and wider	$53.00
5/4 and 6/4 x 4'' and wider	70.00
8/4 x 4'' and wider	75.00

4' to 8' lengths (25% 8')	"D" and better	"C" and better
4/4 x 4'' and wider	$57.00	$66.00
5/4 and 6/4 x 4'' and wider	74.00	83.00
8/4 x 4'' and wider	79.00	88.00

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 6

For working: see rules at the end of this appendix.

For length:

1. 8' to 14' specified lengths in widths of 4'' 6'' and 8''' no addition.
2. 8' to 14' specified lengths in widths of 10'' or wider; add $5.00.
3. 16' lengths in widths of 4'' 6'' and 8''' add $5.00.
4. 16' lengths in widths of 10'' and wider; no addition.

For conditions:

5. Stained; deduct $5.00.

For other additions and deductions see rules at the end of this appendix.

TABLE 7—NORTHERN WHITE PINE BEVEL AND BUNGALOW SIDING

Width and thickness	"B" and better	"C" and better	"C"	"D"	"E"
½ x 4''	$45.50	$44.00	$42.50	$32.50	$24.50
½ x 6''	50.50	49.50	48.50	38.50	31.50
½ x 8''	54.50	52.50	51.50	42.50	30.50
¾ x 8''	84.00	.....	77.00	65.00	.....
¾ x 10''	97.00	.....	84.00	70.00	.....
¾ x 12''	101.00	.....	88.00	.....	.....

TABLE 8—NORTHERN WHITE PINE MOULDINGS

Maximum prices shall be the prices listed in the 4th edition of the 8000 series of the Standard Moulding Book published by Shattock and McKay Company of Chicago, Illinois, revised on March 1, 1940, less the following discounts:

Where list price is less than $2.00: 30% discount.

Where list price is $2.00 or more: 25% discount.

TABLE 9—NORTHERN WHITE PINE SHOP

ROUGH

Thickness	No. 1	No. 2	No. 3
	6'' & wider; 8' & longer	6'' & wider; 8' & longer	4'' & wider; 4' & longer
4/4 rough	$74.00	.....	.....
5/4 rough	96.50	$69.50	$53.50
6/4 rough	96.50	73.50	53.50
8/4 rough	101.50	78.50	58.50
10/4 rough	136.50	108.50	58.50
12/4 rough	136.50	108.50	58.50
16/4 rough	146.50	134.50	75.50

SHOP COMMON

Thickness	No. 1	No. 2
	6'' & wider; 8' to 16'	8'' & wider; 8' to 16'
4/4 rough	$52.00	$57.00

TABLE 10—NORTHERN WHITE PINE THICK COMMON: ROUGH

5/4, 6/4, AND 8/4 THICKNESSES; 8' TO 16' LENGTHS

	4"	6"	8"	10"	12"	15" & wider	6" & wider
No. 1 Common	$73.50	$71.50	$71.50	$84.50	$105.50	$110.50	$82.50
No. 2 Common	67.50	65.50	65.50	67.50	74.50	84.50	67.50
No. 3 Common	52.50	53.50	53.50	54.50	55.50	57.50	53.50

No. 1, 2, & 3 common—4' to 6' lengths—48.50

13/4 AND 13/4 THICKNESSES; 8' TO 16' LENGTHS

	4"	6"	8"	10"	12"	6" & wider	8" & wider
No. 1 Common	$85.50	$85.50	$85.50	$90.50	$114.50	$95.50	$91.50
No. 2 Common	67.50	67.50	67.50	70.50	73.50	67.50	70.50
No. 3 Common	53.50	53.50	53.50	54.50	57.50	52.50	54.50

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 10

For length:

1. Specified lengths 8' to 14' add $5.00.
2. Specified lengths 16' add $2.00.

TABLE 11—NORTHERN WHITE PINE LATH

(Maximum Prices per 1,000 Pieces)

	Length	Price
No. 1	4'	$7.25
No. 1	32"	4.00
No. 2	4'	6.75
Merchantable	32"	3.75
No. 3 (mixed woods)	4'	5.25
No. 1 Snow Fence (White pine or spruce) ½ x 1½	4'	9.50
No. 1 Snow Fence (Mixed woods) ½ x 1½	4'	9.00

TABLE 12—NORTHERN WHITE PINE BOARDS

ROUGH

(For Norway pine see notes 1, 2, 3 and 4. For Jack pine see notes 5, 6 and 7)

NO. 1 COMMON

Thickness and width	6'	8'	10'	12'	14'	16'	6' to 16'
1 x 4" rough	$51.00	$63.00	$63.00	$63.00	$63.00	$65.00	$63.00
1 x 6" rough	51.00	61.00	61.00	61.00	61.00	63.00	61.00
1 x 8" rough	51.00	61.00	63.00	63.00	61.00	61.00	61.00
1 x 10" rough	61.00	71.00	73.00	73.00	71.00	71.00	71.00
1 x 12" rough	86.00	92.00	94.00	94.00	92.00	92.00	92.00
1 x 13" & wider rough	91.00	97.00	99.00	99.00	97.00	97.00	97.00

NO. 2 COMMON

1 x 4" rough	$49.00	$60.00	$60.00	$60.00	$60.00	$62.00	$60.00
1 x 6" rough	49.00	56.00	56.00	58.00	56.00	58.00	56.00
1 x 8" rough	49.00	56.00	58.00	58.00	56.00	56.00	56.00
1 x 10" rough	55.00	59.00	61.00	61.00	59.00	59.00	59.00
1 x 12" rough	61.00	66.00	68.00	68.00	66.00	66.00	66.00
1 x 13" & wider, rough	65.00	70.00	72.00	72.00	70.00	70.00	70.00

NO. 3 COMMON

1 x 4" rough	$40.00	$47.00	$47.00	$47.00	$47.00	$49.00	$47.00
1 x 6" rough	42.00	50.00	50.00	50.00	50.00	52.00	50.00
1 x 8" rough	43.00	50.00	52.00	52.00	50.00	50.00	50.00
1 x 10" rough	43.50	50.50	52.50	52.50	50.50	50.50	50.50
1 x 12" rough	47.00	52.00	54.00	54.00	52.00	52.00	52.00
1 x 13" & wider, rough	48.00	53.00	55.00	55.00	53.00	53.00	53.00

No. 3 Common & Better—(*No. 1, No. 2 and No. 3 Common*) (*not over 50% No. 3 Common*).

	4' to 6' Lengths
Random widths	$45.50

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 12

For Norway:

1. No. 1 Common: Price as No. 1 Common White pine.
2. No. 2 Common: From the price of No. 2 Common White pine deduct $2.00.

For Norway—Continued.

3. No. 3 Common: From the price of No. 3 Common White pine deduct $1.00.
4. No. 3 Common and Better, 4' to 6' lengths: From the price of No. 3 Common and Better White pine deduct $1.00.

For jack pine:

5. No. 1 Common: From the price of No. 1 Common White pine deduct $2.00.
6. No. 2 Common: From the price of No. 2 Common White Pine deduct $3.00.
7. No. 3 Common: From the price of No. 3 Common White Pine deduct $3.00.

For working: See rules at the end of this appendix.

For length:

8. 18' and 20' lengths in widths of 4" and 6" price as 16 ft. lengths.
9. 18' and 20' lengths in widths of 8" 10" & 12" to the 16 ft. price add $2.00.

For thickness:

10. 5/4 and 6/4 Norway; to the price of 4/4" add $4.00.

For selection:

11. 1" x 6" fence or gate boards; to the price of the same species, grade, and length add $2.00.
12. 1" x 5" fence or gate boards; to the price of 1" x 10" boards in same species, grade and length add $1.00.

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 13

For length:

1. Specified lengths 10' and longer, in 4/4 thickness; add $1.00.
2. Specified lengths 10' and longer, in 5/4, 6/4 and 8/4 thicknesses; add $2.00.
3. All 8 ft. and shorter; deduct $2.00.
4. 4 ft. and longer No. 4 and No. 5 Common; deduct $1.00.
5. 10 ft. and longer No. 4 and 5 Common; add $1.00.
6. All 100 in. scaled 8 ft.; deduct $1.00.

For width:

7. Specified widths, in 5/4, 6/4, and 8/4 thicknesses; add $3.00.

For selection:

8. Barky crating strips; to the price of No. 5 Common add $2.00.
9. All White Pine No. 4 and No. 5 Common; add $1.00.

For grade:

10. Jack Pine No. 4 Common and better: (60% No. 3 Common) to the price of No. 4 Common add $3.00.

TABLE 13—MIXED NORTHERN SOFTWOODS: COMMON BOARDS (WHITE PINE, NORWAY PINE, EASTERN SPRUCE AND JACK PINE)

BOX OR CRATING—ROUGH

	No. 4 Common	No. 5 Common
6' and longer:		
1 x 4"	$41.00	$33.00
1 x 6"	42.00	34.00
1 x 8"	43.00	35.00
1 x 10"	43.00	35.00
1 x 12"	43.00	35.00
1 x 12" and wider	44.00	37.00
1 x 4" and wider	42.00	35.00
1 x 6" and wider	42.50	35.50
5/4, 6/4 and 8/4 x 4" and wider	43.50	36.50
4' and longer:		No. 6 Common
1 x 4" and wider	----------	$21.00
1 x 6" and wider	----------	22.00

TABLE 14—NORTHERN PINE THIN BOARDS (S1S, S2S, S4S, OR SHIPLAP; HIT OR MISS TO 13/16")

8 to 16' lengths	No. 2 common	No. 3 common	No. 4 common (mixed softwoods)
13/16 x 6" to 12"	$50.00	$42.00	$35.00

TABLE 15—MIXED NORTHERN SOFTWOODS DIMENSION (WHITE PINE, NORWAY PINE, EASTERN SPRUCE AND JACK PINE)

ROUGH NO. 1

Thickness and width	Length							
	6'	8'	10'	12'	14'	16'	18 to 20'	22 to 24'
2 x 4"	$38.50	$46.00	$45.00	$45.00	$45.00	$46.00	$49.00	$51.00
2 x 6"	37.50	44.00	44.00	44.00	44.00	44.00	49.00	51.00
2 x 8"	38.50	45.00	45.00	45.00	45.00	45.00	49.00	51.00
2 x 10"	39.50	48.00	48.00	48.00	48.00	48.00	51.00	53.00
2 x 12"	40.50	49.00	49.00	49.00	49.00	49.00	51.00	53.00

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 15

For length:

1. Random lengths 8' to 16' price as 14' lengths.

For thickness:

2. Dimension surfaced to 1 9/16" hit or miss; from the price of the same size, species, and grade S4S deduct $3.00.

For grade:

3. Select Common; to the price of No. 1 Common add $5.00.
4. Merchantable; from the price of No. 1 Common deduct $1.00.
5. No. 2; from the price of No. 1 Common deduct $2.00.
6. No. 3; from the price of No. 1 Common deduct $6.00.

For selection:

7. All White pine; to the price of the same grade and size add $5.00.
8. All Norway pine; to the price of the same grade and size add $1.50.

For other additions and deductions see the rules at the end of this appendix.

TABLE 16—MIXED NORTHERN SOFTWOODS PLANK AND TIMBER (NORWAY PINE, EASTERN SPRUCE, AND JACK PINE)

ROUGH NO. 1

Thickness and width	Length	
	10' to 16'	18' to 24'
3 x 6 and 8"	$39.00	$41.00
3 x 10"	40.00	42.00
3 x 12"	40.00	42.00
4 x 4" to 8 x 8"	39.00	41.00
4 x 10" to 10 x 10"	41.00	43.00
4 x 12" to 12 x 12"	41.00	44.00
3 x 14" and larger	42.00	45.00

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 16

For grade:

1. Select Common; add $6.00.

For thickness:

2. 2½" thick; compute footage as 2½" and price as 3"

For selection:

3. All Norway; add $3.00.

TABLE 17—NORWAY PINE SELECTS: ROUGH

	"C" and better	"D"
10' to 20' lengths:		
1 x 4"	$66.00	$57.00
1 x 5"	79.00	66.00
1 x 6"	71.00	59.00
1 x 8"	71.00	61.00
1 x 10"	79.00	66.00
1 x 12"	87.00	81.00
1 x 4" & wider	72.00	64.00
10' to 16' lengths:		
5/4 x 4" & wider	78.50	64.50
6/4 x 4" & wider	80.50	64.50
8/4 x 4" & wider	77.50	66.50
18' to 21' lengths:		
5/4 x 4" & wider	83.50	64.50
6/4 x 4" & wider	85.50	64.50
8/4 x 4" & wider	82.50	66.50

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 17

For length:

1. Specified lengths, to the price of the same grade add $5.00.
2. 6 ft. and 8 ft. lengths, 1 x 4 and wider, D & better; from the price of 10 ft. to 20 ft. deduct $5.00.
3. 4 ft. lengths, 1 x 3 and wider, D & better; from the price of 10 ft. to 20 ft. deduct $15.00.

For width:

4. Specified widths (5/4 and thicker) to price of the same grade add $5.00.

For condition:

5. Stained; from the price of the same size deduct $5.00.

TABLE 18—NORWAY PINE BEVEL SIDING

	C and better
½ x 4"	$34.50
½ x 6"	41.50

TABLE 19—EASTERN SPRUCE BOARDS

6' to 16' lengths (rough)	*No. 3 common and better*
1 x 4"	$48.00
1 x 6"	51.00
1 x 8"	51.00
1 x 10"	52.00
1 x 12"	60.00
4" & wider	47.00

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 19

For length:

1. Specified lengths; to the price of the same size add $2.00.

For thickness:

2. 5/4, 6/4 and 8/4; to the price of the same size add $4.00.

For grade:

3. No. 2 common and better; to the price of No. 3 common and better add $2.00.
4. No. 3 common; from the price of No. 3 common & better deduct $2.00.

NOTE.—Barky crating strips; see table 13.

TABLE 20—WHITE CEDAR BOARDS: ROUGH

1 x 4" & wider—8' & longer:	
Shop and better	$128.00
No. 4 boards	38.00
No. 5 boards	31.00

TABLE 21—WHITE CEDAR SHINGLES (PRICES PER SQUARE)

Extra "A"	$4.55
Standard	4.00
Sound butt	3.35
Culls	1.15

TABLE 22—ASPEN: ROUGH

	No. 4 and better	No. 5
¼, 5/4, and 6/4 x 3 and wider random length	$40.00	$30.00
8/4 x 3 and wider random length	39.00	29.00

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES OF TABLE 22

For working: See rules at the end of this appendix.

For length:

1. All 8 ft. and shorter; deduct $2.00.
2. All 100 in. scaled 8 ft., deduct $1.00.

ADDITIONS AND DEDUCTIONS PER MBM TO THE TABLES OF THIS APPENDIX FOR WORKING, SIZE, CONDITION AND SELECTION, FOR WHICH NO PRICE IS OTHERWISE PROVIDED

	4/4 to 8/4	10/4 to 12/4	Thicker
For working:			
1. Cross cutting, per cut, add	$1.00	$1.00	$1.00
2. Ripping, per cut, add	1.00	1.00	1.00
3. Resaw, 1 cut rough, add	1.00	1.00	1.00
4. Resaw, 2 cuts rough, add	2.00	2.00	2.00
5. S2S and resaw, add	3.00	.....	.....
6. S2S and resaw 2 cuts, add	4.00	.....	.....
7. S1E, S2E, add	2.00	2.00	2.50
8. S1S, S2S, add	2.00	2.50	2.50
9. S1S1E, S2S1E, S1S2E, add	1.50	4.00	4.00
10. S4S, add	3.00	4.50	4.50
11. Shiplap, D & M, S2S & M, add	3.00	5.00	5.00
12. Log siding, add	.50	0.50	0.50
13. Drop siding, ceiling, partition, grooved roofing, fancy shiplap, add	3.50	3.50	3.50
14. Silo staves, add	6.50	.....	.....
15. Well curbing, add	0.50	0.50	.....
16. Casing, jambs, pulley stiles, base, sillstock, add	0.50	0.50	.....
17. Bundling, add	1.00	1.00	1.00

For length:

18. Lengths longer than listed; for each 2 ft. or fraction thereof over longest length listed, to the price of the longest listed length add $2.00.
19. Odd or fractional lengths not listed; price and compute footage as next longer standard length.

For width:

20. Widths narrower than listed: To the price of the width from which it is ripped, add the ripping charge.
21. Odd or fractional widths not listed: Price and compute footage on next wider standard width.
22. Widths wider than listed: For each 2" or fraction thereof over the widest width listed add $2.00.

For kiln drying:

23. Kiln drying the lumber to a moisture content not exceeding 7% as of the time the lumber leaves the kiln.

½" 5/8" and ¾" thicknesses, add	$5.00
1" thick, add	6.00
1¼" thick, add	7.00
1½" thick, add	8.00
2" thick, add	9.00
2½" thick, add	11.00
3" thick, add	13.00

24. Inspecting, grading and measuring after kiln drying to a moisture content not exceeding 7%. Add 5% of the f. o. b. mill price of the lumber in a rough air dried condition. (This addition may be made only when the seller performs all three of these services at the request of the purchaser, after kiln drying).

TABLE 23—ESTIMATED AVERAGE WEIGHTS

LBS. PER MBM

	Thickness	White pine	Spruce	Norway and mixed softwoods	White cedar	Jack pine	Aspen
Rough	4/4	2,400	2,400	2,600	2,200	2,600	2,800
	5/4 to 8/4	2,600	2,600	2,000		2,000	3,000
	10/4 & thicker	2,600	3,000	3,200		3,200	3,000
S1E, S2E	4/4	2,400	2,400	2,600	2,200	2,600	2,800
	5/4 to 8/4	2,500	2,500	2,000		2,000	3,000
	10/4 & thicker	2,500	3,000	3,200		3,200	3,000
S1S, S2S, S3S	4/4	1,800	1,900	2,000	1,000	2,000	2,300
	5/4 to 8/4	2,200	2,200	2,200		2,200	2,500
	10/4 & thicker	2,200	2,400	2,700		2,700	2,500
S4S, D & M, S & SL, logsiding, dropsiding, ceiling, silo staves, well curbing, partition, gr. roofing, fancy S. L.	4/4	1,800	1,800	1,900		1,900	2,200
	5/4 to 8/4	2,000	1,900	2,100		2,100	
	10/4 & thicker	2,000	2,400	2,700		2,700	
Resawn 1 cut rough	4/4	2,200	2,200	2,300	2,000	2,300	2,600
	5/4 to 8/4	2,300	2,300	2,400		2,400	2,800
	10/4 & thicker	2,800	2,800	3,000			
Resawn 2 cuts rough	4/4	2,000	2,000	2,100	1,800	2,100	2,400
	5/4 to 8/4	2,100	2,100	2,200		2,200	2,600
	10/4 & thicker	2,100	2,600	2,800		2,800	2,600
S2S & resawn 1 cut	4/4	1,800	1,800	2,000	1,600	2,000	2,100
	5/4 to 8/4	2,000	2,000	2,100		2,100	2,300
	10/4 & thicker						
S2S & resawn 2 cuts	4/4	1,700	1,700	1,800	1,600	1,800	1,900
	5/4 to 8/4	1,800	1,800	1,900		1,900	2,100
	10/4 & thicker						
Bevel siding	3/4	1,100		1,120			
Bevel siding	1/2	800		850			
		Lbs. per M pcs.					
Lath 48 inches		500					
Lath 32 inches		350					
Snow Fence Lath 4'		700					
		Lbs. per square					
Shingles					180		

ARTICLE VII—APPENDIX C: CANADIAN WESTERN WHITE SPRUCE

The maximum prices f. o. b. Spokane, Washington, per one thousand feet board measure of imported Western white spruce lumber shipped from mills located in British Columbia, and Alberta, and the maximum prices f. o. b. Baudette, Minnesota, for such lumber shipped from mills located in Saskatchewan and Manitoba shall be as follows:

TABLE 24—WESTERN WHITE SPRUCE SELECTS AND BOARDS: ROUGH

Thickness and width	Length	"D" and better	No. 2 common	No. 3 common	No. 4 common	No. 5 common
1 x 4"	6' to 16'	$48.75	$37.75	$34.75	$23.75	$23.75
1 x 6"	6' to 16'	51.75	39.75	37.75	31.75	23.75
1 x 8"	6' to 16'	54.75	39.75	37.75	31.75	23.75
1 x 10"	6' to 16'	57.75	40.75	37.75	31.75	23.75
1 x 12"	6' to 16'	74.75	48.25	38.75	32.75	23.75
1 x 4" and wider R/L					31.00	23.25
1 x 6" and wider R/L					31.75	23.75

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 24 SHIPPED FROM MILLS LOCATED IN BRITISH COLUMBIA AND ALBERTA

For length:

1. R. L. 8 ft. to 16 ft., D & better; to the price of the same size add $2.00.
2. R. L. 8 ft. to 16 ft., No. 2 & No. 3 Common; no addition.
3. R. L. 8 ft. to 16 ft., No. 4 & No. 5 Common; to the price of the same size add $1.00.
4. Specified length 8 ft. to 16 ft. D & better; to the price of the same size add $3.00.
5. Specified length 8 ft. to 16 ft. No. 2 & No. 3 Common; to the price of the same size add $1.00.
6. Specified length 8 ft. to 16 ft. No. 4 & No. 5 Common; to the price of the same size add $2.00.
7. Specified length 18 ft. to 20 ft. D & better; to the price of the same size add $5.00.
8. Specified length 18 ft. to 20 ft. No. 2 Common; to the price of the same size add $3.00.
9. Specified length 18 ft. to 20 ft. No. 3, No. 4, No. 5 Common; to the price of the same size add $2.00.

For length—Continued.

10. R. L. 10 ft. & longer No. 2 & No. 3 Common; to the price of the same size add $1.00.
11. R. L. 10 ft. & longer D & better; to the price of the same size add $2.00.
12. R. L. 10 ft. & longer No. 4 & No. 5 Common; to the price of the same size add $1.00.
13. All 6 ft. lengths D & better; from the price of the same size deduct $5.00.
14. All 6 ft. lengths No. 1 to No. 5 Common; from the price of the same size and grade deduct $1.50.

For thickness:

15. 5/4, 6/4 thickness; to the price of the same width and length add $4.00.
16. 6/4 heavy cut; to the price of the same width and length add $5.75.

For grade:

17. No. 4 and better (35% to be No. 3 and Better); to the price of No. 4 add $2.00.
18. Barky crating strips; to the price of No. 5 Common add $2.00.

The following applies to Western White Spruce Selects and boards—rough shipped from mills located in Manitoba and Saskatchewan:

19. To the prices for sizes, grades, and items in table 24 add $9.00.
20. Length additions and deductions shall be those above (rules 1 to 14).
21. 5/4 and 6/4 thickness; to the price of 4/4 of the same width and length add $5.00.
22. 6/4 heavy cut; to the price of 4/4 of the same width, length and grade add $6.25.
23. No. 4 and better (35% to be No. 3 and better) to the price of 4/4 No. 4 of the same width, length and grade add $2.00.
24. Barky crating strips; to the price of No. 5 Common add $2.00.
25. Snow Fence lath may be priced in accordance with table 11.

TABLE 25—WESTERN WHITE SPRUCE DIMENSION: ROUGH

NO. 1

Thickness and width (rough)	Length					
	6'	8'	10'-12'-14'	16'	18'-20'	22'-24'
2 x 4"	$29.75	$34.25	$33.25	$34.25	$37.25	$39.25
2 x 6"	29.75	32.25	32.25	33.75	37.25	39.25
2 x 8"	29.75	33.25	33.25	33.25	37.25	39.25
2 x 10"	27.75	36.25	36.25	36.25	39.25	41.25
2 x 12"	29.75	37.25	37.25	37.25	39.25	41.25

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 25 SHIPPED FROM MILLS LOCATED IN BRITISH COLUMBIA AND ALBERTA

For length:

1. Random length 8 to 16 ft.; price as 14 ft. lengths.

For thickness:

2. Dimension dressed to 1 9/16" hit or miss; from the price of the same width and length S4S deduct $3.00.
3. Dimension dressed ¼" scant; to the price of the same width and length add $2.00.

For grade:

4. Select common, 4" 6" & 8" widths; to the price of the same length add $6.00.
5. Select common, 10" & 12" widths; to the price of the same length add $7.00.
6. No. 2 common & better (35% No. 1); from the price of No. 1 of the same width & length deduct $2.00.
7. No. 2, 4" 6" & 8" widths; from the price of No. 1 of the same length deduct $3.00.
8. No. 2, 10" & 12" widths; from the price of No. 1 of the same length deduct $4.00.
9. No. 3; from the price of No. 1 of the same width and length deduct $7.00.

The following applies to western white spruce dimension shipped from mills located in Manitoba and Saskatchewan

10. To the prices in Table 25 add $10.00.
11. Lengths, thickness, and grade additions and deductions shall be those above (rules 1 to 9 inclusive).

TABLE 26—WESTERN WHITE SPRUCE PLANK AND TIMBERS: ROUGH

NO. 1

Thickness and width	Length	
	8 to 16'	18 to 24'
3 x 6 and 8"	$25.00	$27.00
3 x 10"	26.00	28.00
3 x 12"	28.00	28.00
4 x 4" to 8 x 8"	25.00	27.00
4 x 10" to 10 x 10"	27.00	28.00
4 x 12" to 12 x 12"	27.00	30.00
3 x 14" and larger	28.00	31.00

ADDITIONS AND DEDUCTIONS PER MBM TO THE PRICES IN TABLE 26 SHIPPED FROM MILLS LOCATED IN BRITISH COLUMBIA AND ALBERTA

For thickness:

1 2½ thick: Compute footage as 2½ and price as 3 '

For grade:

2 Select common: To the price of No 1 add $6 00

The following applies to western white spruce plank and timbers shipped from mills located in Manitoba and Saskatchewan

3 To the prices for sizes grades and items in table 26 add $11 00

4 Thickness and grade deductions shall be those above (Rules 1 and 2)

ADDITIONS AND DEDUCTIONS PER MBM TO THE TABLES OF THIS APPENDIX FOR WORKING CONDITION AND SELECTION FOR WHICH NO PRICE IS OTHERWISE PROVIDED

	4/4	5/4 to 8/4	10/4 and thicker
For working:			
1 Crosscutting, per cut; add	$1 00	$1 00	$1 00
2 Ripping, per cut; add	1 00	1 00	1 00
3 Resawing rough 1 cut; add	1 00	1 00	1 00
4 Resawing rough, 2 cuts; add	2.00	2.00	2.00
5 S2S and resawing 1 cut; add	3 50	3 50	3 50
6 S2S and resawing, 2 cuts; add	4 50	4 50	4 50
7 Resawing and S2S; add	4 50	4 50	4 50
8 S1E, S2E S1S S2S; add	2 50	2.50	2.50
9 S3S; add	3 00	3 00	4 00
10 S4S; add	3 00	3 00	4 50
11 D & M, D & S L.; add	3 00	4 50	4 50
12 Logsiding, standard casing jambs pulley stiles sillstock base and similar patterns; add	6.50	6 50	6.50
13 Dropsiding, ceiling partition grooved roofing fancy shiplap; add	3 50	--	--
14 Bundling; add	1 00	1 00	1 00

For length:

15 Lengths longer than listed; for each 2 ft or fraction thereof over longest length listed; to the price of the longest listed length add $2 00

16 Odd or fractional lengths not listed; price and compute footage as next longer standard length

For width:

17 Widths narrower than listed; to the price from which it is ripped add the ripping charge

18 Odd or fractional lengths not listed; price and compute footage on next wider standard width

19 Widths wider than listed; for each 2 inches or fraction thereof over the widest width listed add $2 00

TABLE 27—ESTIMATED WEIGHTS

Western white spruce or eastern white spruce	Lbs per MBM		
	4/4	5/4 to 8/4	10/4 & thicker
Rough	2,400	2,500	3 000
S1E S2E	2,400	2,500	3,000
S1S S2S, S3S	1 900	2,200	2,400
S4S, D & M, S & SL, Logsiding, drop siding, ceiling, partition silo staves, well curbing, grooved roofing, fancy shiplap	1,800	1,900	2,400
Resawn 1 cut rough	2,200	2,300	2,800
Resawn 2 cuts rough	2,000	2,100	2,600
S2S & resawn 1 cut	1,800	2,000	--------
S2S & resawn 2 cuts	1,700	1,800	--------

For width—Continued

20 Boards surfaced wider than standard, but not up to full nominal; to the standard surfaced price add $1 00

For thickness:

21 Dimension surfaced ¼ scant (thickness only); to standard surfaced price add $1 00.

22 Boards surfaced to 13/16 ; to standard surfaced price add $1 00

23 Boards surfaced to ⅞ hit or miss; to standard surfaced price add $1 00

This regulation shall become effective October 15 1943

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

NOTE: The mere fact that this revised regulation increases some maximum prices does not of itself allow any seller to apply the higher prices to existing uncompleted contracts without the consent of the buyer The regulation permits the making of certain adjustable pricing agreements to cover such situations Apart from that increasing prices in existing uncompleted contracts to the level of increased maximum prices in the regulation is purely a matter of agreement between buyer and seller.

Issued this 15th day of October 1943

PRENTISS M BROWN
Administrator

[F. R Doc 43-16334; Filed October 15 1943; 4:55 p m.]

PART 1382—HARDWOOD LUMBER

[MPR 223 [1] Amdt 8]

NORTHERN 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 223 is amended in the following respects:

1 Section 1382 151 (e) is revoked

2 Sections 1382 163 (b) (1) through (15) are amended to read as follows:

(1) BROWN ASH

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No 3 Common
1	$86.50	$69 00	$54 00	$41 50	$31 00
1¼	92 00	75 00	60 00	46 00	32 00
1½	98 00	80 50	63 50	49 50	32.00
2	103 50	86 50	68.00	52 00	33 50
2½	115 00				
3	126 50				
4	138 00				

(2) BASSWOOD

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3 Common
½	$63 50	$56 50	$38 00	$27 50	
⅝	73 50	64 50	43 50	32 00	
¾	83 00	73 50	49 50	35 50	--- --
1	98 00	86 50	57 50	42.50	$32.00
1¼	103 50	92 00	62.00	47 00	33 50
1½	107 00	95 50	66 50	49 50	33.50
2	112 50	101 00	79 50	50 50	33.50
2½	119 50	108 00	87 50	60 00	
3	125 50	114 00	93.00	65 50	

(3) BEECH

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common	No. 3 Common	No. 2 Common and better
½	$63 50	$53 00	$39 00				$33 50
⅝	73 50	61 00	46 00				39 00
¾	83 00	69 00	52 00	--- --	--- --	--- --	43 50
1	98 00	80 50	61 00	$43 50	$35 50	$31 00	52.00
1¼	104 50	86 50	66 50	47 00	39 00	32 00	56 50
1½	108 00	89 50	71 50	49 50	40 50	32 00	62 00
2	117 50	98 00	79 50	52 00	41 50	32 00	66 50
2½	129 00	107 00	91 00				76 00
3	146 00	130 00	106 00				89 50

(4) BIRCH

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common and sound	No. 3 Common
⅝	$99 00	$85 00	$56.50	$37 00		
¾	111 50	96 50	63 50	42.50	--- --	--- --
1	131 00	114.00	76.00	49 50	$41.50	$32.00
1¼	137 00	119 50	84.00	57 50	42.50	33.50
1½	139.00	122.00	91.00	64.50	43 50	33 50
2	141 50	130.00	102.50	70 00	45.00	33 50
2½	144.00	132.50	107.00	71.50	----------	------
3	146.00	134.50	112.50	77 00	----------	----------

Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7445 8945; 8 F.R. 121 2783 5489 5629 8945, 10939

(5) ROCK ELM

Thickness (inch)	FAS	No. 1 Common	No. 2 Common	No. 3 Common
1	$69 00	$46 00	$39 00	$30 00
1¼	75 00	54 00	41 50	31 00
1½	86 50	63 50	43 50	32 00
2	92 00	72 50	49 50	34 50
2½	103 50	84 00	57 50	38 00
3	115 00	95 50	63 50	40 50

(6) SOFT ELM

Thickness (inch)	FAS	No. 1 Common and selects	No. 2 Common	No. 3 Common
1	$69 00	$57 50	$45 00	$31 00
1¼	72 50	60 00	46 00	32 00
1½	76 00	61 00	47 00	32 00
2	78 00	64 50	48 50	33 50
2½	81 50	68 00	50 50	
3	87.50	73.50	56.50	

(7) HARD MAPLE

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common and sound	No. 3 Common
1	$107 00	$89 50	$66 50	$49 50	$34 50	$30 00
1¼	114 00	95 50	72.50	53 00	38 00	31 00
1½	117 50	99 00	77 00	55 00	39 00	32.00
2	120.50	107 00	85 00	57 50	41 50	32.00
2½	138 00	116 00	96 50			
3	155 50	139 00	111 50			
4	184 00	161 00	132.50			
Miscut 1	101 00	84 00	61 00	46 00		

(8) SOFT MAPLE

Thickness (inch)	FAS	No. 1 Common and selects	No. 2 Common	No. 3 Common
1	$81.50	$53 50	$42.50	$31 00
1¼	87 50	64 50	47 00	32.00
1½	93.50	70 00	53.00	33.50
2	101 50	76 00	54.00	34 50

(9) OAK

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common	No. 3 Common
1	$91 00	$73.50	$61 00	$45 00	$34 50	$29 00
1¼	93 00	80 50	66.50	48.50	37 00	30 00
1½	103 50	80 50	72.50	49 50	38.00	31 00
2	115.00	93.00	80 50	52.00	40 50	32.00
2½	138 00	116.00	93.00	63 50		

(10) MIXED HARDWOODS

Dunnage or No 4 Common—Lumber of any hardwood species of standard widths and lengths but poorer in quality than No. 3B Common -- $17 50

(11) 1 HARDWOOD TIE SIDES

	FAS	No. 1 Common	No. 2 Common	No. 3A Common	No. 3B Common
Birch	$98 00	$62 00	$42 50	$33 50	$27.50
Maple	92 00	57.50	41 50	30 00	25 50
Oak	69 00	50 50	38 00	29 00	25 50

For 1¼' and thicker items in each species, add to the above prices the same amounts by which the prices for these thicknesses, in standard lumber grades, exceed the prices for 1" stock in the same standard grades

(12) HARDWOOD HEARTS

Size (inch)	Length (feet)	No. 3 Common	Crossing plank and structural stock
2 x 4	6 to 16	$30 00	$35.50
2 x 5	6 to 16	31 00	35 50
2 x 6	6 to 16	30 00	35 50
2 x 8	6 to 16	30 00	35 50
2 x 5 and 1 wider	6 to 16	30 00	35.50
3 x 3	6 to 16	31 00	34 50
3 x 4	6 to 16	30 00	34 50
3 x 6	6 to 16	30 00	34 50
3 x 8	6 to 16	32.00	37.00
3 x 10	6 to 16	37 00	42.50
3 x 12	6 to 16	43.50	54 00
4 x 4	6 to 16	31 00	34 50
4 x 6	6 to 16	31 00	35 50
4 x 8	6 to 16	37 00	41.50
6 x 6	6 to 16	31 00	35 50
6 x 8	6 to 16	37 00	41 50
8 x 8	6 to 16	42.50	53.00

For all one length, 8' or longer add $2 00
For all 10' to 16' add $0 50
For all 12 to 16 add $1 00
For all 14 to 16 add $1 50

(13) HARDWOOD BLOCKING

Size (inch)	(No. 3 Common) 2'	3	4	5'	6	2 to 6 mixed lengths
2x3 2x4 2x6	$27 50	$20 00	$27 50	$27 50	$27 50	$26 50
3x3 3x4 3x6	27 50	20 00	27 50	29 00	29 00	27 50
4x4, 4x5, 4x6	27 50	20 00	27 50	29 00	29 00	27 50
6x6 6x8	30 00	31 00	30 00	30 00	30 00	29 00

(14) GRAIN AND COAL DOOR BOARDS

	6	7'
Grain door boards	$23 00	$23 00
Coal door boards	20 50	20 50

(15) HARDWOOD SQUARES

Length (inches)	1'	1¼	1½
12 to 16	$52 00	$61 00	$66 50
18 to 40	55 00	66 50	72 50
42 to 48	72 50	78 00	84 00
54 to 60	84 00	89 50	101 00

3 Sections 1382 163 (d) (1) and (2) are amended to read as follows:

(1) Kiln drying the lumber to a moisture content not exceeding 7 percent as of the time the lumber leaves the kiln

Species	½" 5/4' thick	1 thick	1¼ thick	1½ thick	2" thick	2½ thick	3' thick
Basswood, Soft Elm, Soft Maple, Ash, Beech, Birch, Rock Elm, Hard Maple, Oak	$6 50	$7 50	$8.50	$9 50	$10 50	$12.50	$14.50
Basswood, Soft Elm, Soft Maple, Ash, Beech, Birch, Rock Elm, Hard Maple, Oak	7.00	9 00	10.50	12.00	14.50	17 50	22.00

(2) Kiln drying the lumber to a moisture content greater than 7 percent but not exceeding 12 percent as of the time the lumber leaves the kiln.

Species	½ 5/4' 5/4" thick	1' thick	1¼ thick	1½ thick	2' thick	2½' thick	3' thick
Basswood, Soft Elm, Soft Maple, Ash, Beech, Birch, Rock Elm, Hard Maple, Oak	$5 50	$6.50	$7 50	$8.50	$9 00	$11 00	$12.50
Basswood, Soft Elm, Soft Maple, Ash, Beech, Birch, Rock Elm, Hard Maple, Oak	6.00	8.00	9 00	10.50	12.50	15.00	10 00

4 Section 1382 163 (d) (6) is amended to read as follows:

(6) Millworking:

Species	Surfacing 1 or 2 sides	Surfacing 1 or 2 sides and resawing 1 cut	Surfacing 1 or 2 sides and resawing 2 cuts	Surfacing 4 sides	Dressed and matched	Resawing 1 cut	Resawing each additional cut	Ripping per cut	Bundling
Ash, Beech, Birch, Rock Elm, Soft Elm, Hard Maple, Soft Maple, Oak	$2.50	$5.00	$7 00	$5 00	$6 00	$3 00	$2.50	$1 50	$1 50
Basswood	2.00	4 00	5 50	4 00	4 00	2.50	2 00	1 50	1 50

5. Section 1382.164 (b) (1) is amended to read as follows:

(1) Standard special grades, specified widths, and specified lengths (In specified hardwood species)

Species	Grade or designation	Thickness (inches)	Widths (inches)	Lengths (feet)	Maximum price for 1,000 feet B. M.	Maximum additions to maximum price established in §1382.163 for lumber in corresponding standard grade and thickness
Basswood	No. 2 Common an better	1	Regular	4 and 6	$43.50	
	No. 2 Common	1	3½ to 5½	Regular	$40.50	
	All	1	Regular	10 and 12		$5.00
	All	1¼ and thicker	Regular	10 and 12		6.00
	No. 1 Common and better	All	7 and wider	Regular		7.00
	No. 1 Common and better		10 and wider	Regular		15.00
	No. 1 Common and better		12 and wider	Regular		30.00
	No. 1 Common and No. 2 Common	1		8 and longer (long cutting)		4.00
	Venetian blind stock	1 and 1¼				5.00
	FAS Key stock	1			$121.00	
	No. 1 Common and selects key stock	1			$98.00	
	FAS Key stock	1¼			$126.50	
	No. 1 Common and selects key stock	1¼			$103.50	
	1 and 2 face clear	1	4	6 to 16	$86.50	
	1 and 2 face clear	1	5	6 to 16	$94.50	
	Selects and better	1 and 1¼	45% 8 and wider (10% to 15% 10 and wider).	45% 14 and 16	For each 10% of 14 and 16′ in excess of 45%.	2.00
Birch	Selects and better	1 and 1¼	45% 8 and wider (10% to 15% 10 and wider).	45% 14 and 16	For each 10% of 8″ and wider in excess of 40%.	2.00
	Selects and better	1 and 1¼	45% 8 and wider (10% to 15% 10 and wider).	45% 14 and 16	For each 10% of 14 and 16′ in excess of 45%.	2.00
	Straight grained, free from cross-grained or curly stock.					20.00
	Knotty	1	4 to 8	8 to 16	$92.00	
	No. 1 common and better	1	4 and wider	4 and 6	$75.00	
	No. 2 common and better	1	4 and wider	4 and 6	$55.00	
	No. 2 common	1	4 and wider	4 and 6	$49.50	
	No. 2 common and better	1¼	4 and wider	4 and 6	$66.50	
	1 and 2 face clear	1	4	6 to 16	$102.50	
	1 and 2 face clear	1	5	6 to 16	$103.00	
	2 face clear	1	4	6 to 16	$114.00	
	2 face clear	1	5	6 to 16	$119.00	
	No. 1 common	1	4	Any	$75.00	
	No. 2 common	1	4	Any	$49.50	
	No. 1 common	1	6	Any	$76.00	
	No. 2 common	1	6	Any	$50.50	
	Selected red birch	1				20.00
Hard maple	1 and 2 face clear	1	4	6 to 16	$107.00	
	1 and 2 face clear	1	5	6 to 16	$114.00	
	1 and 2 face clear	1¼	4	6 to 16	$114.00	
	No. 1 common and better—curly	1 and thicker	Regular	Regular	$190.00	
	FAS Birdseye	1 and thicker	Regular	Regular		25.00
	No. 1 common and better—heel stock	1½ to 2½	Regular	Regular		10.00
	No. 1 common flooring stock	1	4 and wider	4 and longer	$56.50	
	No. 2 common flooring stock	1	4 and wider	4 and longer	$45.00	
	No. 3A common flooring stock	1	4 and wider	4 and longer	$33.50	
	No. 1 common flooring stock	1¼	4 and wider	4 and longer	$60.00	
	No. 2 common flooring stock	1¼	4 and wider	4 and longer	$48.50	
	No. 3A common flooring stock	1¼	4 and wider	4 and longer	$37.00	
	No. 1 white					20.00
	No. 1 and No. 2 white					15.00
	No. 2 white					10.00
	Sap 1 face					7.00
	Straight grain (except in conjunction with No. 1 white, No. 2 white or No. 1 and No. 2 white).					20.00
	Straight grain (in conjunction with No. 1 white, No. 2 white, or No. 1 and No. 2 white).					10.0
Mixed hardwoods.	No. 1 snow fence lath	½	1½	4	[illegible].00	

6. Section 1382.164 (b) (2) is amended by the addition of the following:

NOTE: The maximum additions provided for No. 3 Common lumber in 1″ thickness in the widths specified, shall also apply to stock 5/4″ and 9/4″ thick in the same widths.

This amendment shall become effective October 15, 1943.

(56 Stat. 23,765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16836; Filed, October 15, 1943; 4:54 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3[1] Amdt. 95]

SUGAR RATIONING REGULATIONS

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

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.21 (c) (20) is amended to read as follows:

(20) "State Director" means the person holding the office of District Director in a District Office.

2. Section 1407.120 (b) is amended by deleting from the last sentence therein the words "in the state" and inserting in place thereof the words "having jurisdiction over the area"

3. Section 1407.147 (b) is amended by deleting from the first sentence therein the words "of the State in which its" and inserting in place thereof the words "having jurisdiction over the area in which his"

4. Section 1407.147a (b) is amended by deleting from the first sentence there-

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

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8189, 8678, 8811, 9304, 9458, 10304, 10512, 10937, 11382, 11291, 11292, 11252, 12560, 12693, 13341, 13394, 13390.

in the words "of the State" and inserting in place thereof the words "having jurisdiction over the area"

This amendment shall become effective October 20, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16837; Filed, October 15, 1943; 4:57 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 18]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

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 373 is amended in the following respects:

1. Section 24 (c) is amended to read as follows:

(c) *Retreaded and recapped tires.* (Tire carcasses furnished by seller.) (1) The maximum prices for a retreaded or recapped tire, where the tire carcass is furnished by the seller are, regardless of the thickness of rubber on the tread of such tire carcass, the sum of the price for the retreading or recapping plus the price for the tire carcass as set forth herein under the designation of "Basic Tire Carcasses" *Provided, however* That if the tire carcass is a Grade II tire, the price to be added for the tire carcass shall be 60 per cent of the price set forth herein under the designation of "Basic Tire Carcasses." Grade II tires are tires for which the maximum price when new is 85 per cent or less of the maximum price established for first line manufacturers' brands by § 1315.10 Appendix "A" of Price Schedule No. 63.

(2) Where the tire carcass furnished by the seller, or the retreaded or recapped tire is one purchased by a dealer between and including August 11, 1943 to September 4, 1943, pursuant to the "Idle Tire Purchase Plan" of the Office of Price Administration, Hawaii Territorial Office, there shall be added to the maximum price established by paragraph 1 above the sum of $.50. In such case the seller shall furnish the buyer with an invoice or other sales memo describing the tire as to size, make and serial number, and upon which such sum or part thereof is separately stated as "Idle Tire Purchase Plan Charge."

2. Section 39 is amended to read as follows:

SEC. 39. *Maximum prices for lauhala and lauhala products*—(a) *Lauhala purses.* (1) The maximum price for sales of shells of square, rectangular, half moon or oval, and round purses shall be:

Weave	Sizes									
	16" or 17"	14" or 15"	12" or 13"	10" or 11"	9"	8"	7"	6"	5"	4"
1/2" to 2 1/4" natural	$1.33	$1.24	$1.13	$.99	$.78	$.64	$.43	*$.30	$.18	$.12
1/4" to 3/8" natural	1.65	1.53	1.41	1.29	1.09	.94	.62	.40	.27	.16
5/16" natural	1.89	1.73	1.60	1.45	1.25	1.13	.81	.59	.37	.21
3/16" to 1/8" natural	1.15	2.02	1.89	1.77	1.53	1.42	1.10	.83	.55	.42
1/2" to 3" 2-tone	1.94	1.78	1.62	1.42	1.11	.92	.61	.43	.26	.15
1/4" to 3/8" 2-tone	2.35	2.19	2.02	1.84	1.52	1.24	.89	.57	.39	.22
5/16" 2-tone	2.65	2.47	2.29	2.12	1.80	1.62	1.16	.85	.53	.32
3/16" to 1/8"	2.94	2.78	2.58	2.41	2.09	1.91	1.45	1.14	.82	.52
1/2" to 3" bleached	2.14	1.96	1.78	1.59	1.22	1.01	.67	.47	.29	.19
1/4" to 3/8" bleached	2.59	2.41	2.22	2.02	1.67	1.47	.98	.63	.43	.23
5/16" bleached	3.09	2.72	2.52	2.33	1.98	1.78	1.28	.94	.53	.39
3/16" to 1/8" bleached	3.29	3.01	2.81	2.62	2.27	2.07	1.57	1.23	.87	.56
1/2" to 3" 2nd grade	.99	.89	.81	.71	.56	.45	.31	.22	.13	.08
1/4" to 3/8" 2nd grade	1.29	1.10	1.01	.92	.76	.67	.45	.29	.20	.11
5/16" to 3/16" 2nd grade	1.34	1.24	1.15	1.06	.90	.81	.58	.43	.23	.11
2 1/8" and wider, natural, 2-tone or bleached	1.92	1.64	1.42	------	------	------	------	------	------	------

NOTE.—The maximum price for shells made of rectangular mats shall be the sum of the maximum prices for producers of the mats used (computed under paragraph (b) (1) of this section).

(2) *Maximum prices for sales of completed purses at wholesale.*

(i) The maximum price for sales at wholesale of completed purses shall be the sum of maximum price in the shell, plus the "cost of completion" as determined below, multiplied by 1.2.

(ii) The "cost of completion" shall be the amount appearing in the following table which is appropriate to the size of the purse and the manner in which it has been completed or finished.

	Sizes									
	16" or 17"	14" or 15"	12" or 13"	10" or 11"	9"	8"	7"	6"	5"	4"
Tapa or lau. lining & zipper	$1.00	$1.00	$.90	$.80	$.70	$.60	$.50	$.50	$.50	$.50
Other linings & zipper	.90	.90	.80	.70	.60	.50	.40	.40	.40	.40
Zipper & no lining	.50	.50	.45	.40	.35	.35	.30	.30	.30	.30
Tapa or lau. lining—no zipper	.50	.50	.45	.40	.35	.25	.20	.20	.20	.20
Other linings—no zipper	.40	.40	.35	.30	.25	.15	.10	.10	.10	.10

NOTE.—If a purse has a sterling silver zipper, the excess of cost of such zipper over an ordinary zipper may be added to the appropriate figure.

(3) *Maximum prices for sales of completed purses at retail.* The maximum price for sales at retail of completed purses shall be the maximum wholesale price multiplied by 1.5. If initials are woven into the purse at the request of the purchaser, the maximum price may be increased by ten cents for each initial thus woven into the purse.

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

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500.

(b) *Maximum prices for sales of lauhala table mats.*

MAXIMUM PRICES PER SQUARE INCH

	Single rectangular or square mats	Double rectangular or square mats	Oval and round mats
½" to 1" natural lauhala	$.0025	$.003	--------
¼" to ⅜" natural lauhala	.003	.0035	$.004
3/16" natural lauhala	.0035	.004	.0045
1/16" to ⅛" natural lauhala	.004	.0045	.005
½" to 1" 2-tone lauhala	.003	.0035	--------
¼" to ⅜" 2-tone lauhala	.0035	.004	.0045
3/16" 2-tone lauhala	.004	.0045	.005
1/16" to ⅛" lauhala	.0045	.005	.0055
½" to 1" bleached lauhala	.0035	.004	--------
¼" to ⅜" bleached lauhala	.004	.0045	.005
3/16" bleached lauhala	.0045	.005	.0055
1/16 to ⅛" bleached lauhala	.005	.0055	.006

(1) *Producer sales.* Maximum prices for sales by producers shall be determined by multiplying the prices per square inch of the appropriate weave listed above by the number of square inches in the mat to be sold. Oval and round mats shall be measured through the center to find the length and width measurements.

(2) *Wholesale sales.* The maximum price for sales at wholesale shall be the maximum producer's price multiplied by 1.2.

(3) *Retail sales.* The maximum price for sales at retail shall be the maximum wholesale price multiplied by 1.5.

(c) The maximum price for sales by producers and for sales at retail and at wholesale of lauhala coasters, cigarette cases, and slippers shall be:

	Coasters			Cigarette cases		
	Producer price	Wholesale price	Retail price	Producer price	Wholesale price	Retail price
¼" to ⅜" natural lauhala	$.14	$.17	$.26	$.27	$.33	$.50
3/16" natural lauhala	.16	.19	.29	.32	.38	.58
⅛" natural lauhala	.19	.23	.34	.38	.46	.68
¼" to ⅜" 2-tone lauhala	.17	.20	.30	.31	.37	.55
3/16" 2-tone lauhala	.19	.23	.34	.37	.44	.67
⅛" 2-tone lauhala	.22	.26	.40	.44	.53	.79
¼" to ⅜" bleached lauhala	.20	.24	.36	.33	.40	.60
3/16" bleached lauhala	.22	.26	.40	.40	.48	.72
⅛" bleached lauhala	.25	.30	.45	.48	.58	.85

	Producer price	Wholesale price	Retail price
Adult slippers—All weaves—Sizes 7" and up	$.83	$1.00	$1.50
Children's slippers—All weaves—Sizes 6½" and smaller	.69	.83	1.25

(d) *Maximum prices for sales of lauhala shopping bags*—(1) *Producer sales.* The maximum prices for sales by producers of shopping bags shall be:

	12" length shopping bags	
	Without lids	With lids
½" to 2" natural lauhala	$1.25	$1.75
¼" to ⅜" natural lauhala	1.50	2.00
½" to 2" 2-tone lauhala	1.50	2.00
¼" to ⅜" 2-tone lauhala	1.75	2.25
½" to 2" bleached lauhala	1.75	2.25
¼" to ⅜" bleached lauhala	2.00	2.50

NOTE: The producer's maximum price for shopping bags of other lengths shall be determined as follows: for every additional inch in length in excess of 12 inches, the maximum price shall be increased by 10 cents for bags without lids and increased 15 cents for bags with lids; for every inch in length less than 12 inches the maximum price shall be decreased 10 cents per inch for shopping bags without lids and 15 cents for shopping bags with lids. For purposes of this paragraph, "length" of the bag is the sum in inches of the length and width of the base or bottom of the bag.

(2) *Wholesale sales.* The maximum price for sales at wholesale of shopping bags shall be the maximum producer price multiplied by 1.2.

(3) *Retail sales.* The maximum price for sales at retail of shopping bags shall be the maximum wholesale price multiplied by 1.5.

(e) *Maximum prices for sales of lauhala leaves.* (1) The maximum price for sales of lauhala leaves shall be as follows:

	Each
White, bleached wide long	5¢
White, bleached wide short	4¢
Brown, bleached white wide long	4¢
Brown, bleached white wide short	3¢
Red, wide long	3¢
Red, wide short	2¢
Brown, wide long	2¢
Brown, wide short	1½¢
Molokai, natural, wide long, 1st grade	2½¢
Natural, wide long, 1st grade	1½¢
Natural, wide short, 1st grade	1¢
Natural, wide long, 2nd grade	1¢
Natural, wide short, 2nd grade	½¢
Green, wide, long, 1st grade	1½¢
Green, wide, short, 1st grade	1¢

"Long" means a leaf 30" or more in length.
"Short" means a leaf less than 30" in length.
"2nd grade" means a leaf which is spotted and very brittle.

(f) Maximum prices for sales of lauhala, cocoanut fiber or hau bark hula skirts.

(1) The maximum price for sales of the hula skirts set forth below shall be:

	Size	Maximum producer price	Maximum wholesale price	Maximum retail price
Lauhala or cocoanut fiber hula skirts.	Large	$1.39	$1.67	$2.50
	Small	1.11	1.33	2.00
	Children's	.83	1.00	1.50
Natural hau bark, washed, first grade.	Large	1.67	2.00	3.00
	Small	1.39	1.67	2.50
	Children's	1.11	1.33	2.00
Dyed hau bark, first grade.	Large	1.85	2.22	3.33
	Small	1.59	1.91	2.87
	Children's	1.31	1.57	2.36

(2) The maximum price for second grade washed or dyed hau bark hula skirts shall be 20% less than the applicable price for first grade washed or dyed hau bark hula skirts, 35% less for third grade washed or dyed hau bark hula skirts, 50% less for fourth grade washed or dyed hau bark hula skirts, and 65% less for fifth grade washed hau bark hula skirts.

(g) *Definitions.* As used in this section 39 the term:

(1) "Two-tone weave" means a weave using substantially equal amounts of two or more different colors of lauhala, or a natural or two tone weave in which the word "Aloha," "Hawaii," or some other similar word is woven into the product by use of different colors of lauhala.

(2) "Bleached lauhala" article means any article that is woven with weaving strands three-fourths or more of which have been subjected to a bleaching process.

(3) "Tapa" means genuine tapa cloth and does not include other cloth printed or otherwise marked with a design normally used on tapa cloth.

(4) "First, second, third, fourth and fifth grades" of washed hau bark have the same meaning as is presently attributed to them by persons in the trade.

(5) "Size" means the length in inches of the base or bottom of the purse except in the case of round purses where "size" means the length in inches of the diameter of the purse.

(6) "Shell" means the completed lauhala portion of a lauhala purse from which the completed purse is made by adding thereto a lining or zipper, or both.

3. Section 47 (a) (3) is amended to read as follows:

(3) The pricing provisions of this section shall not be applicable until October 4, 1943 to retail sales of any commodity covered by this section which are in the inventory of any retailer on August 16, 1943, *Provided, however* That on and after August 16, 1943, the maximum price of any commodity in the inventory of any retailer on August 16, 1943 which is the same or similar to any new commodity received in inventory after August 16, 1943, shall not exceed the maximum price established herein for such new commodity.

4. Section 47 (f) (2) is hereby deleted.

5. Section 47 (c) (4) is added to read as follows:

(4) Whenever the calculation of a maximum retail price results in an odd-cent maximum price, the maximum price may be adjusted to the nearest nickel.

6. Section 51 is added to read as follows:

SEC. 51. *Maximum prices for used tires and tubes.* (a) Maximum Price Regulation No. 107,[2] except as otherwise pro-

[2] 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365, 8586, 8799, 8802, 8948; 8 F.R. 1531, 2203, 8854, 8843, 8876.

vided herein, governs the sale of used tires and tubes in the Territory of Hawaii.

(b) Maximum prices for Grade II used tires and basic carcasses shall be 60 per cent of the maximum prices established by Maximum Price Regulation No. 107.

(c) Grade II used tires are tires for which the maximum price when new is 85 per cent or less of the maximum price established for first line manufacturers' brands by § 1315.110 Appendix "A" of Price Schedule No. 63, and any retreaded or recapped tire which has been run 1000 miles or more after having been retreaded or recapped.

(d) The maximum price for any used tire purchased by a dealer between and including August 11, 1943 to September 4, 1943, pursuant to the "Idle Tire Purchase Plan" of the Office of Price Administration, Hawaii Territorial Office, shall upon resale of such tire be the applicable maximum price established above plus 25 per cent thereof. In such case, the seller shall furnish the buyer with an invoice, or other sales memo, describing the tire as to size, make and serial number, and upon which such additional 25 per cent or part thereof is separately stated as "Idle Tire Purchase Plan Charge."

7. Section 52 is added to read as follows:

SEC. 52. *Maximum prices for women's and girls' wear and accessories at wholesale and retail*—(a) *To what transactions, products and persons this section applies*—(1) *What commodities are covered.* This regulation applies to all women's and girls' wear and accessories (but does not apply to children's and infants' wear sizes 0 to 6) which are classified and defined as follows:

(i) *Dresses.* This classification includes all feminine outerwear garments of one or more pieces sold at a unit price commonly known as dresses whether used for street, evening, house or utility wear, and including jumpers, smocks, pinafores, brunch coats, uniform dresses, aprons, and similar articles.

(ii) *Suits.* This classification includes all two-piece feminine outerwear garments, untrimmed, trimmed or fur-trimmed, commonly known as suits and consisting of a separate jacket and skirt sold at a unit price and which are intended for wear with a blouse, dickey or similar garment, and includes uniform suits.

(iii) *Coats and jackets.* This classification includes feminine outerwear garments commonly known as coats or jackets whether sport, two-third, three-quarter or full length, and whether trimmed, fur-trimmed, or untrimmed, sport or dress, and includes capes, wraps, separate redingotes and similar articles, but does not include rainwear garments, sweaters and sweater type jackets, beach or play coats or jackets.

(iv) *Rainwear.* This classification includes all those feminine outerwear garments which are commonly regarded as having as their chief use protection against rain, and includes coats, jackets, capes, hoods, hats, and similar items designed for this use.

(v) *Slack suits.* This classification includes two-piece feminine outerwear garments commonly known as slack suits and consisting of separate slacks and blouse and shirt, slacks and jacket or jerkin sold at a unit price, but does not include coveralls, overalls, jeans, clam-diggers and similar garments.

(vi) *Separate slacks and coveralls.* This classification includes all feminine outerwear garments commonly known as separate slacks, coveralls, overalls, jeans, clam-diggers and similar garments.

(vii) *Skirts.* This classification includes all feminine outerwear garments commonly known as separate skirts, including evening skirts and culottes.

(viii) *Shirts and blouses.* This classification includes feminine outerwear garments commonly known as shirts, blouses, and waists with short or long sleeves and made of woven fabric and including jersey knit fabrics but does not include any other knitted or knit garments such as cotton beach combers, polo shirts, and similar items which are considered to be sweaters.

(ix) *Sweaters.* This classification includes feminine outerwear garments commonly known as sweaters, sweater coats and pull-overs which are knit or knitted, and whether made of wool, cotton, rayon or any mixture thereof, and includes sleeveless sweaters, twin sweater sets, sweater coats, pull-overs, knitted polo shirts, beach combers, knitted jerkins, sweat coats and similar items not specifically defined as coats, blouses or play clothes.

(x) *Play clothes.* This classification includes feminine outerwear garments commonly known as play clothes and designed primarily for play, swim or beach wear, and includes combinations of shorts, short skirt with blouse or bra-top attached or detached, which are sold at a unit price with or without a detachable over-skirt, and also includes separate shorts, halters, beach coats, capes, matching fabric belts and sashes, swim suits, sun suits, and similar items.

(xi) *House coats and robes.* This classification includes all feminine garments commonly known as lounge or hostess wear, and includes robes, house coats, hostess coats, coolie coats, hostess pajamas, negligees, negligee and gown sets, and similar items whether made or knitted or woven fabrics.

(xii) *Woven and knitted underwear and nightwear* This classification includes all feminine garments commonly known as underwear or nightwear, including but not limited to slips, petticoats, nightgowns, pajamas, bed jackets, panties, chemises, pantie-bra sets sold at a unit price, and similar items whether trimmed or untrimmed.

(xiii) *Foundation garments.* This classification includes all feminine undergarments commonly known as foundation garments and includes all elastic and non-elastic corsets, combinations, girdles, surgical belts, pads and similar items.

(xiv) *Brassieres.* This classification includes all feminine undergarments commonly known as brassieres.

(xv) *Millinery.* This classification includes feminine wear commonly known as millinery or hats whether made of straw, lauhala or other plant fibres, fabric or felt, and includes hats, caps, veils, turbans and similar items, but does not include fabric head scarfs.

(xvi) *Handbags.* This classification includes bags or purses made of fabric, leather, leatherette, plastic, beads or similar materials whether designed for use for street or evening wear, and whether trimmed or untrimmed, but does not include bags or purses made in the Territory of Hawaii of lauhala, bamboo, coconut or similar plant fibres.

(xvii) *Hosiery.* This classification includes all women's hosiery of any length whether made of nylon, silk, rayon, cotton, wool, or any mixture thereof and including anklets, socks and peds.

(xviii) *Gloves.* This classification includes all feminine gloves made of leather, fabric, leatherette, crocheted or knitted goods or similar materials.

(xix) *Handkerchiefs.* This classification includes all handkerchiefs made of cotton, linen, rayon, silk or similar fabrics whether designed for sport, dress or evening wear, but does not include bandannas or neckerchiefs.

(xx) *Scarfs.* This classification includes all scarfs of wool, cotton, rayon, silk, or any other woven or knitted materials whether designed for use as head scarfs, neck scarfs, or sashes, and includes all neckerchiefs, bandannas and shawls designed to be worn on the person.

(xxi) *Neckwear* This classification includes feminine wear commonly known as neckwear and includes collars, dickeys, vests, vestees, cuffs, jabots whether made of fabric, plastic or beads, ready-made collars or sets of flouncing, ruching and similar items.

(xxii) *Belts.* This classification includes feminine wear commonly known as belts which are designed to be worn over outer wear, whether made of fabric, leather, leatherette, wood, lauhala, or similar materials, but does not include belts for play clothes as defined under (x) above.

(xxiii) *Miscellaneous accessories.* This classification includes articles of adornment for wear on the person including but not limited to artificial flowers, but does not include ornaments covered by MPR 374,[3] "Jewelry and Certain Other Articles in the Territory of Hawaii."

(2) *What transactions are covered.* This regulation applies only to sales at wholesale and sales at retail of women's and girls' wear and accessories set forth in paragraph (a)

(b) *Maximum prices for sales at wholesale*—(1) *Wholesalers and jobbers.* Except in the case of inter-island shipments mentioned in sub-paragraph (3) below, the maximum price for sales at wholesale of any article listed and de-

[3] 8 F.R. 5313, 16229, 16984.

scribed in paragraph (a) which was manufactured outside the Territory of Hawaii shall be the amount determined either by multiplying the manufacturer's selling price, less all trade, cash or other discounts or allowances, by the figure given in the first column (1) of the Table[4] of Wholesale Multiplication Figures (see below) or by multiplying the "landed cost" by the figure given in the second column (2) of said Table for the classification of goods to be priced, *Provided,* That:

(i) The wholesaler or jobber regularly carries such classification of articles in stock and has heretofore carried such classification of articles in stock, and

(ii) The particular article is to be sold out of such stock, and

(iii) The particular article was invoiced and shipped to the establishment of the wholesaler or jobber; and the wholesaler or jobber shall elect to use one of the two alternate methods of determining the maximum price and shall use it for all articles sold by him which are covered by this section. The method elected may not thereafter be changed without written permission of the Office of Price Administration. The wholesaler or jobber must send this office a statement of the method elected, on or before October 1, 1943.

TABLE OF WHOLESALE MULTIPLICATION FIGURES

	Column 1	Column 2
Dresses, coats and jackets, rainwear, shirts and blouses, skirts, slack suits, slacks, play clothes, sweaters, housecoats and robes, millinery, handbags, gloves, neckwear, handkerchiefs, scarfs, belts, miscellaneous accessories	1.20	1.15
Woven and knitted underwear, brassieres, foundation garments, hosiery	1.25	1.20

(2) *"Landed cost"* For articles imported from outside the Territory of Hawaii "landed cost" shall be the total of the following amounts:

(i) An amount equal to the manufacturer's selling price less all trade, cash or other discounts and allowances.

(ii) An amount equal to the transportation charges, if any, actually incurred by the wholesaler for transportation from the mainland point at which the wholesaler received delivery, to the mainland port of shipment (including Federal transportation tax and terminal charges) not in excess of public (common or contract) carrier rates.

(iii) An amount equal to mainland storage charges, and insurance in connection therewith, actually incurred by the wholesaler, but charges for storage and insurance in connection therewith in excess of three months shall not be included.

(iv) An amount equal to cartage charges actually incurred by the wholesaler for cartage from warehouse to dock in port of shipment, not in excess of public (common or contract) carrier rates.

(v) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler; and there may be included in this amount territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included but the type of coverage is at the discretion of the buyer and seller.

(vi) An amount equal to cartage charges in the port of entry in the Territory of Hawaii from dock to warehouse, computed at a rate not in excess of $1.20 per ton, weight or measurement: *Provided,* That the commodity is moved from the dock at the wholesaler's expense.

(3) *Inter-island shipments.* In the case of a commodity originally imported from without the Territory of Hawaii to one island of the Territory and subsequently shipped to another island in the Territory, the maximum price in the island of final destination for sale by a wholesaler or jobber who has satisfied the conditions as to inventory set forth in paragraph (1) above, and who has elected the second pricing (column 2) shall be the sum of the amounts specified in subdivisions (i) through (iv) below.

(i) An amount equal to the maximum wholesale price in the island from which the article was shipped, calculated under subparagraph (1) above.

(ii) An amount equal to cartage charges for cartage from the warehouse to the dock in the island from which the article was shipped, calculated at the rate set forth in subdivision (b) (2) (vi) above, whether or not such cartage charges are actually incurred.

(iii) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the wholesaler for shipment between the islands, and there may be included in this amount territorial tolls and tonnage tax as shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rates charged by the War Shipping Administration shall not be included.

(iv) An amount equal to cartage charges on the island of destination, from dock to warehouse, computed at a rate not in excess of the amount set forth in subdivision (b) (2) (vi) above, provided that the articles are moved from the dock at the wholesaler's expense.

(4) *Maximum prices for locally made articles.* The maximum prices for sales at wholesale of any article manufactured in the Territory of Hawaii listed and described in paragraph (a) of this section by a wholesaler or jobber who satisfies the conditions as to inventory set forth in subdivision (a) (1) (i) (ii) and (iii) shall be those established by sections 2 and 3 of the General Maximum Price Regulation for Hawaii.

(5) *Drop shipments.* The maximum price for sales at wholesale of any article listed and described in paragraph (a) of this section by a person who has not heretofore regularly carried such article in stock, and such article is not being sold out of the stock, and such article was not invoiced and shipped to the establishment of such person, shall be those established by sections 2 and 3 of the General Maximum Price Regulation for Hawaii.

(6) *Manufacturing - wholesalers and manufacturing-retailers.* The maximum price for sales at wholesale of any article listed and described in paragraph (a) of this section which the wholesaler or retailer makes or has made for him from materials owned by him shall be computed by multiplying the sum of the costs of manufacturing by 1.15. The costs of manufacturing shall include only the actual cost of the material and trimmings to the wholesaler or retailer plus the sewing charge as listed with the Office of Price Administration under the General Maximum Price Regulation for Hawaii.

(7) *Inability to determine price at wholesale.* Any person who is unable to determine prices under subparagraph (b) (1) (3) (4) (5) or (6) shall apply to the Office of Price Administration for a maximum price. Such application must set forth the manufacturer's selling price less all trade, cash or other discounts and allowances and/or the "landed cost" for such articles as specified in subparagraph (b) (2) of this section.

(8) *Restrictions on mark-up at wholesale.* (i) The maximum price for sales of commodities at wholesale by persons who have purchased from a local wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer shall be the maximum price which the first wholesaler, jobber, manufacturing-wholesaler or manufacturing-retailer would have been entitled to charge under this section 52. The purpose of this subparagraph is to prevent the addition of more than one full wholesale markup to a commodity, regardless of the number of wholesalers or jobbers purchasing and reselling the commodity.

(ii) No part of the wholesale markup may be taken by a wholesaler-retailer on any article listed and described in paragraph (a) of this Section that is sold by any retail outlet owned, controlled by, under the control of, controlling, or in any other way affiliated with respect to ownership or control, with the wholesaler.

(c) *Maximum prices for sales at retail*—(1) *Purchases from Mainland Manufacturers.* The maximum price for sales at retail for any article which the retailer purchases from a mainland manufacturer shall be the amount determined by multiplying the manufacturer's selling price, less all discounts except cash discounts up to 8%, by the figure given below in the first column (1) of the Table of Retail Multiplication Figures for the classification of goods to be priced.

(2) *Purchases from distributors.* The maximum price for sales at retail for any article which the retailer purchases from a person selling at wholesale whose maximum prices for the sale are determined by subparagraph (b) (5) (Drop Shipments) shall be the amount determined by multiplying the manufacturer's selling

[4] 8 F.R. 5307, 6362.

price by the figure given below in the first column (1) of the table below for the classification of goods to be priced.

(3) *Purchases from mainland wholesalers or jobbers.* The maximum price for sales at retail for any article which the retailer purchases from a mainland wholesaler or jobber shall be the amount determined by multiplying the wholesaler's or jobber's selling price by the figure given below in the second column (2) of the table below for the classification of goods to be priced.

(4) *Purchases from local wholesalers or jobbers.* The maximum price for sales at retail for any article imported from the mainland and which the retailer purchases from a local wholesaler or jobber shall be the amount determined by multiplying the wholesaler's or jobber's selling price by the figure given below in the third column (3) of the table below for the classification of goods to be priced.

(5) *Locally manufactured articles.* The maximum price for sales at retail of any article made by a manufacturer located in the Territory of Hawaii shall be: If the retailer purchases direct from the manufacturer, the amount determined by multiplying the manufacturer's selling price less all discounts except cash discounts up to 8% by the figure given in the fourth column (4) of the table below: if the purchase of a locally manufactured article is made from a wholesaler, the amount determined by multiplying the manufacturer's selling price by the figure given in the fourth column (4) of the table below.

(6) *Manufacturing-wholesalers and manufacturing-retailers.* The maximum price for any article which the retailer purchases from a local manufacturing-wholesaler or manufacturing-retailer, or which he makes or has made for him, shall be the amount determined by mutiplying the wholesale price as determined under subparagraph (b) (6) by the figure given in the third column (3) of the table below for the classification of goods to be priced.

TABLE OF RETAIL MULTIPLICATION FIGURES

	Column 1	Column 2	Column 3	Column 4
1. Dresses, coats, jackets, suits, rainwear, slack suits, play clothes, housecoats:				
(a) Budget: to $7.75 incl	1.75	1.57	1.52	1.70
(b) Better: over $7.75	1.80	1.62	1.57	1.75
2. Slacks, shirts and blouses, skirts, sweaters	1.75	1.57	1.52	1.70
3. Woven and knitted underwear, nightwear, brassieres	1.75	1.55	1.50	1.70
4. Foundation garments:				
(a) Budget: to $2.75 incl	1.75	1.55	1.50	1.70
(b) Better: over $2.75	1.85	1.55	1.50	1.80
5. Millinery	2.00	1.72	1.67	1.80
6. Hosiery	1.75	1.55	1.50	1.70
7. Gloves, handbags	1.75	1.55	1.50	1.70
8. Miscellaneous accessories, handkerchiefs, scarfs, belts, neckwear	1.70	1.55	1.50	1.65

NOTE.—All designations or price in the table above with respect to "Budget" or "Better" items refer to the appropriate cost price upon which the retailer will use the multiple in the above table to determine his maximum retail price. For example, if the maximum retail price of a housecoat is to be determined by multiplying $7.50 by one of the multiples, the housecoat is a "Budget" item.

(7) *Inability to determine price at retail.* Any person who is unable to determine prices at retail under subparagraph (C) (1) through (7) shall apply to the Office of Price Administration for the establishment of a maximum price.

(8) *Odd cent maximum prices at retail.* Whenever the calculation of a maximum retail price results in an odd cent maximum price, the maximum price may be adjusted to the nearest nickel.

(d) *Maximum prices for nationally advertised articles.* Application may be made for approval of a price for an article listed in paragraph (a) which is nationally advertised by the manufacturer thereof, and who requires that such article be sold at the prices established by such manufacturer. The applicant must set forth:

(1) Description of the article or line to be priced.

(2) Proof that the manufacturer has established a resale price and that such price is so marked on the article that any purchaser can know that it is a nationally advertised price.

(3) A statement that the seller will not sell such article at a price higher than such nationally advertised price. Such application of course need not be made where such nationally advertised price is not in excess of the maximum price as calculated under this regulation.

(e) *Maximum prices for assorted job lot merchandise.* In cases where a wholesaler or retailer purchases an assorted job lot of merchandise invoiced to him for a single or blanket price, he may make application to the Office of Price Administration for approval of his own allocation of the cost of such merchandise to the different articles involved. Such application shall show the allocation made by the wholesaler or retailer and shall show the resulting maximum wholesale or retail prices determined on the basis of such allocated costs.

(f) *Maximum prices for certain merchandise purchased at lower than manufacturers maximum price.* In cases where a retailer or wholesaler purchases from a manufacturer or wholesaler located outside the Territory of Hawaii any article listed and described in paragraph (a) of this section, at a price lower than the manufacturer's maximum price and lower than a price which the purchaser previously paid to such manufacturer or wholesaler for the same or similar merchandise, and where such lesser price was paid by reason of the size of the purchase or the seasonal nature of the goods, application may be made to the Office of Price Administration for a maximum price for resale of the merchandise which maximum price is based upon the higher price previously paid to such manufacturer, and the appropriate multiple provided by this section. Any such application must be accompanied by the invoice for the goods in question and the invoice establishing the former higher price, or other evidence of a similar nature.

(g) *Maximum prices for retail sales of exclusive and individual articles.* In cases where a retailer at the special order of an ultimate consumer designs and fabricates for such consumer an exclusive and individual article, application may be made at the Office of Price Administration for a maximum price at retail not to exceed two times the cost of such article as otherwise determined under this section. Articles which are produced on a mass or semi-mass production basis or which are made for stock are not exclusive and individual articles.

(h) *Records and reports.* Notwithstanding the provisions of section 10 of this Maximum Price Regulation 373 the following records and reports must be kept:

(1) *Required of person making sales at wholesale*—(i) *Purchase records.* Every person making sales at wholesale of any article listed in paragraph (a) of this section shall keep and make available for examination by this Office for so long as the Emergency Price Control Act of 1942, as amended remains in effect, complete and accurate records of each purchase of each article showing.

(a) The date of purchase and date of receipt.

(b) The name and address of the vendor.

(c) The price paid, or charged.

(d) The quantity purchased.

(e) The manufacturer's selling price. If the person did not purchase the article from the manufacturer but is relying upon his vendor's written statement of the manufacturer's selling price he shall keep such statement and make it available for examination by this Office for so long as the E. P. C. A. of 1942, as amended remains in effect.

(f) All records and data reflecting the charges incurred by the wholesaler in arriving at the selling price.

(ii) *Sales records.* Every person making sales at wholesale of any article listed in paragraph (a) of this section shall invoice each sale of each such article. The original invoice shall be delivered to the buyer and shall state:

(a) The date of sale.

(b) Itemized list of articles sold.

(c) The manufacturer's selling price for each such article if the maximum price at wholesale is determined under (b) (4) and (5)

(d) Such person's ceiling price at wholesale for each article.

(e) The retailer's ceiling price for each article as calculated under (c).

(f) The price charged or received.

A copy of this invoice shall be made and kept by the person making sales at wholesale, for examination by this Office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) *Required of person making sales at retail*—(i) *Purchase records.* Every person making sales at retail of any article listed in paragraph (a) of this section shall keep and make available for examination by this Office for so long as the E. P. C. A. of 1942, as amended, remains in effect, complete and accurate records of each purchase of each such article showing:

(*a*) The date of receipt.

(*b*) The name and address of the vendor.

(*c*) The manufacturer's selling price if priced under paragraphs (c) (1) (2) and (5)

(*d*) The invoice cost if priced under paragraphs (c) (3) and (4)

(*e*) The manufacturer's stock number if available.

(*f*) The retailer's stock number if any.

(*g*) The percentage used in determining the maximum price.

(*h*) The retailer's ceiling price.

The retailer may list the information required above on each purchase invoice covering the article. If the retailer did not purchase the article from the manufacturer but is relying upon his supplier's written statement of the manufacturer's selling price he shall keep such statement and make it available for examination by this Office for so long as the E. P C. A. of 1942, as amended, remains in effect. The retailer shall likewise keep and make available for examination by this Office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his purchase invoice covering that article.

(ii) *Sales records.* (*a*) Any retailer who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any retailer, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the retailer, a description of the article sold and the price received for it.

(*b*) Every retailer shall keep and make available for examination by this Office for so long as the Emergency Price Control Act of 1942, as amended, remains in effect of any article listed and described in paragraph (a) of this section, records of the same kind he has customarily kept relating to the price charged for such article and in addition records showing as precisely as possible the basis upon which he determined the maximum price for such article.

(i) *Posting and marking of prices.* Notwithstanding the provisions of section 10 of this Maximum Price Regulation 373 the following posting and marking provisions are applicable.

(1) *Posting.* On and after the effective date of this Section every person who sells or offers to sell any article listed and described in paragraph (a) of this section at retail shall post in a conspicuous place in a manner plainly visible to and understandable by the purchasing public in the department or portion of the premises where any such article is sold or offered for sale, a sign stating "Each article of women's and girls' wearing apparel and accessories in this store (or on this counter, shelf, or in this case, bin, or rack) is marked and sold at our ceiling price or less."

(2) *Marking.* (i) On and after the effective date of this section no person shall sell or deliver or offer for sale any article listed and described in paragraph (a) of this section at retail unless there is firmly attached to such article a stamp, tag or other marking showing the selling price. Such selling price must be plainly visible to and understandable by the purchasing public.

(ii) All merchandise that is priced pursuant to paragraph (e) must have the lot number which appears on the invoice also clearly marked on the price ticket of each article.

(j) *Definitions.* When used in this section, the term:

(1) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it, before the deduction of any discounts or allowances, and shall not include any transportation costs, marine or war risk insurance, storage charges, or any other charge.

(2) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without changing its form, to any person other than an ultimate consumer, and includes sales to retailers by manufacturing-wholesalers, but does not include any sale by a producer, manufacturer, or fabricator of any wearing apparel or accessory produced, manufactured or fabricated by him, or on his behalf by an agent or a contractor.

(3) "Wholesaler-retailer" means a firm or person who customarily sells at least 50% of the articles listed and described in paragraph (a) of this section in his own or in an affiliated store.

(4) "Wholesaler's selling price" means the price appearing on the wholesaler's invoice to the retailer before the deduction of cash discounts or other discounts for prompt payment.

(5) "Manufacturing - wholesaler" means a wholesaler who has made for him from materials owned by him, articles for sale to a retailer.

(6) "Manufacturing-retailer" means a retailer who has made for him from materials owned by him, articles for sale to an ultimate consumer:

This amendment shall become effective as follows:

(a) As to section 24 (c) as of August 11, 1943.

(b) As to section 39 as of September 29, 1943.

(c) As to section 47 (a) (3) (c) (4) and (f) (2) as of August 16, 1943.

(d) As to section 51 as of August 11, 1943.

(e) As to section 52 as of September 16, 1943, on the Island of Oahu, and as of September 22, 1943 on all other Islands of the Territory of Hawaii, except as follows with respect to sales at retail of articles in inventory as of September 16, 1943, on the Island of Oahu, and as of September 22, 1943, on the other Islands of the Territory of Hawaii: Such articles need not be priced under this amendment until November 15, 1943, *Provided,* That any such article which is the same or similar to an article received in inventory after September 16, 1943, on the Island of Oahu, or after September 22, 1943, on the other Islands of the Territory of Hawaii, shall not be sold at a price higher than the maximum price established by this amendment for such new article. For the purposes of this provision one article shall be deemed "similar" to another article if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such article, differences merely in style or design which do not substantially affect use, or serviceability or the price line in which such articles would ordinarily have been sold, shall not be taken into account.

NOTE: The record and reporting provisions of this amendment have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16839; Filed, October 15, 1943; 4:56 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 6]

MAXIMUM PRICES IN THE VIRGIN ISLANDS

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 395 is amended in the following respects:

1. Section 19 Table V is amended by changing the first five "Lard" items and by deleting the item numbers, to read as follows:

Commodity	Quantity	Island of St Croix	Island of St Thomas	Island of St John
Lard and rendered pork fat:				
Prints	1 lb	$0.21	$0.21	$0.22
Tierces and cases	1 lb	.20	.20	.21
Tins	1 lb	.20	.20	.21

2. Section 21 as amended by inserting the words "fresh and" after the word "Certain" in the title of the section and in the title of Table VIII; item 3 is amended and item 4 is added to read as follows:

Commodity	Quantity	Island of St Croix	Island of St Thomas	Island of St John
3. Garlic (except string garlic)	1 lb	$0.18	$0.18	$0.19
4. Table potatoes originating in the continental U. S.	1 lb	.05	.05	.05
	2 lbs	.09	.09	.10

3. Section 26 is amended to read as follows:

SEC. 26. *Maximum retail prices for cured fish sold or delivered in the Virgin Islands of the United States.*

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

[1] 8 F.R. 6621, 8873, 9996, 11438, 12661, 13345.

TABLE XIV—MAXIMUM RETAIL PRICES FOR DRY SALTED, SMOKED OR PICKLED FISH

Commodity	Quantity	Island of St Croix	Island of St Thomas	Island of St John
Dry salted or smoked Fish, all varieties	1 lb	$0.18	$0.18	$0.19
Pickled herring	1 lb	.12	.12	.13
Pickled fish, except herring	1 lb	.11	.11	.11

This amendment shall become effective as of October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16838; Filed, October 15, 1943; 4:56 p. m.]

PART 1425—LUMBER DISTRIBUTION

[2d Rev. MPR 215]

DISTRIBUTION YARD SALES OF SOFTWOOD

Revised Maximum Price Regulation No. 215 is redesignated Second Revised Maximum Price Regulation No. 215 and is revised and amended to read as follows:

In the judgment of the Price Administrator the maximum prices established by this regulation are generally fair and equitable and in accordance with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. 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.*

§ 1425.1 *Maximum prices for distribution yard sales of softwood lumber and hardwood flooring.* 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, the Second Revised Maximum Price Regulation No. 215 (Distribution Yard Sales of Softwood) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1425.1, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECOND REVISED MAXIMUM PRICE REGULATION NO. 215—DISTRIBUTION YARD SALES OF SOFTWOOD

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.
1. Distribution yard sales of softwood lumber and hardwood flooring at higher than maximum prices prohibited.
2. Less than maximum prices.
3. Transactions and products covered.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

4. Maximum prices for wholesale and CPA yards.
5. Maximum prices for retail yards: "wholesale-type" sales.
6. Maximum prices for retail yards: sales other than "wholesale-type"
7. How to figure inbound transportation.
8. Combination grades.
9. Items in distribution yard stock when specific price is deleted from a mill regulation.
10. Items specially priced under mill regulations.
11. Special rules for sales by "CPA contract yards"
12. Delivery charges.
13. How to figure additions for working and kiln-drying.
14. Special specifications, workings or extras.
15. What the invoice must contain.

ARTICLE III—MISCELLANEOUS

16. Definitions.
17. What records must be kept.
18. Prohibited practices.
19. Adjustable pricing.
20. Petitions for amendment or applications for adjustment.
21. Enforcement.
22. Licensing.
23. Establishing new distribution yards.
24. Relation to other regulations.

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

SECTION 1. *Distribution yard sales of softwood lumber and hardwood flooring at higher than maximum prices prohibited.* On and after October 21, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive any softwood lumber or hardwood flooring out of distribution yard stock at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

SEC. 2. *Less than maximum prices.* Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 3. *Transactions and products covered*—(a) *Transactions covered.* This regulation covers all sales and purchases of products covered by the regulation within the continental limits of the United States made by or from lumber distribution yards, whether wholesale or retail.

(b) *Products covered.* This regulation covers sales out of distribution yard stock of any lumber or lumber products for which "direct-mill" maximum prices are fixed in the following maximum price regulations, as well as any later revisions or amendments:

Southern Pine Lumber—RMPR 19.[1]
Douglas Fir and Other West Coast Lumber—RMPR 20.[2]
Western Pine and Associated Species of Lumber—MPR 94.[3]
Red Cedar Shingles—MPR 164.[4]
Northeastern Softwood Lumber—RMPR 219.[5]
Northern Softwood Lumber—RMPR 222.[6]
Redwood Lumber and Millwork—MPR 253.[7]
Sitka Spruce Lumber—MPR 290.[8]
Western Red Cedar Lumber—MPR 402.[9]
Tidewater Red Cypress Lumber—MPR 412,[10] Tables 2, 4, 6, 7, 8, 10, 11 and 17.
Maple, Birch and Beech Flooring—MPR 432[11]
Oak Flooring—MPR 453[12]

This regulation does not cover sales or purchases of mouldings, plant stakes, car strips, pickets, battens and millwork. These products are subject to the General Maximum Price Regulation.[13]

Every yard affected by this regulation should get copies of the mill regulations covering the species it handles, since this regulation builds upon the prices and definitions in the above "direct-mill" regulations.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 4. *Maximum prices for wholesale and CPA yards.* The maximum price for all sales out of the stock of wholesale or CPA distribution yards as defined in Section 16 is the sum of the following:

(a) F. o. b. mill maximum price at the time of delivery by the distribution yard, in the mill regulation for the particular species; plus

(b) Inbound transportation charges to the distribution yard, figured under the rules in section 7; plus

(c) $5.00 per thousand board feet "handling charge" (or 30 cents per square for shingles, and 60 cents per M pieces for lath) plus

(d) 10 percent of the total of (a) (b), and (c) above.

In computing the maximum price under this section, the f. o. b. mill maximum price may be increased by 4% (maximum $2.00 per MBM) in those cases in which the applicable mill regulation permits an addition to the f. o. b. mill price by a wholesaler or commission merchant.

In computing the maximum price each of the above items must be adjusted to the nearest quarter of a dollar per thousand board feet of lumber or the nearest five cents per unit of sale on other items.

SEC. 5. *Maximum prices for retail yards: "wholesale-type" sales.* The maximum price on "wholesale-type" sales out of retail distribution yard stock, as defined in section 16, for all retail yards, shall be the sum of the following:

(a) F. o. b. mill maximum price at the time of delivery by the distribution yard, in the mill regulation for the particular species; plus

(b) Inbound transportation charges to the distribution yard, figured under the rules in section 7; plus

(c) $5.00 per thousand board feet "handling charge" (or 30 cents per square for shingles, and 60 cents per M pieces for lath) plus

(d) 10 percent of the total of (a) (b) and (c) above.

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

[1] 8 F.R. 5536, 6619, 6544, 8979, 10732, 11812, 11846.
[2] 8 F.R. 7570, 9519, 11508.
[3] 7 F.R. 10848; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756, 11040, 12136.
[4] 7 F.R. 4541, 8384, 8948; 8 F.R. 2876, 2992, 4514.
[5] 8 F.R. 4948, 6620, 9779.
[6] 8 F.R. 8362, 9382, 9779, 10937.
[7] 7 F.R. 9230, 10848; 8 F.R. 1139, 4136, 4720, 7197, 11479.
[8] 8 F.R. 19, 2270, 6959.
[9] 8 F.R. 7662.
[10] 8 F.R. 8712.
[11] 8 F.R. 10079.
[12] 8 F.R. 11736.
[13] 8 F.R. 3036, 3849, 4347, 4486, 4774, 4978, 4848, 6047, 6362, 8511, 8025, 9391.

In computing the maximum price under this section, the f. o. b. mill maximum price may be increased by 4% (maximum $2.00 per MBM) in those cases in which the applicable mill regulation permits an addition to the f. o. b. mill price by a wholesaler or commission merchant.

In computing the maximum price each of the above items must be adjusted to the nearest quarter of a dollar per thousand board feet of lumber or the nearest five cents per unit of sale on other items.

SEC. 6. *Maximum prices for retail yards: Sales other than "wholesale-type"*—(a) *General.* The maximum price on sales out of retail yard stock other than the "wholesale-type" sales is the sum of the following:

(1) F o. b. mill maximum price at the time of delivery by the distribution yard, in the mill regulation for the particular species; plus

(2) Inbound transportation charges to the distribution yard figured under the rules in section 7; plus

(3) $5.00 per thousand board feet "handling charge" (or 30 cents per square for shingles, and 60 cents per M pieces for lath) plus

(4) The appropriate area percentage mark-ups, to be applied to the sum of (1) (2) and (3) above.

In computing the maximum price under this section, the f. o. b. mill maximum price may be increased by 4% (maximum $2.00 per MBM) in those cases in which the applicable mill regulation permits an addition to the f. o. b. mill price by a whosesaler or commission merchant.

In computing the maximum price each of the above items must be adjusted to the nearest quarter of a dollar per thousand board feet of lumber or the nearest five cents per unit of sale on other items.

(b) *Areas.* (1) The North Atlantic Area consists of Maine, New Hampshire, Connecticut, Rhode Island, Vermont and Massachusetts, New York, New Jersey, Eastern Pennsylvania (east of the western border of the counties of Juanita, Perry, Cumberland, Adams, Tioga, Lycoming, Union and Snyder) Maryland, Delaware, District of Columbia, the City of Alexandria, and Fairfax and Arlington Counties of Virginia.

(2) The North Central Area consists of Western Pennsylvania (from the western border of the following counties: Juanita, Perry, Adams, Cumberland, Tioga, Lycoming, Union, and Snyder) West Virginia, Indiana, Ohio, Michigan (Lower Peninsula only) Tazewell and Buchanan Counties of Virginia, and Illinois.

(3) The Great Plains Area consists of Minnesota, North Dakota, South Dakota, Iowa, Wisconsin and the Upper Peninsula of Michigan.

(4) The South Central Area consists of Kansas, Nebraska, Missouri and Oklahoma.

(5) The California Area consists of California.

(6) The Texas Area consists of Texas.

(7) The Mountain States Area consists of Wyoming, Utah, Colorado, Arizona and New Mexico.

(8) The Louisiana Area consists of Louisiana.

(9) The Florida Area consists of Florida.

(10) The Southern Area consists of Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia except the city of Alexandria and the Counties of Fairfax, Arlington, Tazewell and Buchanan.

(11) The Northwest Area consists of Washington, Oregon, Idaho, Nevada and Montana.

(c) *Area mark-ups.* The appropriate area mark-ups to be used in computing maximum prices for sales, other than "wholesale-type" sales, out of retail yard stock are as follows:

(1) In North Central and North Atlantic Areas:

Quantities of over 1,000 ft. B. M..
"Lower bracket" items, 30%
"Upper bracket" items, 40%
Hardwood Flooring, 30%
Quantities 1,000 ft., B. M., or less:
All items, 50%

(2) In Great Plains and Texas Areas, all quantities:

"Lower bracket" items, 35%
"Upper bracket" items, 40%
Hardwood Flooring, 35%

(3) In California Area, all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 50%
Hardwood Flooring, 30%

(4) In South Central Area, all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 40%
Hardwood Flooring, 30%

(5) In Mountain States Area, all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 40%
Hardwood Flooring, 40%

(6) In Louisiana Area, all quantities:

All items, 30%

(7) In Florida Area, all quantities:

All items, 30%

(8) In Southern Area, all quantities:

"Lower bracket" items, 25%
"Upper bracket" items, 35%
Hardwood Flooring, 25%

(9) In Northwest Area, all quantities:

"Lower bracket" items, 25%
"Upper bracket" items, 35%
Hardwood Flooring, 35%

(10) In all areas, if a sale of softwood lumber, hardwood flooring, lath, and/or shingles totals less than $7.50, add 10 percent of total.

(d) *"Lower and upper bracket" items.* (1) "Lower bracket" items include the following grades and sizes:

(i) *Grades.*

No. 1 Common & lower in the following species: Southern pine (longleaf and shortleaf), Douglas fir, West Coast hemlock, Sitka spruce, White fir (W. C. L. A. Rules), Redwood, Eastern spruce, Aspen, Eastern hemlock, and Red cedar.

No. 2 Common & lower in the following species: Jack pine, Engelman spruce, Lodgepole pine, Larch, and Tidewater red cypress.

No. 3 Common & lower in the following species: Ponderosa pine (including No. 1 Dimension), Norway pine, Idaho pine, Sugar pine, Eastern and Northern white pine (Pinus Strobus), Ottawa Valley white pine, and White fir (W. P A. Rules).

NOTE: "Lower bracket" items include all special specifications applicable to the grades listed, such as dense or medium grain, or stress grades, and also any items of flooring, ceiling and similar patterns in the grades listed.

(ii) *Sizes.* All thicknesses of boards and strips: all widths in boards and Dimension 12" and under in nominal width; all 3" and 4" timbers 10" and under in nominal width; all 5" and 6" timbers 8" and under in nominal width; and all lengths in the above up to and including 24' also all shingles and lath.

(2) "Upper bracket" items include all grades higher, sizes larger and lengths longer than those listed as "lower bracket" items.

SEC. 7. *How to figure inbound transportation*—(a) *Basing points.* In adding inbound transportation charges as provided in sections 4, 5, and 6, each seller shall calculate incoming transportation charges from the basing point shown below to points of delivery in each state on the basis of carload rates applicable to each species of softwood lumber and hardwood flooring. For example, if a distribution yard located in Chicago, Illinois, buys shortleaf yellow pine from a mill in Goldsboro, North Carolina, it applies the rate from the basing point to be used for the State of Illinois, in this instance, Hattiesburg, Mississippi, to the point of delivery, in this instance, Chicago. As indicated, this applies regardless of the actual point of origin of the shipment.

Exception: The foregoing shall not apply to mixed species, log run lumber priced in Appendix I of Maximum Price Regulation 94, for which special provision is made under subparagraph (3) below.

(1) *Douglas fir and other West Coast lumber—RMPR 26.* Portland, Oregon (except that in the State of Washington, use Seattle, Washington)

(2) *Idaho white pine—MPR 94.* Spokane, Washington.

(3) *Ponderosa pine, Sugar pine, and secondary species—MPR 94.* (i) All shipments except "mixed species, log run" Appendix I: Klamath Falls, Oregon (except: in Texas, Arizona, and New Mexico use Susanville, California; and for Ponderosa pine and secondary species, in Idaho, Montana, Iowa, North Dakota, South Dakota, Washington and Wyoming, use Spokane, Washington)

(ii) Mixed species, log run (Appendix I) An addition of $6.00 per M'BM for inbound transportation shall be used.

(4) *Red cedar shingles—MPR 164.* Seattle, Washington.

(5) *Northeastern softwoods—RMPR 219.* (i) Eastern spruce (domestic and Canadian) Jack pine, Norway pine, and White cedar shingles: (use American prices and weights) Vanceboro, Maine (except for Norway pine produced in Ottawa Valley, use Niagara Falls, New York, Detroit, Michigan, or Chicago, Illinois (whichever takes the lowest rate of freight to destination) or basing points and Canadian prices and weights)

(ii) White pine (use American prices and weights) Norway, Maine (except: for White pine produced in Ottawa Valley, use Niagara Falls, New York, Detroit, Michigan, or Chicago, Illinois (whichever takes the lowest rate of freight to destination) and Canadian prices and weights)

(iii) Eastern hemlock (use prices established for Pennsylvania and New York) Williamsport, Pennsylvania (except: in the New England states, use Norway, Maine, as the basing point and prices for hemlock produced in New England)

(6) *Northern softwoods—RMPR 222.* Wausau, Wisconsin (except: for Jack pine, use Mizpah, Minnesota as basing point; for imported Western White spruce use Baudette, Minnesota as basing point for lumber shipped from mills in Saskatchewan and Manitoba; and Spokane, Washington, for lumber shipped from mills in British Columbia and Alberta)

(7) *Redwood—MPR 253.*

Western Area: Eureka, California.

Eastern Area: Direct-mill maximum prices are not f. o. b. mill but are delivered on a 57 cents rate. Therefore, for inbound transportation add only the excess of the actual rate from Eureka, California, to the seller's yard over the 57 cents rate. If the rate is less than 57 cents deduct the resulting difference in transportation charges from the Eastern area prices in MPR 253.

(8) *Shortleaf Southern pine—RMPR 19.*

Montgomery, Alabama: Alabama.

Alexandria, Louisiana: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

Macon, Georgia: Connecticut, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont.

Goldsboro, North Carolina: Delaware, District of Columbia, Maryland, North Carolina, Virginia, West Virginia.

Valdosta, Georgia: Florida.

Hattiesburg, Mississippi: Illinois, Indiana, Kentucky, Michigan, Mississippi, Wisconsin.

Sumter, South Carolina: South Carolina.

(9) *Longleaf Southern pine—RMPR 19.*

Alexandria, Louisiana: Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming.

Fort Myers, Florida: Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia.

(10) *Sitka spruce—MPR 290.* Portland, Oregon (except that in the State of Washington, use Seattle, Washington)

(11) *Western Red Cedar Lumber—MPR 402.* Seattle, Washington.

(12) *Tidewater Red Cypress Lumber—MPR 412, Tables 2, 4, 6, 7 8, 10, 11 and 17.*

Perry, Florida: Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

Ponchatoula, Louisiana: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming. Distribution yards located in these states may make the additions allowed for Louisiana producers in calculating mill prices. See Section 24 of MPR 412.

Albany, Georgia: Georgia and Tennessee.

Sumter, South Carolina: North Carolina and South Carolina.

(13) *Maple, birch and beech flooring—MPR 432.* Wells, Michigan.

(14) *Oak flooring—MPR 458.* Johnson City, Tennessee.

(b) *Minimum rate.* If the distribution yard is located at the basing point, or within a radius of 10 miles from such point, or at a point which takes a lower freight rate (as determined in Section 16 (c)) than 10 cents per cwt., a rate of 10 cents per cwt. may be used to figure inbound transportation charges.

(c) *Estimated weights.* Yards must use estimated average weights where provided for by any applicable price regulation.

(d) *Trucking from railhead to yard site in certain areas.* The provisions of this paragraph apply only to the Mountain States, Northwest and Texas Areas. Where the distribution yard is located at a distance greater than 10 miles from the nearest railhead it may add to its transportation charges, figured in accordance with paragraphs (b) and (d) of this section, for the cost of trucking from the railhead to the yard's site, an amount not to exceed the following: $2.00 per M'BM for any distance over 10 miles and less than 20 miles; $2.50 per M'BM for any distance 20 miles or greater. Distance is to be determined by the speedometer reading for the shortest route between the railhead and yard site, or as indicated on the official state highway road map.

SEC. 8. *Combination grades.* Lumber sold on combination grades may not be sold above the maximum price for the lowest priced grade actually named in the combination, as stated in the applicable mill regulation. But it is permissible to quote a grade with specified percentages of higher grades: *Provided,* That when the lumber is shipped, lumber of each grade is tallied on a board foot basis and invoiced separately at prices not in excess of ceiling prices for the respective grades.

SEC. 9. *Items in distribution yard stock when specific price is deleted from a mill regulation.* Where an amendment to, or a revision of, a mill schedule deletes a specific price for an item theretofore priced, a distribution yard having stocks of the item in inventory or actually in transit on the effective date of the amendment or revision shall have 45 days from the effective date thereof within which to sell these stocks on the basis of ceiling prices in effect before the deletion. Thereafter, it may not use the additions previously established in computing its selling price.

SEC. 10. *Items specially priced under mill regulations.* Where a producer establishes a specific price for an item under a special pricing provision of a mill schedule, any distribution yard selling that item may use the price so established in figuring its selling price under this regulation, provided it first obtains from the producer written assurances that an authorization has been issued to him, and provided further, that the distribution yard files a copy of its purchase invoice with the Lumber Branch of the Office of Price Administration, Washington, D. C.

SEC. 11. *Special rules for sales by "CPA contract yards"*—(a) *Special rule on ripping and resawing by "CPA contract yards" in emergencies.* (1) If an emergency arises in which the Central Procuring Agency is unable to obtain needed board and dimension for a particular job except through ripping and resawing of timber by a "CPA contract yard" the yard may use the f. o. b mill maximum price for the original size to be ripped or resawn, and make the additions for ripping and resawing provided in the table in Section 13 even though the final size is a standard size of board or dimension. These, however, shall be limited to a total charge for not more than three cuts, either ripping or resawing or any combination of the two.

(2) A proper showing shall be made by the yard in these cases, which shall consist of a statement establishing that the board and dimension sold was actually derived by remanufacturing heavier lumber at the yard, a listing of the original sizes from which the board and dimension has been derived and copies of invoices covering the transaction. This statement must be submitted to the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days after the transaction has been completed.

(b) *Special rule on lumber in transit.* A sale by a "CPA contract yard" may be considered a sale out of distribution yard stock even if the sale was made while the lumber was in transit to the yard. Of course, if the lumber was not actually put through the yard, as for example, where lumber sold in transit is merely rerouted to the purchaser, or reloaded and delivered, the direct-mill regulation applies.

SEC. 12. *Delivery charges*—(a) *Sales other than "wholesale-type"* (1) The mark-ups for sales other than "wholesale-type" in the North Atlantic, North Central, Florida and Southern areas include delivery within a radius of 25 miles. For deliveries more than 25 miles an addition of 10 cents per M'BM may be made for each mile beyond the first 25, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required.

(2) The mark-up for sales (other than "wholesale-type") in the Great Plains, South Central, California, Texas, Louisi-

ana, Mountain States, and Northwest areas include delivery within a radius of 10 miles to those classes of customers to whom free delivery was extended in March 1942 and thereafter. For deliveries of more than 10 miles to such classes of customers an addition of 10 cents per M'BM may be made for each mile beyond the first 10, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required.

To all classes of customers to whom free delivery was not included in March 1942 and thereafter an additional charge for delivery may be made: *Provided,* That such charge does not exceed that made for the same type of delivery during March 1942.

(b) *"Wholesale-type" sales*—(1) *Private truck.* When delivery is by truck owned or controlled by the seller, the amount added for delivery may not be more than the actual cost to the seller of delivery by truck. This "actual cost" may not be higher than the over-all average trucking cost for a similar delivery arrived at as of the 12-month period ending December 31, 1942.

(2) *Common or contract carrier.* When delivery is by common or contract carrier, i. e. truckmen, only the actual amount paid to the carrier may be added. However, the permitted estimated weights for rail shipment in the appropriate direct-mill regulation may be used, where given, in the event of delivery by rail.

SEC. 13. *How to figure additions for working and kiln drying*—(a) *Basic workings.* The following additions per 1000 feet board measure may be made to the maximum prices when the following workings are required to be performed by a distribution yard and are actually performed by it. These charges are to apply to the total quantity involved in one order where the milling does not involve a change in the machine set-up. These are to be added after the percent of mark-up has been applied; that is, no percentage mark-up may be applied to the amount of the working charge. These charges may not be added to produce any item of boards or dimension in standard sizes, or sizes reasonably similar thereto, shown in the applicable regulation.

MAXIMUM MILLING CHARGES

	4/4, 5/4, 6/4		2"		3" & 4"		5" x 5" to 8" x 8"		6" x 10" & Larger		Permitted minimum charges
	On all sales where mark-up is $5.00 & 10%	All other sales	On all sales where mark-up is $5.00 & 10%	All other sales	On all sales where mark-up is $5.00 & 10%	All other sales	On all sales where mark-up is $5.00 & 10%	All other sales	On all sales where mark-up is $5.00 & 10%	All other sales	
S1S, S2S	$3.00	$5.25	$2.50	$4.50	$2.50	$4.50	$3.00	$5.25	$4.00	$7.00	$1.50
S3S, S4S	3.00	5.25	2.50	4.50	2.50	4.50	3.00	5.25	4.00	7.00	1.50
D&M, Shiplap, Grooved, Beveled Sleepers	3.50	6.25	3.00	5.25	3.00	5.25	6.00	10.50	6.00	10.50	1.75
Drop Siding & Ceiling	3.50	6.25	3.00	5.25							1.75
Outgauging & Special Patterns	7.50	13.25	7.50	13.25	7.50	13.25	7.50	13.25	7.50	13.25	3.75
Crosscutting	1.00	1.75	1.00	1.75	1.00	1.75	2.00	3.50	2.00	3.50	.50
Ripping	1.50	2.75	1.50	2.75	1.50	2.75					.75
Resawing	2.00	3.50	2.00	3.50	2.00	3.50	2.00	3.50	3.00	5.25	1.00

(1) The amounts in the last column represent the permitted minimum charges. Therefore, where the total charge figured on an MBM basis is less than the amount shown in this column the seller may use the permitted minimum charge.

(2) The cross-cutting addition may be made only as many times as are necessary to produce the desired length from the shortest standard multiple of that length in the size and grade required. In no case may the final cost, including the charge for cross-cutting and waste, exceed the most economical final cost of producing the required length.

(3) The ripping and resawing charges may be added and the price of the original size ripped or resawn may be used in figuring the f. o. b. mill maximum price only where:

(i) A standard size is remanufactured into a non-standard size, or

(ii) The final size to which the original size is reduced by ripping or resawing is larger than the size of boards (this covers all items under 2" in nominal thickness) and dimension (this covers all items 2" in nominal thickness in (i) the width of 12" or less and (ii) 24' or less in length)

(4) The total charge for ripping and resawing may not include an addition for more than a total of three rips or resaws or any combination of the two per piece.

(b) *Kiln-drying.* For kiln-drying, done at the yard, an addition of double the addition permitted by the applicable direct-mill regulation may be made.

(c) *Custom milling or kiln drying.* Where the required working or kiln drying cannot be performed by the distribution yard making the sale because it does not have the necessary facilities, the yard may add to the maximum prices the actual cost of having the working or drying performed at a custom establishment, instead of the charges permitted in paragraphs (a) and (b) above. However, paragraphs (a) (2), (3) and (4) apply. If the distribution yard has the facilities to perform the required workings or drying or if it performed similar operations at any time before the effective date of this regulation, it may add to the maximum prices only the permitted working or kiln-drying charges set forth in paragraphs (a) and (b) above. In adding the working or drying charges permitted by this regulation, the distribution yard may not make any extra charge for the hauling or trucking that may be required in getting the stock to or from the custom establishment.

SEC. 14. *Special specifications, workings, or extras.* For special workings, specifications, services or extras not specifically priced under any provision of this regulation, the seller should apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for instructions. In the application the seller must set forth the amount customarily charged (not to exceed the maximum price fixed by the regulation previously controlling) for the special working, specifications, service or extra, or in the absence of a customary charge, the amount which in his opinion represents a fair and reasonable charge, together with a statement of how it was arrived at. Instructions will be furnished by letter or telegram. After filing an application the seller may quote and deliver at the requested price, but must not accept final payment until a price has been approved. If a price is not approved within 30 days after application has been made, the price for which approval is requested shall be deemed to have been approved and may be used by the seller. Instructions issued pursuant to this paragraph apply only to the particular seller who has applied for them.

SEC. 15. *What the invoice must contain.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not; i. e. grade, quantity, size, condition of dressing, pattern, species, and any other extra or specification which affects the maximum prices. The amount added for each specification or extra does not have to be separately shown; except on sales of lumber to be shipped outside of the United States, in which event, the invoice must also show the actual expenses incurred in making such shipments. The invoice must also show whether working or dry-kilning was done by a distribution yard or custom establishment; if done by a custom establishment a copy of the bill for such services must be attached to the distribution yard invoice. Any addition for delivery must be shown separately on the invoice.

ARTICLE III—MISCELLANEOUS

SEC. 16. *Definitions*—(a) *Distribution yard.* "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells

mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

NOTE: This is given merely as a general guide and must be supplemented in the sale of any particular species by the specific requirements of the mill ceiling regulation covering that species.

(b) *Sale out of distribution yard stock.* A sale out of distribution yard stock means a sale made by a distribution yard for shipment out of lumber which was a regular part of yard stock at the time the sale was made. However, sales of lumber acquired by a distribution yard from a mill under Order L-218 or Order L-290 issued by the War Production Board, and requiring end use as a condition of release, may be construed to meet the requirements of the preceding sentence provided the lumber is actually stored in the distribution yard before delivery.

(c) *Applicable basing points.* The term "applicable basing points" as used in this regulation means points of origin to be used based on rates set forth in the tariffs of railroad carriers in determining incoming transportation charges.

(d) *Quantities.* Quantity is in every instance to be determined by the total amount ordered without regard to the number of kinds or species or grades of lumber included. Furthermore, the amount delivered at a particular time does not determine the quantity. The test is the total amount involved in the transaction.

In determining the size of a sale of shingles or lath, a conversion ratio of 10,000 shingles to 1,000 board feet of lumber and 6,000 lath to 1,000 board feet of lumber shall be used.

(e) *Wholesale and CPA yards.* A wholesale distribution yard means any distribution yard which, during either of the calendar years 1940 or 1941 sold 50 percent or more of its dollar volume of softwood lumber and/or hardwood flooring to other distribution yards, wholesale or retail. In determining the dollar volume of softwood lumber and/or hardwood flooring hereunder, direct mill sales shall not be included. The mark-ups in this section also apply to all "CPA contract yards" "CPA contract yards" are distribution yards operating under a "letter of intent" or other form of agreement with the Central Procuring Agency, under which the yard maintains a stockpile of lumber at the instruction of that Agency for distribution and sale pursuant to its directions or consent.

(f) *Retail yard.* A retail distribution yard means any distribution yard which during both the calendar years 1940 and 1941 sold more than 50 percent of its dollar volume of softwood lumber and/or hardwood flooring to persons other than distribution yards, wholesale or retail. In determining the dollar volume of softwood lumber and/or hardwood flooring hereunder, direct mill sales shall not be included.

(g) *"Wholesale-type" sale.* A "wholesale-type" sale is a sale of 5,000 ft. B. M. or more made to one of the following classes of buyers: ("to" means directly to the person named; "for" means to contractors who will use the lumber to fulfill a contract with the person named.)

(1) To or for the United States Government or its agencies;

(2) To, but not for, State Governments (including the District of Columbia) or their political subdivisions; or agencies of any of these;

(3) To an industrial user for use in the fabrication, packaging or shipping of its products;

(4) To, but not for, a railroad;

(5) To or for a shipbuilder, dockbuilder, dam builder, or bridge builder.

SEC. 17. *What records must be kept.* All distribution yards must keep records which will show a complete description of the items of lumber sold (i. e. grade, condition of dressing, quantity, etc.) the name and address of the buyer, the date of the sale and the price for a period of two years. (On sales amounting to less than $7.50 records showing the name and address of purchaser are not necessary.) They must keep similar records of all purchases.

SEC. 18. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were in August 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit. For purposes of this paragraph, no discount over 2 percent is considered a cash discount. However, on specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(2) Selling as specified lengths a shipment of lumber which is substantially equivalent to standard or random lengths.

(3) Grading as a special grade lumber which can be graded as a standard grade; or wrongly grading or invoicing lumber in any other way.

(4) Refusing to sell on an f. o. b. yard basis, and insisting on selling on a delivered basis, except in the case of sales whose price includes free delivery or refusing to make delivery within the free delivery zone, unless it was not the practice of the seller in March 1942 to make delivery in the particular circumstances, in which case the delivery charge may not exceed that made for the same type of delivery in March 1942.

(5) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(6) Breaking up an order which would normally be a single order into a series of smaller orders in order to evade the maximum price limitations in this regulation.

(7) Delivering or charging for a quantity under 1,000 ft. B. M. where 1,000 ft. or more was ordered for the purpose of getting the higher mark-up permitted for quantities less than 1,000 ft.

(8) Failing to invoice properly and in accordance with requirements of this regulation.

(9) Charging, paying or receiving a commission for the service of procuring, buying, selling, or locating lumber, or for any related service (such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber, except as may be provided in any applicable mill regulation. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, in so far as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

SEC. 19. *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, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 20. *Petitions for amendment or applications for adjustment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" The term also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract," who believes that the maximum prices contained in this regulation impede or threaten to impede production of lumber of the species covered by this regulation essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6,[14] issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petition for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[15] issued by the Office of Price Administration.

SEC. 21. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, an dproceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Such agencies are nevertheless subject to this regulation.

SEC. 22. *Licensing.* The provisions of Licensing Order No. 1,[16] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 23. *Establishing new distribution yards.* In order to prevent violations of this regulation, by unnecessary routing of lumber through distribution yards, the Office of Price Administration will not recognize any distribution yard set up after December 31, 1942 (or the date set in the section on this subject in the applicable mill regulation, if different) unless the person establishing such yard writes to the Office of Price Administration, Lumber Branch, Washington, D. C., and offers proof that such yard satisfies the requirements of the definition "distribution yard" and that the purpose is not to get around the mill regulations or to get the benefit of the mark-ups provided for herein by means of unnecessary distribution yard business. Until approval is received, the proposed new yard cannot consider itself licensed by the Office of Price Administration, or consider itself a distribution yard for the purpose of this or of any other regulation issued by the Office of Price Administration.

SEC. 24. *Relation to other regulations* — (a) *General Maximum Price Regulation.* Sales subject to this regulation are not subject to the General Maximum Price Regulation; except that sales, purchases and deliveries of products covered by this regulation which originate outside of and are imported into the continental United States and not covered by specific mill regulations are governed by the Maximum Import Price Regulation.[17]

(b) Second Revised Maximum Export Price Regulation.[18]

Maximum prices for export sales of commodities covered by this regulation are governed by the Second Revised Maximum Export Price Regulation.

This regulation shall become effective October 21, 1943.

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

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16841; Filed, October 15, 1943; 4:56 p. m.]

PART 1444—ICE BOXES

[MPR 399,[1] Amdt. 5]

NEW ICE BOXES

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

Maximum Price Regulation No. 399 is amended in the following respect:

Section 7 is amended by inserting after the words, "no person," the phrase, "(other than a mail order house selling through a mail order catalog)."

This amendment shall become effective October 21, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9325, 8 F.R. 4681)

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16835; Filed, October 15, 1943; 4:55 p. m.]

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

[1] 8 F.R. 7448, 9062, 11386, 11813.

PART 1340—FUEL

[RPS 88,[1] Amdt. 131]

PETROLEUM AND PETROLEUM PRODUCTS

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 1340.159 (b) (11) (iv) and (v) are amended to read as follows:

(iv) (*a*) Where deliveries are made within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York, any seller's maximum price for tank wagon and returnable steel barrel deliveries of motor gasoline to a consumer of any class other than a governmental agency shall be as follows:

(*1*) For tank wagon deliveries in single lots of 200 gallons or more to a purchaser whose semi-annual requirements, as hereinafter defined, for bulk delivery are:

(*i*) 10,000 gallons and up to 60,000 gallons the maximum commercial consumer's tank wagon price, as determined under other provisions of this price schedule, of the reference tank wagon seller named hereunder.

(*ii*) Under 10,000 gallons one-half cent (½¢) per gallon in addition to the maximum price established under (*i*)

(*2*) For tank wagon deliveries in single lots of less than 200 gallons, one cent (1.0¢) per gallon in addition to the maximum price of the reference tank wagon seller, named hereunder, for single lot deliveries of 200 gallons or more.

(*3*) For returnable steel barrel deliveries, three cents (3¢) per gallon in addition to the maximum commercial consumer's tank wagon price as determined under other provisions of this price schedule of the reference tank wagon seller named hereunder.

(*b*) Where deliveries are made within the States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, any seller's maximum price for tank wagon and returnable steel barrel deliveries of motor gasoline to a consumer of any class other than a governmental agency shall be as follows:

(*1*) For tank wagon deliveries in single lots of 200 gallons or more to a purchaser whose semi-annual requirements for all grades of motor gasoline as hereafter defined for bulk delivery are:

(*i*) Under 60,000 gallons, the maximum commercial consumer's tank wagon price of the reference seller named hereunder for the particular grade of gasoline in the tank wagon area of the reference seller where delivery is made, as such price is determined under other provisions of this price schedule.

(*ii*) 60,000 gallons and more, the maximum price as established under (*i*) less ¾ of a cent per gallon or the maximum price as established under (*i*) less an amount equal to the largest difference, if any, per gallon, between the net price charged and the undivided dealer tank

[14] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.
[15] 7 F.R. 8961; 8 F.R. 3313, 3533, 6175, 11806.
[16] 8 F.R. 13240.
[17] 8 F.R. 11681, 12237.
[18] 8 F.R. 4132, 5987, 7662.
[1] 8 F.R. 3718.

wagon price of the reference seller for such grade of gasoline on any tank wagon delivery to the purchaser from any supplier during March 1941 in such area, whichever price is higher.

(2) For tank wagon deliveries in single lots of less than 200 gallons, one cent (1.0¢) per gallon in addition to the maximum price of the reference tank wagon seller named hereunder for single lot deliveries of 200 gallons or more.

(3) For returnable steel barrel deliveries, two cents (2.0¢) per gallon in addition to the maximum commercial consumer's tank wagon price as determined under other provisions of this price schedule of the reference tank wagon seller named hereunder.

(v) For the purpose of this section, a consumer's semi-annual requirements of motor gasoline shall be the sum of all lawful ration allotments for bulk delivery only, converted to semi-annual basis, in effect to a given consumer as of January 1 for the first six months, and July 1 for the last six months of any calendar year.

As proof of such semi-annual requirements it shall be the responsibility of the purchaser eligible for and claiming any allowance hereinabove provided to deliver to the seller an affidavit stating his semi-annual requirements for all grades of motor gasoline as above computed. Moreover, it shall be the responsibility of a purchaser claiming an allowance as provided by inferior subdivision (*b*) (*1*) (*ii*) above to deliver to the seller a copy of a relevant March 1941 invoice as proof of the eligibility of the purchaser to an allowance provided by such inferior subdivision or an affidavit setting forth the facts that would entitle him to an allowance. As soon as the necessary paper or papers have been delivered to the seller, the purchaser shall be entitled on any subsequent delivery to the allowance for which he is eligible under the provisions hereinabove made.

This amendment shall become effective October 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16833; Filed, October 15, 1943; 4:53 p. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[MPR 483]

"GENERAL MANAGER TYPE" GRAIN DOORS AND TEMPORARY COAL DOORS FOR BOX CARS

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 the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected. 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.*

§ 1413.103 *Maximum prices for "General Manager Type" grain doors and temporary coal doors for box cars.* 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. 483 ("General Manager Type" Grain Doors and Temporary Coal Doors for Box Cars) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1413.103, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 483—"GENERAL MANAGER TYPE" GRAIN DOORS AND TEMPORARY COAL DOORS FOR BOX CARS

ARTICLE I—SCOPE OF THE REGULATION

Sec.
1. Sales of "General Manager Type" grain doors and temporary coal doors for box cars at higher than maximum prices prohibited.
2. To what products, transactions, and persons this regulation applies.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

3. Maximum prices.
4. Adjustable pricing.
5. Prohibited practices.

ARTICLE III—MISCELLANEOUS

6. Petitions for adjustment or amendment.
7. Records.
8. Enforcement.
9. Relation to other regulations.

ARTICLE IV—APPENDICES

10. Appendix A: Maximum prices for "General Manager Type" grain doors.
11. Appendix B: Maximum prices for temporary coal doors for box cars.

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Sales of "General Manager Type" grain doors and temporary coal doors for box cars.* (a) On and after October 14, 1943 regardless of any contract or obligation, no person shall sell or deliver and no person shall buy or receive any "General Manager Type" grain doors or any temporary coal doors for box cars at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) If, upon the purchase of "General Manager Type" grain doors or temporary coal doors for box cars, the buyer gets from the seller a written statement that to the best of his knowledge the price does not exceed the maximum price fixed by this regulation, and if the buyer has no reason to doubt the truth of the statement, the buyer shall be deemed to have complied with this section.

(c) Prices lower than the maximum prices may, of course, be charged or paid.

SEC. 2. *To what products, transactions and persons this regulation applies*—(a) *Products covered by the regulation.* This regulation covers: (1) "General Manager Type" grain doors, which meet any of the following listed, or any similar, specifications:

Chicago, Burlington & Quincy R. R. specification #57359.

Atchison, Topeka & Santa Fe Railway specification #17-B-2224.

Great Northern Railway specification #1631.

Doors produced under the above specifications are also known as Grade No. 4 grain doors. This regulation also covers grain doors of Grades Nos. 3, 2, and 1.

(2) Temporary coal doors for box cars which meet any of the following listed, or any similar, specifications:

Great Northern Railway 25237.

Northern Pacific Railway Company Drawing 40339.

Chicago, Burlington & Quincy Railroad #32768.

(b) *Transactions covered by the regulation.* This regulation covers all sales of "General Manager Type" or similar, grain doors and temporary coal doors for box cars.

(c) *Persons covered by the regulation.* Any person who makes the kind of sale or purchase covered by this regulation is subject to the regulation. The term "person" includes: an individual, corporation, partnership, association, or any other organized group of persons, or their legal successors, or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Maximum prices.* The maximum f. o. b. mill prices for "General Manager Type" grain doors, and temporary coal doors for box cars are set forth in Appendices A and B.

SEC. 4. *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 shipment; but no person may deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment.

SEC. 5. *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. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

ARTICLE III—MISCELLANEOUS

SEC. 6. *Applications for adjustment or petitions for amendment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to pro-

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

mote the Defense of the United States" The term also includes any sub-contract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract" who believes that the maximum prices established by this regulation impede or threaten to impede production of "General Manager Type" grain doors and temporary coal doors for box cars essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6, as amended, issued by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

SEC. 7. *Records.* All sellers and buyers of "General Manager Type" grain doors and/or temporary coal doors for box cars must retail a copy of the invoice covering each transaction or maintain records in other form containing a complete description of the doors, name and address of the other party to the transaction, date of sale, and the price. These records must be retained for two years, for inspection by the Office of Price Administration.

SEC. 8. *Enforcement and licenses*—(a) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942.

(b) *Licensing.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 9. *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation, except that sales, purchases and deliveries of commodities covered by this regulation which originate outside of and are imported into the continental United States are governed by the General Maximum Price Regulation, and especially the Maximum Import Price Regulation.

(b) *Maximum Export Price Regulation.* The maximum prices for export sales of "General Manager Type" grain doors and temporary coal doors for box cars are governed by the Second Revised Maximum Export Price Regulation.

ARTICLE IV—APPENDICES

SEC. 10. *Appendix A. Maximum prices for "General Manager Type" grain doors.* (a) The maximum prices for "General Manager Type" grain doors shall be the following net prices, f. o. b. mill, no freight allowance:

"General Manager Type" grain doors (size)	Hemlock or other Northern softwoods or hardwoods	Ponderosa Pine	Douglas Fir or other Western softwoods	Southern Pine, Cypress, Bass wood or other Southern or Eastern softwood or hard wood
7'0" x 20" x 1⅝"	$1.35	$1.23	$1.19	$1.31
7'0" x 10" x 1⅝"	.81	.74	.715	.785

(b) The maximum prices established in paragraph (a) shall be adjusted in accordance with the following deductions for grades:

No. 3 doors—5¢ from price of appropriate species.

No. 2 doors—10¢ from price of appropriate species.

No. 1 doors—15¢ from price of appropriate species.

SEC. 11. *Appendix B: Maximum prices for temporary coal doors for box cars.* (a) The maximum prices for temporary coal doors for box cars shall be the following net prices, f. o. b. mill, no freight allowance:

Temporary coal doors for box cars: Size:	Hemlock or Northern softwoods and hardwoods
7'0" x 24"	$0.77 each
6'0" x 24"	68 each

This regulation shall become effective at 11:59 p. m. October 14, 1943.

NOTE: All 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.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16840; Filed, October 15, 1943; 4:54 p. m.]

PART 1306—IRON AND STEEL

[RPS 10,[1] Amdt. 8]

PIG IRON

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

Revised Price Schedule 10 is amended in the following respects:

1. Section 1306.52, the first undesignated paragraph is amended to read as follows:

On and after June 24, 1941, regardless of any commitment theretofore entered into, no person who produces Pig Iron shall sell or deliver, or offer to sell or deliver, any such product and no purchaser shall buy or accept delivery, or offer to buy or accept delivery, of Pig Iron from such person at a price exceeding the maximum ("ceiling") price.

2. A new § 1306.52a is added to read as follows:

§ 1306.52a *Adjustable pricing.* Any person may agree to sell at a price which may 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 letter or telegram when the contemplated revision might be the granting of an individual application for adjustment.

3. In § 1306.56, the undesignated paragraph, beginning with the words "Silicon differentials" is amended to read as follows:

Silicon differentials. Basing point base prices are to be subject to an additional charge not to exceed $0.50 a ton for each 0.50 per cent. or portion thereof, silicon content in excess of base grade (1.75 per cent to 2.25 per cent)

4. In § 1306.56, the undesignated paragraph beginning with the words "Manganese differentials" is amended to read as follows:

Manganese differentials. Basing point base prices are to be subject to an additional charge not to exceed $0.50 a ton for each 0.50 per cent, or portion thereof, manganese content in excess of 1.00 per cent.

This amendment shall become effective October 22, 1943.

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[1] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

[2] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[3] 8 F.R. 13241.

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

[5] 8 F.R. 11681, 12237.

[1] 8 F.R. 1236, 2482, 4627, 12014.

[6] 8 F.R. 4132, 5987, 7662, 9998.

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

(56 Stat. 23, 765; Pub. Law 151; 76th Cong. E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16869; Filed, October 16, 1943; 4:28 p. m.]

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

[MPR 132,[1] Amdt. 4]

WATERPROOF RUBBER FOOTWEAR

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 132 is amended in the following respects:

1. In § 1315.70 (a) (1) (iii) the last sentence is amended to read as follows:

A substantial variance from those specifications is a reduction in the total rubber hydrocarbon content of more than 10 percent or any other substantial change in the specifications originally filed, except that the requirements as to rubber hydrocarbon content and the physical and chemical specifications of any compound are not applicable to any compound containing buna-S (BR-S)

2. In § 1315.70 Table I is amended by changing the prices of the following items to read as follows:

Men's sandal, molded	$0.58
Men's clog, molded	.50
Women's footholds, molded	.17

This amendment shall become effective October 22, 1943.

(Pub. Laws 421 and 729, 77th Cong., Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of October, 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16863; Filed, October 16, 1943; 4:30 p. m.]

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

[MPR 229,[2] Amdt. 8]

RETAIL AND WHOLESALE PRICES FOR VICTORY LINE FOOTWEAR

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.*

In § 1315.1713 the item "Men's black 10" no-lace mine pac" is amended to read "Men's black 10" lace and no-lace mine pac;" the item "Men's black 10" no-lace mine pac, safety toe" is amended to read "Men's black 10" lace and no-lace mine pac, safety toe"; the item "Men's black 10" no-lace mine pac, steel toe" is amended to read "Men's black 10" lace and no-lace mine pac, steel toe."

This amendment shall become effective October 22, 1943.

(Pub. Laws 421 and 729, 77th Cong., Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16862; Filed, October 16, 1943; 4:29 p. m.]

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

[RO 1B,[1] Amdt. 2]

MILEAGE RATIONING, TIRE REGULATIONS FOR PUERTO RICO

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

Ration Order 1B is amended in the following respects:

1. Section 1.6 (c) is amended to read as follows:

(c) *Spare tires.* Except as herein provided, no Board shall issue a certificate for a spare tire for a passenger automobile except between the 23rd and the last day of any month, and then only if there are no pending unsatisfied applications for passenger-type tires for running wheels; *Provided, however,* That a Board may issue a certificate for a spare tire for use with a passenger automobile owned, leased or used exclusively by the Red Cross, or the Office of Civilian Defense, or by a doctor or surgeon who meets the eligibility requirements contained in section 2.2 (d) (1) (ii) of this ration order, or for use with a passenger automobile owned and used exclusively by the Federal or Insular government for maintaining fire-fighting services or in investigations or patrolling necessary to the maintenance of public police services, at any time if the Board is satisfied that a spare tire is essential to the operation of such vehicle. A Board may likewise issue a certificate for a spare tire to an applicant for a commercial motor vehicle eligible under section 2.4 (a) (List A) at any time if the Board is satisfied that a spare tire is essential to the operation of such vehicle.

2. Section 2.1 (a) (1) (ii) is amended to read as follows:

(ii) To replace a tire which cannot be repaired or recapped, or a tube which cannot be repaired: *Provided,* That a consumer eligible for a Grade I tire under this ration order may be issued a certificate by the Board to replace a recappable tire upon turning in his recappable carcass; or

(3) The table in section 2.2 (c) is amended to read as follows:

Type of ration	Adjusted monthly mileage	Eligible for tire or recapping	Eligible for tubes
Basic A only.	48 miles per month.	None, unless vehicle is used primarily for preferred mileage purposes or in a car-sharing plan and then only recapping with passenger-type camelback.	None, unless vehicle is used primarily for preferred mileage purposes or in a car-sharing plan.
Supplemental B Occupational.	240 miles per month.	Recapping, with passenger-type camelback, if the applicant has a recappable tire carcass, otherwise a 4 ply, Grade III tire	New or used, at applicant's option
Supplemental C Preferred.	640 or less miles per month.	Recapping, with passenger-type camelback, if the applicant has a recappable tire carcass, otherwise a 4 ply, Grade III tire.	New or used, at applicant's option.
Supplemental C Preferred.	640 or more miles per month.	At applicant's option, either recapping with passenger-type camelback if the applicant has a recappable tire carcass, or a Grade I or Grade III tire.	New or used, at applicant's option.
Fleet passenger and bulk rations.	Adjusted mileage.	According to adjusted mileage for each vehicle.	New or used, at applicant's option.

4. Section 2.2 (d) (3) is amended to read as follows:

(3) An applicant who is eligible for recapping service may be issued a certificate for a replacement of the grade set forth in the table in paragraph (c) upon turning in his recappable carcass, only if he is eligible for a Grade I tire, or if the Director finds that the recapping facilities are unavailable or inadequate.

5. Section 2.3 (a) (4) is amended to read as follows:

(4) *Recapping if possible.* That if an applicant who is not eligible for a Grade I tire is seeking to replace a tire, the same is not capable of being recapped; and

6. Section 2.5 (a) (1) is amended to read as follows:

(1) A farm tractor or other farm implement. Tractors or combines may be issued certificates to acquire tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only: *Provided, however,* That if an implement or front wheel tractor tire of suitable size is not available, the Board may issue a certificate for a Grade III tire, or upon the approval of the Director, for a truck-type tire.

7. Section 2.17 (b) is amended to read as follows:

(b) *Replaced tires or tubes to be turned in.* If the certificate indicates that a tire or tube being replaced must

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

[1] 8 F.R. 12302.

[2] 7 F.R. 7740, 7738, 8701, 8936, 10289, 10844; 8 F.R. 8843, 10900.

[1] 8 F.R. 9551, 12695.

be turned in and does not indicate that such tire is a recappable carcass the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire or tube by mail, or withdraws it from a public warehouse, he shall within five days thereafter deliver the replaced tire or tube to a dealer. If the tire turned in is a recappable carcass, a dealer who is not a recapper may either sell such tire to a recapper or transfer it for recapping to a recapper in accordance with section 2.33 (j) (2)

8. The second sentence of section 2.23 (a) is amended to read as follows:

The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization, and must be presented for inspection at any time to, and at the request of, an inspector of the Office of Price Administration or of any person whom the Director may designate for that purpose.

9. Section 2.33 (d) is amended to read as follows:

(d) *Transfers on vehicles.* Unless prohibited by an order or regulation issued by the Office of Price Administration or the War Production Board, a person may without certificate, transfer a tire or tube as part of the equipment of a vehicle in conjunction with the transfer of such vehicle: *Provided, however* That a tire or tube acquired in exchange for a certificate may be so transferred only after ninety (90) days of the acquisition of such tire or tube by the transferor and after said tire or tube has been used two thousand (2,000) miles or more. No person shall accept the transfer of such tire or tube unless in accordance with this paragraph.

10. Section 2.33 (i) is amended to read as follows:

(i) *Turn in of tires or tubes to be replaced.* A consumer who holds a certificate authorizing the purchase of a tire or tube and is required to turn in a tire or tube to be replaced shall transfer such tire or tube to a dealer: *Provided,* That such dealer, if not a recapper, may either sell the replaced tire, if recappable, to a recapper, or transfer it for recapping to a recapper in accordance with paragraph (j) (2) of this section.

11. Section 2.33 (q) is amended to read as follows:

(q) The Director may, upon a dealer's application, issue replenishment portions of certificates to replace tires, tubes, camelback, replenishment portions, (Parts B) or certificates which have been lost, stolen, destroyed, or irreparably damaged. The Director may likewise, upon a dealer's application, authorize the Board to issue to such dealer a certificate to recap a tire which requires recapping and is held for sale by such dealer.

This amendment shall become effective October 18, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719, W.P.B. Dir. No. 1, Supp. Dir. No. 1-J, as amended, 7 F.R. 562, 5043, 8731, Supp. Dir. No. 1-Q, as amended, 8 F.R. 2013, Rev. Gen. Order No. 20, 8 F.R. 2416)

Issued this 16th day of October 1943.

JORGE L. CORDOVA,
Territorial Director

Approved:

JAMES P DAVIS,
Regional Administrator

[F. R. Doc. 43-16864; Filed, October 16, 1943; 4:30 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 428,[1] Amdt. 2]

CIDER VINEGAR

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 table in section 2 (a) (1) (ii) is amended to read as follows:

The prices listed in this table are f. o. b. factory	60-grain basis	50-60 grain	45-49 grain	40-44 grain
Tank car or tank truck lots, per gallon	$0.16	-------	-------	------
Barrels, per gallon, cooperage included	-------	$0.19½	$0.18¾	$0.17
Half-barrels, per gallon, cooperage included	-------	0.22½	0.21¾	0.20
Gallons, per dozen	-------	3.80	3.70	3.60
Half-gallons, per dozen	-------	2.20	2.15	2.10
Quarts, per dozen	-------	1.10	1.07½	1.05
Pints, per dozen	-------	0.70	0.69	0.675

This amendment shall become effective October 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16872; Filed, October 16, 1943; 4:29 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425,[2] Amdt. 2, Correction]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

The last sentence of the effective date provision of Amendment No. 2 to Maximum Price Regulation No. 425 is amended to read as follows:

The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond October 20, 1943.

This correction shall be effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16870; Filed, October 16, 1943; 4:28 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 8, Correction]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

The last sentence of the effective date provision of Amendment No. 8 to Maximum Price Regulation No. 426 is amended to read as follows:

The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond October 20, 1943.

This correction shall be effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16871; Filed, October 16, 1943; 4:29 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[2] Amdt. 4 to Supp. 1[3]]

FOOD RATIONING FOR INSTITUTIONAL USERS

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

Supplement No. 1 to General Ration Order No. 5 is amended in the following respects:

1. Section 1305.203 (c) is amended to read as follows:

(c) Allowance per person.

Rationed Food	*Allowance per person*
Processed Foods	0.6 points.
Sugar:	
1. For Group III institutional users:	
(i) For allotment period ending April 30, 1943	.03 pounds.
(ii) For allotment periods between May 1st, 1943 and October 31, 1943	.04 pounds.
(iii) For the fifth and subsequent allotment periods	.05 pounds.

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

[1] 8 F.R. 10358, 12136.

[2] 8 F.R. 9303, 9879, 12632, 12952.

[1] 8 F.R. 9546, 9568, 9727, 10571, 10673, 11559, 11691, 11756, 12951, 13743.

[2] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12408, 12744, 13920.

[3] 8 F.R. 2597, 4840, 5529, 5266, 8851, 7601.

2. For all others:

(i) For allotment periods between March 1, 1943 and October 31, 1943	03 pounds.
(ii) For the fifth and subsequent allotment periods	.04 pounds.

This amendment shall become effective as of October 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th 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. 3, 5, 6 and 7, 7 F.R 2005, 2251, 3471, respectively)

Issued this 16th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16867; Filed, October 16, 1943; 4:28 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 461, Amdt. 2]

NATURAL CONDITION UNPACKED DRIED PRUNES AND RAISINS

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 2 (b) is amended to add the following varieties of raisins to the items listed therein:

Item 4. Natural Golden Bleached Thompson seedless raisins (extra choice color)	$195.00
Item 5. Natural Sulphur Bleached Thompson seedless raisins (fancy color)	195.00
Item 6. Natural Soda Dipped Thompson seedless raisins (choice color)	195.00
Item 7. Natural Valencia Type Muscat raisins	205.00
Item 8. Natural Tray Slip Muscat raisins	180.00
Item 9. Natural Zante currants	215.00

This amendment shall become effective October 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of October 1943.

PRENTISS M. BROWN,
Administrator

Approved: October 15, 1943.

MARVIN JONES,
War Food Administrator

[F. R. Doc. 43-16865; Filed, October 16, 1943; 4:27 p. m.]

PART 1369—METAL ORES

[MPR 113, Amdt. 4]

ADJUSTABLE PRICING

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

A new § 1369.5a is added to read as follows:

§ 1369.5a *Adjustable pricing.* Any person may agree to sell at a price which may 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, except that it may be given by letter or telegram when the contemplated revision might be the granting of an individual application for adjustment.

This amendment shall become effective October 22, 1943.

(56 Stat. 23, 765, Pub. Law 151, 76th Cong. E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16934; Filed, October 18, 1943; 11:36 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F,[1] Amdt. 3]

MILEAGE RATIONING, GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

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

Ration Order 5F is amended in the following respects:

1. The definition of "motorcycle" in section 2.1 is amended to read as follows:

"Motorcycle" means any rubber tired motor vehicle designed for highway operation on three wheels or less having a manufacturer's rated horsepower of five (5) or more.

2. A new definition for the word "motor scooter" is added to section 2.1 to follow the definition of "motorcycle tire" and to read as follows:

"Motor scooter" means any rubber tired motor vehicle designed for highway operation on three wheels or less having a manufacturer's rated horsepower of less than five (5) However, unless the context expressly provides otherwise, the word "motorcycle" shall include "motor scooters"

3. Section 5.5 (c) is amended to read as follows:

(c) For the purposes of paragraph (a) a passenger automobile is conclusively presumed to operate 15 miles, a motorcycle 40 miles, and a motor scooter 60 miles per gallon of gasoline.

4. A new sub-paragraph (5) is added to section 8.1 (c) to read as follows:

(5) For any other purposes certified by the Director to be essential to the war effort or the public welfare.

5. A new section 8.3 is added to read as follows:

SEC. 8.3 *Special rations for furlough travel.* (a) A member of the armed forces or the merchant marine of any of the United Nations, having duly authorized shore leave, pass or furlough for a period of two (2) days or more, as evidenced by official pass, leave, furlough authorization or other documentary evidence as may be satisfactory to the Board, may apply for a special ration for furlough travel. Application shall be made on Form OPA TH-R 19 to the Board having jurisdiction over the area in which the car in which the ration will be used is normally stationed or garaged, and shall state:

(1) The purpose for which the ration is needed; (2) The reasons why public transportation is not adequate; (3) The number of miles of driving claimed to be needed for the accomplishment of the purpose; (4) The license number of the vehicle in which the ration is to be used, and the name of the registered owner of such vehicle.

(b) Upon receipt of proper application, accompanied by satisfactory evidence that the applicant is entitled to the special ration, the Board may grant a special ration in one gallon units, which shall in no case exceed five (5) gallons for any single pass, leave, or furlough. The Board shall issue one-gallon bulk coupons to provide the gallonage allowed. The Board shall write upon the face of each coupon issued the license number of the vehicle in which the ration will be used.

(c) At the time of issuance of the ration, the Board shall endorse upon the pass, leave, furlough authorization, or similar document, the date, the Board designation, and the number of gallons for which a ration is issued. The application, with proper notation thereon, shall constitute the Board's record of the issuance, and shall be retained in the Board's file.

6. Section 11.8 is amended to read as follows:

SEC. 11.8 *Revocation, suspension and denial of consumer's ration after hearing*—(a) *Procedure.* (1) Whenever a person violates any provision of Ration Order 1E[2] of this ration order, or whenever any other person using a motor vehicle on his behalf or at his direction or

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

[1] 8 F.R. 11952, 12795, 13741.

[2] 7 F.R. 2680, 2760, 4854, 8948, 10108; 8 F.R. 4644.

[1] 8 F.R. 10742, 10757.

[2] 8 F.R. 12434, 13920.

with his consent, violates any provision of Ration Order No. 1E or this ration order, the Board after hearing may, in its discretion, revoke and suspend his ration or rations, in whole or in part (and in such a case require the surrender to it of coupons, coupon books or other ration evidences) and deny him a ration or rations, in whole or in part, for such period as it may deem appropriate in the public interest. The Board may designate one or more of its members to perform the function described in this paragraph.

(2) Any order issued pursuant to subparagraph (1) of this paragraph shall be made pursuant to the following procedure:

(i) Notice of the date, time, place and purpose of the hearing and a specification of the violation charged shall be given to the person (hereafter called the respondent) against whom the proceedings are instituted at least three (3) days before the date set for the hearing. If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that a violation of a provision of Ration Order 1E or this Ration Order described in such notice has been committed by the respondent, or by a person using a motor vehicle on his behalf or at his direction or with his consent, the Board may by order revoke and suspend for a period which shall be stated therein, the rations issued to the respondent 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 the respondent a ration or rations in whole or in part for such period as the Board may deem appropriate in the public interest.

(ii) 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 (30) days from the effective date of such order, good cause to the Board for such failure, the Board may set aside or stay such order and grant the respondent a full hearing on the charges made.

(iii) A copy of the order shall be served promptly on the respondent personally or by mail directed to his last known address, and copies thereof shall be sent to the Territorial Office.

(iv) The Board, in its discretion, shall fix the effective date of such order, except that if the Board fails to fix the effective date, such order shall, if personally served, become effective at the time of such service, and if served by mail, three (3) days after the date of mailing.

(b) *Appeal.* Any person against whom an order of revocation has been issued may, within fifteen (15) days after its effective date, appeal by filing a statement of objections to the order with the Board which issued it. Within three (3) days after the receipt of the statement the Board shall forward it, together with a copy of the notice instituting the proceedings, a copy of the record, if any, and a copy of the Board's order, to the Hearing Commissioner having jurisdiction over the Board's area. Within five (5) days after the receipt of the statement the Hearing Commissioner shall notify the respondent and the Chief Attorney of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of § 1300.169 of Procedural Regulation No. 4[3] and amendments thereto.

(c) *Procedure after appeal.* Whenever a Board's order of revocation is rescinded or modified, the Board shall take whatever action is necessary to put the decision into effect.

7. Section 11.9 is amended to read as follows:

SEC. 11.9 *Effective period of order revoking, suspending or denying a consumer's ration.* Except as provided in § 1300.169 (c) of Procedural Regulation No. 4, no person whose ration has been denied for a specified period, or revoked or suspended by order of a Board or the Hearing Commissioner, shall receive or accept any ration for the period of such denial, revocation, or suspension and no person shall receive or accept any ration for the use of such person.

8. Section 11.10 is amended to read as follows:

SEC. 11.10 *Notations on consumer's rations after revocation or denial for a specific period.* Whenever a ration is revoked or suspended in whole or in part or a person has been denied a ration for a specific period, and the ration holder has been directed to surrender any coupons or certificates, he shall, if the ration was issued for the operation of a motor vehicle, present its registration certificate to the Board. The Board shall note on the back of the registration certificate the extent of its action.

9. Section 16.4 (c) is amended to read as follows:

(c) One and five-tenths (1.5) gallons of gasoline with respect to Class D Book coupons, except that Class D Book coupons stamped "S" for use with motor scooters shall have a unit value of one (1) gallon of gasoline.

This amendment shall become effective October 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws. 89, 421 and 507, 77th Cong., E.O. 9125, 7 F.R. 562, Supp. Dir. 1-Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898)

Issued this 14th day of October 1943.

MELVIN C. ROBBINS,
Territorial Director

Approved:

JAMES P DAVIS,
Regional Administrator

[F. R. Doc. 43-16868; Filed, October 16, 1943; 4:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 11, Amdt. 37]

EXCEPTIONS FOR CERTAIN SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.* Paragraph (a) (2) of § 1499.46 is amended to read as set forth below:

§ 1499.46 *Exceptions for certain services.* (a) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a) shall not apply to the following services during the period specified.

* * * * *

(2) From April 10, 1943, to December 15, 1943, inclusive, to the storage of property and services incidental thereto (other than cold storage and other than tank storage of liquid commodities) for the War Department.

This amendment shall become effective as of October 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 15th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F R. Doc. 43-16866; Filed, October 16, 1943; 4:27 p. m.]

Chapter XIII—Petroleum Administration for War

[PDO 18]

PART 1531—MARKETING NAPHTHA

The fulfillment of requirements for the defense of the United States has created in certain areas a shortage in the supply of petroleum and petroleum products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest to promote the national defense and to provide adequate supplies of petroleum and petroleum products for military and other essential uses.

§ 1531.1 *Petroleum Distribution Order No. 18*—(a) *Definitions.* (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) "Naphtha" means any petroleum product having an ASTM 50% distillation point lower than 400° F (ASTM D86-40) including, without limitation, rubber solvents, mineral spirits, cleaners naphtha, Stoddard solvents, stove and lamp naphtha and V M. & P naphtha: *Provided,* That the term "naphtha" shall not include liquid fuel with an octane rating of 86 or more, or liquefied petroleum gas or apply to any petroleum product which is subject to allocation under any War Production Board order, or to any petroleum product for which coupons or other evidences must be transferred covering the delivery thereof under any Ration Order issued by the Office of Price Administration..

(3) "Dealer" means any person operating a place of business or part thereof where naphtha is delivered to consumers.

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[3] 8 F.R. 1744, 2035, 6424, 10085.

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

(4) "Supplier" means any person, other than a dealer, who delivers naphtha, directly or indirectly, for redelivery or for consumption.

(5) "Bulk consumer" means any person who is an ultimate user of naphtha, which such person receives directly from a supplier: *Provided,* That the term "bulk consumer" shall not include (i) any person who accepts delivery of naphtha to the extent that such person resells or redelivers naphtha received by him or (ii) any person who receives 10 gallons or less of naphtha during any quota period.

(6) "Quota period" means the calendar quarterly period for which a quota is to be determined.

(7) "Quarterly quota" means that amount of naphtha which any dealer or bulk consumer is entitled to obtain under the provisions hereof from his supplier or suppliers during any quota period and shall be determined by multiplying by 125% the number of gallons of naphtha delivered to such dealer or bulk consumer during the calendar quarter of 1942 corresponding to the quota period.

(8) "Director" means the District Director in Charge, Petroleum Administration for War, as described in paragraph (h) hereof.

(b) *Limitation on delivery of naphtha.* No supplier shall deliver or cause to be delivered, directly or indirectly, in any quota period to any dealer or bulk consumer, and no such dealer or bulk consumer shall accept delivery of any naphtha in excess of the quarterly quota of such dealer or bulk consumer: *Provided,* That if at any time the amount of naphtha which a dealer or a bulk consumer is entitled to receive hereunder is less than the quantity which would ordinarily be delivered at one time by means of the transportation facility theretofore generally used, his supplier may deliver and such dealer or bulk consumer may accept naphtha in excess of such dealer's or bulk consumer's current quarterly quota but only to the extent required to enable such supplier to deliver the amount normally delivered as a single delivery, provided that the amount of such excess shall be deducted from the quarterly quota for such dealer or bulk consumer for the next ensuing quota period or periods.

(c) *Adjustment of quarterly quota.* The supplier or suppliers of any bulk consumer may adjust the quarterly quota of any bulk consumer upward: *Provided,* That the following conditions are all fully complied with:

(1) Such bulk consumer shall by statement certify to his supplier that the increased quota is necessary for the proper operation of such bulk consumer's business and that any naphtha delivered to such bulk consumer shall not be used as motor fuel. Such statement may be in letter form, shall be in duplicate and shall show the reason for the increased use of naphtha. Such statement shall constitute a representation to the Petroleum Administration for War and to the supplier, and such supplier shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(2) A copy of the statement referred to in paragraph (c) (1) shall be sent by the supplier to the Director who may approve or disapprove the adjustment. In the event such adjustment is not disapproved within 10 days after receipt by the Director, such supplier may consider it approved.

(d) *Prohibited use.* No person shall deliver or accept delivery of or use naphtha in the propulsion of any motor vehicle or motor boat.

(e) *Exceptions.* The provisions of this order shall not apply to the delivery of naphtha to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, for its exclusive use; or for export.

(f) *Records.* Each supplier shall keep for a period of at least two years, accurate and complete records of deliveries of naphtha, the dates of actual deliveries, and the person and states (or the District of Columbia) involved in each delivery.

(g) *Directions as to deliveries.* The Petroleum Administrator for War may, from time to time, issue specific directions directing or forbidding deliveries of naphtha.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director. Such appeals shall be filed in triplicate.

All correspondence, appeals and applications for adjustments to quarterly quotas filed pursuant to the provisions of this order shall, unless otherwise directed, be addressed to the Director in Charge, Petroleum Administration for War at:

(1) 122 East 42d Street, New York, New York, if the naphtha is to be delivered or used in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, or Florida, or the District of Columbia.

(2) 1200 Blum Building, 624 South Michigan Avenue, Chicago, Illinois, if the naphtha is to be delivered or used in the States of Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, or North Dakota.

(3) 245 Mellie Esperson Building, Houston, Texas, if the naphtha is to be delivered or used in the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, or New Mexico.

(4) 320 First National Bank Building, Denver, Colorado, if the naphtha is to be delivered or used in the States of Montana, Wyoming, Colorado, Utah or Idaho.

(5) 855 Subway Terminal Building, Los Angeles, California, if the naphtha is to be delivered or used in the States of Arizona, California, Nevada, Oregon, or Washington.

If dissatisfied with the decision of the Director, such person may appeal within fifteen days after receipt of notice of the Director's decision to the Deputy Petroleum Administrator for War, Interior Building, Washington 25, D. C.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(j) *Area of applicability.* This order shall apply to the Continental United States.

(k) *Effective date.* This order shall take effect five days after the date of issuance and shall continue in effect until revoked: *Provided, however,* That no person shall deliver or accept delivery of any abnormally large quantities of naphtha between the date of issuance and the effective date of this Order: and *Provided further* That if the effective date of this order is not the first day of a quota period, the quarterly quotas for such quota period shall be reduced proportionately.

(E.O. 9276, 7 F.R. 10091, E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-16396; Filed, October 18, 1943; 11:12 a. m.]

[Petroleum Directive 75]

PART 1540—PROCESSING AND REFINING—CRUDE OIL AND NATURAL GASOLINE

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of certain petroleum products for defense, for private account and for export; and it is imperative that refineries producing aviation gasoline, synthetic rubber and their components be adequately supplied with isobutane and butylenes; and the following operating directive is deemed necessary for the prosecution of the war.

§ 1540.1 *Petroleum Directive 75*—(a) *Definitions.* (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) "C_4 fraction" means any hydrocarbon fraction containing normal butane, isobutane, butylenes, or a mixture of all or any of them. This definition shall include every C_4 fraction as above defined regardless of whether such fraction has been segregated or is admixed with other hydrocarbons.

(3) "Aviation gasoline" means fuel capable of meeting AN Aeronautical specifications AN-F-25, AN-F-26, AN-F-27, or AN-F-28, approved by joint action of the War and Navy Departments, or any

amendment, supplement or successor to any of said specifications.

(b) *General exceptions.* Notwithstanding any provision hereof, this directive shall not apply:

(1) To any mixture of hydrocarbons wherein the concentration of C_4 fraction is less than 5% by liquid volume.

(2) To any C_4 fraction no more than 20.0% of which, by liquid volume, consists of butylenes or isobutane or a mixture of any of them.

(3) To any individual natural gasoline plant whose total liquid production is less than 10,000 gallons per average day of twenty-four hours.

(c) *Limitation upon use of C_4 fractions.* Unless exempt by reason of paragraph (b) hereof, no person shall utilize or otherwise dispose of any C_4 fraction otherwise than for the production of aviation gasoline, synthetic rubber or their components. Any person may deliver such material to a consignee upon obtaining a statement from such consignee that such material will be used only in accordance with this paragraph.

(d) *Reporting.* A report on Form PAW 34 shall be submitted by every producer of natural gasoline and by every refiner, unless exempted by paragraph (b) Said report shall be submitted not later than November 1, 1943. Each such report shall be filed in duplicate; the original thereof shall be sent to the appropriate District Office as hereinafter specified in paragraph (f) and the copy shall be sent to the appropriate Division Director in Washington, D. C., as hereinafter provided in section (f)

(e) *Application for specific exceptions.* (1) Any person affected by this directive who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may file an application for specific exception setting forth the pertinent facts and reasons why he considers himself entitled to relief. All such applications for exception shall be filed in duplicate; the original shall be sent as hereinafter specified in paragraph (f) to the Director in Charge of the appropriate District and a copy shall be sent to the appropriate Division Director in Washington, as hereinafter specified in paragraph (f)

(2) If dissatisfied with the decision upon his application for exception, such person may appeal within fifteen days after receipt of notice of such decision to the Deputy Petroleum Administrator for War, Interior Building, Washington 25, D. C., by submitting to him a letter stating fully the grounds of such appeal. A copy of such letter shall be sent to the Director in Charge of the appropriate District as hereinafter specified in paragraph (f).

(f) *Correspondence with Petroleum Administration for War.* Reports, correspondence and applications for exception hereunder shall be addressed to the Director in Charge of the District in which the refinery or natural gasoline plant in question is located. Copies of all reports, correspondence and applications for exception from refiners shall be addressed to Director of Refining, Petroleum Administration for War, Interior Building, Washington 25, D. C. Copies of all reports, correspondence, and applications for exception from producers of natural gasoline shall be addressed to Director of Natural Gas and Natural Gasoline, Petroleum Administration for War, Interior Building, Washington 25, D. C.

(g) *Effective date.* This Directive shall become effective the 1st day of November 1943.

(E.O. 9276, 7 F.R. 10091)

Issued this 19th day of October, 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War

[F. R. Doc. 43-16897; Filed, October 18, 1943; 11:12 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Subchapter Z—Withdrawals, Restorations, Classifications and Executive Orders

[Public Land Order 175]

PART 298—PUBLIC LAND ORDERS

RESERVING PUBLIC LAND WITHIN TONGASS NATIONAL FOREST, ALASKA, FOR USE OF FEDERAL COMMUNICATIONS COMMISSION

Correction

In F.R. Doc. 43-16674 appearing on page 14017 of the issue for Thursday, October 14, 1943, the first line of the fourth paragraph of land description should read:

N. 4°45' W., 32.88 chs., to Corner No. 3; S.

TITLE 45—PUBLIC WELFARE

Chapter VI—Office of Civilian Vocational Rehabilitation

PART 600—STATE PLANS AND PROGRAM OF VOCATIONAL REHABILITATION

Pursuant to the authority conferred by the Vocational Rehabilitation Act amendments of 1943, Public Law 113, 78th Congress, 1st Session, approved July 6, 1943, the following regulations are prescribed for the administration of the provisions of the said Act.

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600.1 Terms.

SUBPART B—STATE PLAN

600.2 State plan.
600.3 Content of plan.
600.4 Submission of plan.

SUBPART C—REGULATIONS IN RELATION TO ADMINISTRATION

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600.17 Classification of cases and individual plans.
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600.24 Administrative expense; effect of State rules.
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600.27 Administrative expense; insurance, taxes, etc.
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600.31 Other rehabilitation services.
600.32 Rehabilitation services; transportation.
600.33 Rehabilitation services; training materials, etc.; methods.
600.34 Rehabilitation services; placement tools and equipment.

SUBPART G—PAYMENTS TO STATES

600.35 Estimates.
600.36 Certification.
600.37 Effect of certification.

SUBPART H—REPORTS

600.38 Reports; nature.
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600.41 Statistical reports.
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SUBPART I—DISTRICT OF COLUMBIA

600.44 District of Columbia Plan.

SUBPART J—STATE LEGISLATION

600.45 State legislation.

SUBPART A—DEFINITIONS

§ 600.1 *Terms.* (a) The following terms have the meaning assigned to them in the Act (section 10) viz:

SEC. 10. As used in this Act—

(a) The term "vocational rehabilitation" and the term "rehabilitation services" means any services necessary to render a disabled individual fit to engage in a remunerative occupation; and

(b) The term "war disabled civilian" means—

(1) Any civilian (except a person who is paid by the United States, or any department, agency, or instrumentality thereof, for services as a civilian defense worker) disabled while serving at any time after December 6, 1941, and prior to the termination of the present war as declared by Presidential proclamation or concurrent resolution of the Congress—

(A) In the Aircraft Warning Service; or

(B) As a member of the Civil Air Patrol; or

(C) As a member, in accordance with regulations prescribed by the Director of the Office of Civilian Defense, of the United States Citizens Defense Corps in the protective services engaged in civilian defense, as such protective services are established from time to time by regulation or order of such Director; or

(D) As a registered trainee taking training in accordance with regulations prescribed by such Director for such protective services, and

(2) Any civilian disabled while serving at any time after December 6, 1941, and prior to the termination of the present war as so declared as an officer or member of the crew of a vessel owned or chartered by the Maritime Commission, or the War Shipping Administration, or operated under charter from such Commission or Administration; but no individual shall be considered to be a war disabled civilian unless he is disabled as a result of disease or injury, incurred in line of duty during such period, not due to his own misconduct.

(b) Unless otherwise further indicated, the terms below listed are defined as follows:

(1) "Act" means Public Law 113, approved July 6, 1943, being chapter 190 of the enactments of the first session of the 78th Congress and known officially as the "Vocational Rehabilitation Act Amendments of 1943."

(2) "Administrator" means the Administrator of the Federal Security Agency.

(3) "Director" means the officer in the Federal Security Agency, acting under the Administrator's supervision to whom he has delegated a primary responsibility for carrying out the Act under section 7 (c) of the Act, other than that which involves the rule making power. Such delegation of powers, duties, and functions under the Act is and shall remain subject to the right of the Administrator to resume or reassign at his discretion any or all of the delegated powers, duties, and functions.

(4) "State" means the several States, Puerto Rico, and the Territories of Alaska and Hawaii. "State agency" or "agency" means State board or blind agency as hereinafter defined.

(5) The "State board" means the State board of vocational education. (The term includes a rehabilitation commission in existence prior to the date of the Act operating under an agreement with the board approved by the Administrator.)

(6) "Agency for the blind" or "blind agency" means the State blind commission or other agency administering that part of the plan under which vocational rehabilitation is provided the blind.

(7) "Static" refers to a relatively permanent condition which has been arrested and which is relatively unprogressive. Hence, applied as a service condition, the term differentiates the program from ordinary curative medicine in this respect.

(8) "Rehabilitation training" includes all training undertaken or made available by the State board or agency for the blind directly or through public or private instrumentalities as a means of rehabilitation. The term is construed to cover mental and physical training, pre-conditioning, pre-vocational, vocational, and supplementary training, and training provided for the purpose of achieving when feasible in the individual case broader or more remunerative occupational skills and capacities; *Provided, however* That in any case such training involves as a prime objective, the effort to compensate for a handicap which constitutes a departure from the normal and which materially impedes or would be likely to materially impede the client's occupational performance.

(9) "Prosthetic device" means any artificial appliance designed to support or take the place of a part of the body or to increase the acuity of a sense organ.

(10) "Transportation" is, and for plan purposes must, in view of Federal reimbursement provisions, be differentiated as (i) (*a*) an expenditure for administrative purposes; (*b*) reimbursable transportation for purposes of diagnosis, and for placement and guidance purposes, and (ii) an expenditure incurred in providing transportation for the client or other individual not of the agency personnel incident to rehabilitation services. Transportation costs include as incidental thereto subsistence or per diem in lieu of subsistence. Reference is made to requirements of the Act and to these regulations with respect to Federal reimbursement with regard to such expenditures.

(11) "Occupational license" means any license, permit or other written authority, required by a State, County, City or other government unit, to be obtained in order to practice an occupation, for example: barbering, cosmetology, embalming, optometry, and the like. Provision of such licenses will be for entry into the occupation only.

SUBPART B—STATE PLAN

SEC. 2. (a) To be approvable under this Act, a State plan for vocational rehabilitation shall—

(1) Designate the State board of vocational education (herein referred to as the "State board") as the sole agency for the administration, supervision, and control of the State plan; except that where under the State's law, the State blind commission, or other agency which provides assistance or services to the adult blind is authorized to provide them vocational rehabilitation, the plan shall provide for administration by such State blind commission or other State agency of the part of the plan under which vocational rehabilitation is provided the blind: *Provided*, That in any State which by law has established a rehabilitation commission prior to the date of enactment of this Act, with authority to provide rehabilitation services to disabled individuals, the State board may delegate to such commission all or any part of the operation of the State plan, under a written agreement of cooperation approved by the Administrator;

(2) Provide that the State treasurer (or, if there be no State treasurer, the officer exercising similar functions for the State) be appointed as custodian of funds received under this Act from the Federal Government and receive and provide for the proper custody of such funds;

(3) Show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision.

* * *

(7) Provide that the State board will make such reports, in such form and containing such information, as the Administrator may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

§ 600.2 *State plan.* (a) (1) The basic condition to the certification of Federal funds is a State plan of vocational rehabilitation approved as meeting Federal requirements under the Act. The plan shall designate the State board of vocational education as the sole agency for the administration, supervision, and control of the plan, except that a blind agency so authorized by the State law shall administer that part of the plan specifically affecting the blind.

(2) The State plan may include a separate part applicable to the blind giving all pertinent plan content information hereinafter required, including all policies specifically applying to administration of rehabilitation to the blind. However, the plan should provide that criteria of general applicability such as eligibility conditions of residence and need, standards of maintenances, etc., will be applied uniformly and that as far as may be feasible under all the circumstances including the varying characteristics of the client group, uniform administrative procedures and personnel standards, joint or cooperative intake procedures, and joint working arrangements with cooperating agencies will be adopted. The statement as to the plan's adoption, hereinafter provided for, should indicate approval of the provisions of the plan by both the State board and the blind agency.

(3) The State board will assume responsibility for statistical and financial reports, reports containing estimates of expenditures, accounting for Federal funds, and the furnishing of other information with respect to the meeting of Federal requirements as found necessary by the Director, including the transmission of such reports from the blind commission.

§ 600.3 *Content of plan*—(a) *General requirements.* The plan will constitute a comprehensive description of the State's rehabilitation program and consideration of its approvability will be conditioned on compliance with the requirements below stated with respect to the content of the plan. To facilitate plan review the plan should follow the requirement as to form and the main outlines indicated in the Plan Guide which will be released to the States to accompany these regulations. The plan shall be amended as frequently as may be necessary to reflect actual or, where Federal requirements are involved, contemplated changes in any material phase of law, organization, policy and procedure, it being understood that initial approval of the plan will not waive this requirement.

(b) *Administration.* (1) A statement of the authority of the State board and blind agency and the legal basis of administration of the program in the State.

(2) A statement and chart of the organizational structure of the State board, and blind agency, all local units involved, and the supervision thereof, including the composition and functions of advisory committees.

(3) The standards of personnel administration applicable at all levels including the schedules of job classification with the minimum qualifications of education, training and experience for all positions, examination and certifica-

tion procedures, the compensation schedules, and all board or agency rules governing personnel administration.

(c) *Policy and procedures.* (1) A description of the provisions made for the finding and intake of cases including a list of the agencies in the organized case referral system and a statement of the direct methods used in finding cases and of the methods followed in receiving and handling new cases. Attach forms used in the intake of cases.

(2) (i) The standard of economic eligiblity for services conditioned on need.

(ii) The tests and criteria used in determining eligibility for rehabilitation services, and the means and methods of case diagnosis.

(3) A comprehensive statement of the scope of the plan in relation to physical restoration, counselling, and training services.

(4) The plan should include the following information with respect to diagnostic and service facilities:

(i) The principle public agencies or instrumentalities available to the agency for diagnosis and treatment and the legal and financial basis on which they are used.

(ii) The areas in which it is proposed to use private professional skills and facilities and the financial basis. Cost and fee schedules shall be shown.

(5) The policies and procedures of the agency in effecting placement including cooperation on the basis of the Board's working agreement with United States employment offices, cooperation with school placement bureaus, and other facilities used, the relationships with private employers, and arrangements for supervision of placements.

(6) In presenting plan material relative to policy and procedure, the plan should under the headings of intake, diagnosis, service, and placements, as appropriate, describe the working agreements in effect, and should also indicate the areas and methods of cooperation, arrangements for liaison, exchange of services and information schedules according to which the State board and blind agency operate or will operate with public and private agencies including among others the following: the workmen's compensation agency, the crippled children's agency, the United States employment offices, the vocational schools system, the welfare department, and the health department at the State and local levels.

(d) *Financial and reporting.* (1) The plan will describe its financial aspects in detail, including provisions in relation to annual budgets, sources of agency funds, appropriation laws, allotment procedures, procedures relative to disposition of State, Federal, and local funds, and transfers thereof, instrumentalities and methods appertaining to the incurment and payment of obligations, accounting and auditing procedures both in the finance department and in the agency, and financial forms used.

(2) The State's books of account for the purposes of furnishing estimates and accounts to the Federal Government will indicate separate listing of (i) (*a*) expenditures for administrative purposes and (*b*) for diagnosis, guidance and placement, (ii) expenditures for rehabilitation provided for disabled individuals certified to the State as war disabled civilians, (iii) other expenditures for the purposes defined in the Act and these regulations with respect to which the Federal Government participation is limited to 50 percent.

(3) All rules and regulations, functions and policies, appertaining to the unit responsible for statistics and research should be included in the plan and the forms used for statistical reporting purposes. The plan in this respect should indicate the records kept of all applications and the disposition thereof, cases accepted and rejected by the agency and the classifications thereof including war disabled individuals and employees of the United States. The plan will indicate the sources of all matters shown on the statistical reports to the Director and controls exercised to assure the accuracy thereof.

§ 600.4 *Submission of plan.* The plan should be transmitted over the signature of the duly authorized officer of the State board and should indicate the date on which it was adopted, the date as of which it becomes effective and the fulfillment of conditions necessary to its operation.

SUBPART C—REGULATIONS IN RELATION TO ADMINISTRATION

SEC. 2. (a) To be approvable under this Act, a State plan for vocational rehabilitation shall—

(5) Contain such provisions as to the qualification of personnel for appointment in administering the plan as are necessary to the establishment and maintenance of personnel standards; the duty of the Administrator in approving a plan shall be solely the determination of whether the plan contains such provisions, but the Administrator shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(6) Provide such methods of administration, other than establishment and maintenance of personnel standards, as are found by the Administrator to be necessary for the proper and efficient administration of the plan.

*

(9) Provide such rules, regulations, and standards with respect to expenditures upon which Federal grants are made available under section 3 (a) as the Administrator may find reasonable and necessary, including

(D) maximum rates of compensation of personnel;

§ 600.5 *Program Director* The director of the rehabilitation division of the State board or other named official having primary responsibility for the direction of the administration of the State plan should be required to devote his full time and efforts to the rehabilitation program.

§ 600.6 *Advisory Committees.* The plan should provide for the establishment of a representative advisory committee. It is, however, recommended that technical committees be formed in the fields of (a) medicine and surgery, (b) education, general and vocational, (c) vocational guidance, employment and placement of individuals, and that in addition a general committee be established which is equally representative of management and labor and which will include, among others, representatives from the workmen's compensation agency, crippled children's agency, State department of welfare, or security commission, civic and service organizations interested in the development of the program, as well as from professional fields. In cases involving administration by a blind agency the plan may provide for a separate advisory committee in relation to the blind.

§ 600.7 *Special technical supervision, consultants.* The plan should also indicate the arrangements made or that will be made for the competent technical supervision of plan operations in the following respects: Medical direction, psychiatric services and training and placement services. In any case where it is not feasible to provide full-time staff officials properly qualified from the technical standpoint in these respective fields, the plan should indicate arrangements for the services of properly qualified technical consultants to be available in the regular course of administration. An individual who possesses the requisite qualifications therefor may assume responsibility for more than one of these functions.

§ 600.8 *Personnel administration.* The Act requires such minimum standards of education, training, and experience with respect to all types of positions, such procedures with respect to establishing qualifications, registering and certifying qualified appointees, and such other standards of personnel administration as are found by the Director to be reasonable and necessary for the proper and efficient administration of the State plan. Minimum standards and procedural requirements may be prepared and released by the Director as necessary. In addition the Director may establish from time to time quantitative standards for personnel necessary to assure adequate performance of all necessary functions and the proper and efficient administration of the plan. The Director will, however, exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with plan provisions meeting the standards indicated by the Director in such releases and will, in determining whether Federal requirements have been met, view the plan and the operations of the State board thereunder in their entirety.

§ 600.9 *In-service training*—(a) *General requirement.* A system of induction and in-service training will be required.

(b) *Initial period.* The Act provides that the Director is authorized,

SEC. 7. * * (2) Until July 1, 1945, to conduct appropriate courses of instruction for any personnel who participate or will participate in carrying out the purposes of this Act, and to detail such personnel to attend such courses and appropriate courses of not more than six weeks' duration conducted by other public agencies and private agencies and organizations, which detail shall

be part of the official duties of such employees; and

(3) Until July 1, 1945, to provide personnel so detailed with necessary books and other material and pay their tuition, or reimburse them for expenditures therefor; and, in any case where such detail is away from an employee's official station he may, for purposes of subsistence and traveling expenses, be deemed on travel status.

During the period above mentioned newly appointed workers and experienced workers assigned to new tasks or types of service will be required to attend training courses approved by the Director.

(c) *Scope.* Pre-service and induction training for rehabilitation workers, including workers for the blind, should meet such standards as may be found by the Director to be essential. Such training should provide adequate working knowledge of subjects such as tests and measurements, job analysis, and fields of social service related to rehabilitation and should include training in rehabilitation case work. Specialized induction training will be required for personnel engaged in the functions of intake, physical restoration, and blind rehabilitation.

(d) *Institutional training.* A schedule of leaves of absence for specialized institutional training may be developed in the course of administration and should enable selected members of the staff who would profit sufficiently from such training to receive the same without undue interference with program operation.

SUBPART D—ELIGIBILITY DETERMINATION

SEC. 2. (a) To be approvable under this Act a State plan for vocational rehabilitation shall—

* * * * *

(4) Provide that vocational rehabilitation under the plan shall be made available only to classes of employable individuals defined by the Administrator;

* * *

(10) Provide that vocational rehabilitation provided under the State plan shall be available, under such rules and regulations as the Administrator shall prescribe, to any civil employee of the United States disabled while in the performance of his duty and to any war disabled civilian (as defined in section 10).

*

SEC. 3. (a) From the sums available pursuant to section 2, the Secretary of the Treasury shall pay to each State which has an approved plan for vocational rehabilitation, for each quarter or other shorter payment period prescribed by the Administrator the sum of amounts he determines to be—

(1) The necessary cost (exclusive of administrative expenses) to such State under the plan of providing vocational rehabilitation during the period for which such payment is to be made to disabled individuals certified to the State by the Administrator as war disabled civilians;

§ 600.10 *War disabled individuals and employees of the United States disabled while in the performance of duty.* (a) (1) For the purposes of certifying to the respective States or District of Columbia Service the names of war disabled civilians eligible for rehabilitation, the Director is authorized and directed to arrange with the Social Security Board as well as with the Federal Office of Civilian Defense, Maritime Commission, and War Shipping Administration or other agencies supervising the activities described in section 10 of the Act, for referral to the Director or Administrator of all individuals who may apply for and who appear to be eligible for vocational rehabilitation under the Act and these regulations. With such referral there should be obtained a full report of the circumstances known to such agencies respecting the origin and nature of the disablement. The Director is authorized to accept the certification of the respective offices or agencies who, at the time of such certification, control one or more of the functions or activities mentioned in section 10 as to the fact that the particular individual was at the time of the origin of the alleged disablement a member in good standing of one of the groups or services referred to therein.

(2) Certifications or referrals of war disabled civilians and employees of the United States disabled as aforesaid to the respective States may be made either as individuals entitled to rehabilitation services of a specific type or character under the Act or such certifications or referrals may be made subject to ascertainment of the feasibility of rehabilitation in which event the State may be requested to make determinations and recommendations or to proceed to administer services subject to the Director's approval or direction. Reports of the disposition, service, and placement of the respective cases shall be made as the Director shall require.

§ 600.11 *General provisions.* (a) (1) The plan should provide that, except as otherwise specifically indicated herein with respect to war disabled civilians and employees of the United States, responsibility for the decision as to the eligibility of the individual in all respects will be assumed by the State board, or with respect to the blind by the blind agency. Responsibility for the decision as to eligibility may be delegated to qualified members of the staff but may not be delegated to any other individual or agency.

§ 600.12 *Recording of data.* The plan should provide for recording pertinent information with respect to all eligible applicants as a basis for technical diagnosis and case classification including sex, age, residence, family and economic statuts, health condition and history, primary and secondary disability factors and impediments and origin thereof, mental condition and educational history, schooling, training, and interest preferences, vocational aptitudes and experience, and employment history.

§ 600.13 *All information confidential.* All information as to personal facts and circumstances given or made available to the State board or blind agency and obtained by it in the course of administration shall constitute privileged communications and should be held confidential. The plan should provide suitable regulations and safeguards which restrict the use or disclosure thereof to purposes directly connected with the administration of vocational rehabilitation under the plan.

§ 600.14 *Residence.* (a) (1) Residence, defined as the place where an individual lives voluntarily and for other than a temporary purpose, is the usual condition for determining responsibility as between States for satisfying such legal rights of individuals. The Act imposes no limitation or requirement with respect to residence as a condition to the approvability of the plan; *Provided, however* That the provisions of the plan in this respect must not be so worded as to involve or superimpose some further or different condition inconsistent with any Federal requirement.

(2) The Act requires, however, that vocational rehabilitation provided under the plan shall be available under such rules and regulations as the Administrator shall prescribe to any civil employee of the United States disabled while in the performance of his duty, and to any war disabled civilian, as defined in the Act and in these regulations, who may be certified to the State by the Director. The State will be expected to provide rehabilitation services for any such civil employee or war disabled civilian who is at the time of application a legal resident of the State as above defined or who chooses the State as and for his residence and may be held to be such resident except as the conditions of employment or duties have required or require his presence at the seat of Government or elsewhere. In the case of any issue arising in relation to the residence of either of these groups final determination of the issue in the individual case rests with the Director in order that no failure of opportunity for such services may occur in either case.

§ 600.15 *Economic circumstances of the individual*—(a) *Rules with respect to State policy.* The Act does not require the State to condition the acceptance of any individual or the rendition of any service whatsoever under the plan, whether restoration, training, guidance or placement, on the financial need or economic status of the applicant. The State is free to establish and follow its own policies in this respect: *Provided, however* That (1) the State may not make individual need a condition of any payment or service other than maintenance furnished to any war disabled civilian or any civil employee of the United States disabled while in the performance of his duty and (2) as indicated below, certain limitations are imposed by section 3 (a) (3) of the Act on the use of Federal funds.

(b) *Rules with respect to Federal reimbursement.* (a) (1) A limiting condition, involving the establishment of individual need, is imposed by the terms of section 3 (a) (3) of the Act on the use of Federal funds in reimbursing States for the cost of physical restoration and other items listed in that section insofar as such services are provided for clients other than war disabled civilians and employees of the United States disabled while in the performance of duty. The plan will therefore have to provide for establishing the need of the individual

with respect to such services of that character for which the State expects to receive the Federal reimbursement of 50 percent.

(2) As a basis for establishing the need for financial assistance with respect to such services for purposes of Federal reimbursement the plan should indicate a standard of need for maintenance purposes in terms of a reasonable dollar amount up to which the individual's personal or other resources, available to him in cash or in kind, will be supplemented by the State. Such reasonable dollar amount may at the option of the State be varied in terms of community living standards or individual living circumstances.

(3) In thus establishing a standard for maintenance purposes, the State will provide an appropriate basis for determining the added amount or supplementation that may be required to meet the additional costs of the services listed in clauses A to D, inclusive, of section 3 (a) (3)

(4) In determining what the resources of the individual are for the above purposes the State should take into account all consequential resources available to the individual howsoever derived, including any other benefit to which the individual may be entitled by way of pension, compensation, or insurance, services in kind, or remuneration in the case of on-the-job training: *Provided, however* That general regulations may be made under which capital assets, in a reasonable amount, including property, cash, and liquid assets not constituting current income, may be disregarded. The final decision as to need and eligibility should be made by the State board or blind agency.

§ 600.16 *Physical and mental*—(a) *Criteria.* (1) Eligibility determination from the physical and mental standpoints should be made within the scope of the coverage of the plan in relation to the two basic criteria of established handicap and the feasibility of rendering the individual employable or more advantageously employable. All pertinent circumstances including age, mental and physical condition, intelligence, vocational aptitudes, and employment opportunities should be related to, considered and dealt with from the standpoint of their pertinency to these two basic criteria. Those individuals, homebound or otherwise, whose rehabilitation is feasible through sheltered workshops or other rehabilitation treatment of an educational or therapeutic nature are not excluded.

(2) In view of the limitations of section 3 (a) (3) of the Act and these regulations with respect to Federal participation in medical treatment costs the State agency is required to establish in the course of a diagnosis whether any physical condition requiring treatment is "static," and while constituting a substantial handicap to employment is of such a nature that corrective surgery or therapeutic treatment may reasonably be expected to eliminate or arrest and substantially reduce such handicap within a reasonable length of time and that necessary hospitalization will not exceed 90 days.

(b) *Medical diagnosis.* As a basis for the foregoing determination competent medical diagnosis should be obtained in every case, and where reasonably necessary to a decision in doubtful cases the problem should if at all feasible be referred to a recognized specialist in the specific field indicated by the medical diagnosis. Such diagnosis should undertake to establish the general health condition and history of the individual including mental conditions by a competent psychiatrist when the need therefor is indicated. Any abnormal condition, organic or functional, should be analyzed against this background, and a prognosis made as to its future course and effects, considered in relation to its susceptibility to treatment. The diagnosis should be accompanied by recommendations as to the means and method of restoration.

(c) *Intelligence and aptitudes.* (1) The Act authorizes the formulation and release by the Director from time to time of standards with respect to facilities and procedures for ascertaining the vocational aptitudes of the individual.

(2) Pending the release by the Director of standards governing such methods and procedures it is recommended that the State agency make use of such standardized phychometric, aptitude and other tests as have proven useful in the measurement of intelligence and aptitudes.

SUBPART E—SERVICES

SEC. 10. As used in this Act—

(a) The term "vocational rehabilitation" and the term "rehabilitation services" means any service necessary to render a disabled individual fit to engage in a remunerative occupation;

SEC. 2. (a) To be approvable under this Act, a State plan for vocational rehabilitation shall—

(6) Provide such methods of administration, other than establishment and maintenance of personal standards, as are found by the Administrator to be necessary for the proper and efficient administration of the plan;

*

(9) Provide such rules, regulations, and standards with respect to expenditures upon which Federal grants are made available under section 3 (a) as the Administrator may find reasonable and necessary, including (A) provisions designed to secure good conduct, regular attendance, and cooperation of trainees and reduction of allowance in the case of on-the-job training;

* *

SEC. 2. (b) The Administrator shall approve any plan which he believes to be feasible and which fulfills the conditions specified in subsection (a) of this section, except that he shall not approve any plan which he finds contains such restrictions with respect to the expenditure of funds under such plan as would (1) substantially increase the costs of vocational rehabilitation in the State, or (2) seriously impair the effectiveness of the State plan in carrying out the purpose of this Act.

SEC. 4. Whenever the Administrator, after reasonable notice and opportunity for hearing to the State board, finds that in the administration of the plan there is—

(2) A failure to afford reasonable cooperation with other Federal and State agencies providing vocational rehabilitation or similar services, the Administrator shall notify such State board that further payments will not be made to the State under this Act until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Administrator shall make no further certification to the Secretary of the Treasury with respect to such State under this Act.

SEC. 5. To facilitate the operation of State plans under this Act, the Administrator is hereby authorized to enter into agreements with two or more State boards needing access to special facilities and services and to furnish to such boards, on a cost basis, services and facilities; and is hereby authorized to establish such needed facilities.

Costs of establishing such facilities and furnishing such services for any State shall be paid from funds appropriated pursuant to this Act, but shall be deemed expenditures under the State plan, and reimbursement with respect to such cost shall be made by deducting an amount equal to such cost from payments made to such State under this Act.

§ 600.17 *Classification of cases and individual plans.* (1) All potentially eligible applicants should be carefully examined on the basis of the medical diagnosis and all other information necessary to determine eligibility and service needs. The form used in the summarization of the case should indicate the steps taken in diagnosis, the conclusion as to eligibility and feasibility, the services needed and the bases of the decision.

(2) Separate listing may be made of those cases in which relatively simple physical restoration or adjustment is indicated, for example, cases requiring only some prosthetic device or appliance, and incidental service, or job adjustment. During the period of the existing emergency the ability of the individual to meet an urgent employment need should constitute a factor in doubtful cases as to whether the individual case is appropriately so classified.

(3) In other cases an individualized plan of rehabilitation should be formulated and the individual's agreement obtained thereto as a basis for all future activities and relationships of the agency with respect to the case. The basic condition to the undertaking of the plan in the individual case should be the bona fide belief and opinion of the agency to the effect that when concluded it will under all the circumstances satisfactorily achieve rehabilitation in terms of specific occupational objectives. Rehabilitation training should not be undertaken on less than a full-course basis: *Provided, however* That the State agency should exercise its discretion in relation to the termination of the plan when for any reason it becomes evident that the above underlying condition will not be met.

§ 600.18 *Facilities.* Service and training facilities should be selected and used on the condition that, whether public or private, they are found upon investigation to be the best adapted available facility for the specific purpose, *Provided,* That, other things being equal, preference should be given to institutions accredited by the appropriate public authority or professional organization. The plan should provide for the use of out-of-State facilities where the absence

or inadequacy of facilities more conveniently located or the better results anticipated from such use counter-balance any additional costs involved within the expenditure standards of the board and of the Federal Government. No trainee shall be discriminated against because of sex, race or color and where separate facilities are required by law for separate population groups, equitable provision shall be made for facilities and training of like qualities.

§ 600.19 *Case counselling and supervision.* The plan should provide for systematic and adequately supervised case counselling applicable for the benefit of each client from inception of the case until the plan services are completed. The plan should provide assurance that adequate reports will be obtained at reasonable intervals as to the progress of the treatment and training in each case and that case review will be made on the ground normally on a month-to-month basis and more frequently if circumstances require. In all cases where an outside agency is utilized suitable arrangements should be made for such review and guidance.

§ 600.20 *Federal-State agreements with respect to facilities.* (a) The Act provides, section 5, that in order to facilitate the operation of State plans under this Act the Director is authorized to enter into agreements with two or more States as above quoted.

(b) To facilitate equitable and effective application of this provision, State officials should submit as soon as may be convenient comprehensive lists and evaluations of public and private facilities available to the State for rehabilitation purposes and the area feasibly served thereby and indicate fields essential to a well-rounded program of vocational rehabilitation with respect to which individual plans cannot be developed by reason of the lack, remoteness, or unavailability of facilities. In addition, each State board should make recommendations to the Director as to the means and methods by which the availability of potentially utilizable facilities can be developed through arrangements with other States for the use of such facilities or conversely as to the possibilities for making facilities available to areas in neighboring States in or near to which such facilities may be located or from the use of which adjoining State areas might derive substantial benefit.

§ 600.21 *Placement services; essentially.* The plan should provide that the agency will assume responsibility for placement of all clients served. No case should be closed as rehabilitated until placement has been effected, and reasonable assurance can be given that it is successful. The plan should provide for regular post-placement investigation and supervision pending such assurance.

§ 600.22 *Placement services; working agreements.* The plan should indicate institution of cooperative arrangements with available employment bureaus and agencies, including a working agreement with the United States Employment Service and other Federal and State agencies providing vocational rehabilitation or similar services. The plan should indicate any arrangements as the Director finds reasonably necessary as contemplated by section 4 of the Act made for use of the research of the United States Employment Service and other services such as job family studies, studies made of attitudes in relation to employment of the handicapped, and job opportunity reports within the employment fields covered by such officers. In addition, the working agreement should indicate any arrangements for reciprocal referral services, joint service programs, exchange of reports of service, avoidance of unnecessary duplications in supervision and visits, and joint staff conferences.

SUBPART F—FISCAL PROVISIONS AND FEDERAL REIMBURSEMENT

SEC. 3. (a) From the sums made available pursuant to section 2, the Secretary of the Treasury shall pay to each State which has an approved plan for vocational rehabilitation, for each quarter or other shorter payment period prescribed by the Administrator, the sum of amounts he determines to be—

(1) The necessary cost (exclusive of administrative expenses) to such State under the plan of providing vocational rehabilitation during the period for which such payment is to be made to disabled individuals certified to the State by the Administrator as war disabled civilians;

(2) One-half of necessary expenditures under such plan in such period (exclusive of administrative expenses) for rehabilitation training and medical examinations where necessary to determine eligibility for vocational rehabilitation, the nature of rehabilitation services required, or occupational limitations, in the case of other disabled individuals; and

(3) One-half of necessary expenditures under such plan in such period (exclusive of administrative expense) for rehabilitation services specified in subparagraphs (A), (B), (C), (D), and (E), to disabled individuals (not including war disabled civilians) found to require financial assistance with respect thereto, after full consideration of the eligibility of such individuals for any similar benefit by way of pension, compensation, or insurance, such rehabilitation services being—

(A) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical condition which is static and constitutes a substantial handicap to employment, but is of such a nature that such correction or modification should eliminate or substantially reduce such handicap within a reasonable length of time;

(B) Necessary hospitalization, in no case to exceed ninety days, in connection with surgery or treatment specified in subparagraph (A);

(C) Transportation, occupational licenses and customary occupational tools and equipment not mentioned elsewhere in this subsection;

(D) Such prosthetic devices as are essential to obtaining or retaining employment;

(E) Maintenance not exceeding the estimated cost of subsistence during training, including the cost of any necessary books and other training material.

(4) Expenditures in such period necessary for the proper and efficient administration of the plan, including necessary administrative costs in connection with providing the foregoing services to, and guidance and placement of, disabled individuals.

SEC. 2. (a) To be approvable under this Act, a State plan for vocational rehabilitation shall—

(8) Provide that no portion of any money paid to the State under this Act shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings, or for the purchase or rental of any land for administrative purposes;

(9) Provide such rules, regulations, and standards with respect to expenditures upon which Federal grants are made available under section 3 (a) as the Administrator may find reasonable and necessary, including (B) maximum fees which may be paid for training and maximum duration of training (C) maximum schedules of fees for surgery, therapeutic treatment, hospitalization, and medical examination, and for prosthetic devices;

§ 600.23 *Administrative expense; general principles.* (a) (1) The Act provides for the payment to the State of such sums as the Director shall determine to be the expenditures for the period in question necessary for the proper and efficient administration of the plan, including necessary administrative costs in connection with providing for the foregoing services to, guidance, and placement of disabled individuals.

(2) The provision is interpreted to include expenditures for administrative services, ministerial and operative, essential to the operation of the program insofar as they are incurred to carry out or that contribute substantially to the carrying out of the objectives of the State plan as approved by the Director, including expenditures for planning, informational service and program development; *Provided,* That the functions financed are subject to much direct administrative or supervisory controls of the State board, or if performed by some other State agency are subject to such terms of a cooperative arrangement, as will serve to assure consistency with and advancement of the State agency's policies and objectives.

(3) Federal participation will not be available in State expenditures that concern the general over-all responsibilities of the State government. The general test is whether the particular expenditure is incurred to serve the program as such or whether it concerns a service performed as an authoritative, over-all function of the State government. For example, amounts expended by a State civil service agency or personnel board for services relating to the establishment of maintenance of personnel standards are excluded except for extra identifiable expenses relative to services which would not be rendered as a regular service and which are necessary to compliance with federal requirements. Such extra expense may, however, include the cost of services required from civil service agency, board, or commission necessary to effect the initial application of the personnel standards, but thereafter shall include only such special services as under existing State practice or under State practice thus established would not be rendered as a regular service.

§ 600.24 *Administrative expense effect of State rules.* Except as specifi-

cally stated in the act and in these regulations, State laws, rules, and regulations, and standards governing expenditures by State boards, included in the State plan and not inconsistent with any Federal requirement, will control the expenditure of available funds.

§ 600.25 *Administrative expense capital costs.* (a) The act provides that in order to be approvable thereunder State plans for vocational rehabilitation shall "* * * (8) provide that no portion of any money paid to the State under this Act shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings, or for the purchase or rental of any land for administrative purposes."

(b) This provision is directed against the use of Federal funds to reimburse the State by reason of capital expenditures of the type listed for administrative purposes. The provision, however, does not preclude Federal reimbursement of expenditures for reasonable rental, actually paid by the State for office space actually needed, and used for administrative purposes: *Provided,* Such rental does not involve capitalization of the cost of repairs or structural alterations other than would be involved in the payment of any rent computed on a long-term cost basis. Moreover, the provision does not preclude Federal reimbursement for expenditures representing the cost of necessary redecoration or of installing such tenant alterations, fixtures and equipment as are found essential to the use of space for the purposes of the plan. Pending more detailed administrative rules with respect to such expenditures, which may include among other things the establishment of maximum amounts and other conditions to the Director's approval thereof, the State should submit for prior and specific approval any relatively large expenditures contemplated for such purposes.

§ 600.26 *Administrative expense; equipment and supplies; State's interest therein.* In determining the amount of administrative expense the Director will not consider as necessary any amount in excess of that which it would be necessary to pay for purchases made in accordance with State and Federal policies and standards. All items purchased with Federal funds are to be used only for the purposes for which funds may be allowed and the right, title, and interest of the State therein shall be deemed only that which is essential to their use and disposition for program purposes. The State board shall maintain a complete equipment inventory.

§ 600.27 *Administrative expense; insurance, taxes, etc.* (a) (1) In general Federal funds will not be available to reimburse the State for insurance coverage except workmen's compensation, burglary and robbery insurance if reasonably necessary to protect funds in the custody of agency personnel or in transit, motor vehicle liability costs where the State accepts responsibility for such loss and in such other special cases of unusual risk as the Director may decide. In cases where insurance is authorized the State may act as self insurer. In case of loss not covered by insurance with respect to items covered by the Federal grant which can be reasonably classified as an administrative hazard replacement cost will be taken into consideration in computing the Federal grant. In any event the State will be expected to adopt reasonable safeguards to assure the continued availability of all property acquired for the purposes of the plan.

(2) The Director will consider as necessary for the proper and efficient administration of the plan the inclusion in the total cost of supplies and equipment of the payment of such Federal, State, and local taxes as the State is legally obligated to pay, provided all comparable agencies in the State are uniformly treated.

§ 600.28 *Administrative expense; personnel compensation.* All compensation must be paid in accordance with the compensation schedules as approved. The Director will establish such reasonable standards of general application as he may deem expedient in relation to salary adjustments, advancements, and other phases of the State's compensation plan. The necessary expenses of advisory committees' members are allowable as administrative expense.

§ 600.29 *Administrative expense; travel.* (a) (1) Travel expenses as an administrative expense will be allowed only for official travel and transportation, and reimbursable transportation for purposes of diagnosis and also for placement and guidance purposes. Travel and transportation of the client or other individual not of the personnel of the agency for other authorized purposes must be deemed a part of the rehabilitation services performed for the client and should not be included as administrative expense.

(2) Official travel will not be allowed for expenses within the official station of the officer or employees except that necessary transportation expenses (other than between home and office and place of duty) may be allowed specified employees when authorized in the State plan. The plan should provide for appropriate authorization of all official travel by a duly constituted State agency official, and for the prior approval of the Federal Director for all out-of-State travel except routine travel to adjacent States for administrative purposes. State regulations should specify maximum subsistance, or per diem in lieu of subsistence, and the maximum mileage rates in lieu of travel expense where a traveller uses a personally owned vehicle.

§ 600.30 *Services to war disabled civilians; costs of vocational rehabilitation.* The Act also provides for the payment to the State of the total amount of the necessary costs to the State of providing vocational rehabilitation under the plan for the appropriate period to disabled individuals certified to the State by the Director as war disabled civilians.

§ 600.31 *Other rehabilitation services.* (a) Federal reimbursement with respect to rehabilitation services for individuals other than war disabled civilians found eligible therefor under the plan and in accordance with these regulations is authorized to the extent of fifty per centum of the necessary expenditures mentioned in subdivisions (2) and (3) of section 3 (a) of the Act.

(b) The Act further provides that the Administrator may issue rules, regulations, and standards affecting among other things maximum fees which may be paid for training and maximum schedules of fees for surgery, therapeutic treatment, hospitalization, medical examination, and for prosthetic devices. Pending determination by the Director of such maximum fees and schedules of fees, the board should indicate in its plan as heretofore: *Provided,* All fee schedules and all arrangements which it has with individuals, agencies, or institutions, public or private, affecting the amounts of fees for such treatment and training, and should supplement the plan as further or additional arrangements are made with respect to such fees and costs. Pending the issuance of Federal rules or standards in relation thereto, such fees and costs should not, unless previously authorized by the Director, exceed those paid for similar services in the State by other public agencies such as workmen's compensation, public health, crippled children, public welfare, and similar agencies.

§ 600.32 *Transportation.* The expenditures for transportation referred to in section 3 (a) (3) of the Act include those which are incurred in providing transportation for the client or other individual not of the agency personnel incident to rehabilitation services and are to be scheduled separately from official administrative travel and from transportation in connection with diagnosis, guidance, and placement of disabled individuals with respect to which Federal reimbursement subject to these regulations is at the rate of 100 percent. State regulations should specify maximum subsistence or per diem in lieu of subsistence and maximum mileage rates in lieu of actual transportation expenses where the traveller uses a personally owned vehicle as in the case of administrative expense.

§ 600.33 *Rehabilitation services; training materials, etc., methods.* Insofar as the provision of services and items listed in section 3 (a) above are conditioned on the client's lack of available resources for such purpose Federal reimbursement will be available. Public funds may be used to provide for any such authorized services and items in whole or in part as the circumstances may indicate. Any item or items, as well as maintenance, which the individual requires in connection with his training and rehabilitation and placement and for which Federal reimbursement is authorized in section 3 (a) (3) may be provided in kind or the cost or value thereof may be paid to the client in cash in the discretion of the State agency as considerations of economy or the circumstances in the individual case, including the client's personal reliability

and attitude of cooperation, may indicate as desirable. Other things being equal, the medium of cash is recommended. Cash should not, however, be given subject to restrictive conditions affecting the management, custody, and use or method of use of parts or portions of the payments which would differentiate the rights and responsibilities of the needy recipient from those who are otherwise financed in respect of such items. Any rules or requirements deemed essential to assure the cooperation of the individual in this respect and the availability of needed items should apply universally to all clients.

§ 600.34 *Rehabilitation services; placement tools and equipment.* Unless written application is made to the Federal Director, or regional representative with a written statement of the circumstances, and prior approval theerof is obtained, Federal participation in disbursements representing the cost of occupational tools and equipment will be limited to the necessary amount (not exceeding the aggregate sum of $250 or such sum as the Director may hereafter designate) representing the cost of such tools or equipment as are needed to carry on the occupation in which the individual is established. Federal reimbursement is not authorized with respect to rent, light, heat, power, and other maintenance costs, or for the cost of acquisition of inventories or expensive technical equipment entailed in establishing individuals in business enterprises or professions.

SUBPART G—PAYMENT TO STATES

SEC. 3. *

(c) The method of computing and paying amounts pursuant to subsections (a) and (b) shall be as follows:

(1) The Administrator shall from time to time estimate the amount to be paid to each State under the provisions of this Act, such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended for vocational rehabilitation during the period for which such estimate is made, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such period, (B) a report filed by the State containing its estimate for such period of the administrative expenses to be incurred by the State board in carrying out its functions under such State plan, (C) records showing the number of individuals in the State needing and eligible under the State plan for vocational rehabilitation, and (D) such other investigation as the Administrator may find necessary.

(2) The Administrator shall then certify to the Secretary of the Treasury the amount so estimated by the Administrator for any period, reduced or increased, as the case may be, by any sum by which he finds that his estimate for any prior period was greater or less than the amount which should have been paid to the State for such prior period, except that such increases or reductions shall not be made to the extent that such sums have been applied to make the amount certified for any prior period greater or less than the amount estimated by the Administrator for such prior period.

(3) The Secretary of the Treasury shall, upon receiving such certification, pay, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, to the State, at the time or times fixed by the Administrator, the amounts so certified. The money so received by the State shall be paid out in accordance with the provisions of the State plan.

SEC. 2. (a) To be approvable under this Act, a State plan for vocational rehabilitation shall— *

(2) Provide that the State treasurer (or, if there be no State treasurer, the officer exercising similar functions for the State) be appointed as custodian of funds received under this Act from the Federal Government and receive and provide for the proper custody of such funds;

§ 600.35 *Estimates.* (a) (1) Prior to the beginning of each fiscal quarter, that is to say prior to the first day of July, October, January and April, in each year until otherwise indicated, the State board pursuant to the approved plan, should submit estimates in the nature of quarterly budgets appropriately documented and supported. Such quarterly budgets or estimates should be broken down in terms of administrative expense, rehabilitation costs for war disabled individuals, and rehabilitation costs for other individuals, and should indicate the anticipated expenditures of the State board and blind agency for the purposes in question during the ensuing three months period. Supporting documents should include (i) a certificate of the appropriate State financial officer showing the amounts of State funds available to the board and compliance with any conditions upon the use of such funds and (ii) a statement with supporting data indicating the probable scope of the program during the quarter including the number of accepted cases, applications, and anticipated applications, the classifications and nature thereof within the knowledge of the Agency and any further information tending to support the State's claim. The Director may in his discretion require submission of semi-annual or annual budgets as and when reasonably reliable estimates for such periods can be formulated.

(2) During the period ending June 30, 1945, for any quarter in which it may appear that the existing State appropriation will be insufficient to met the State's share of the plan's requirements, the State board should indicate the approximate date when exhaustion of the existing appropriations within the State may be anticipated and the anticipated requirements in substitution for State funds for the balance of the period. Similar indication should be given with respect to each fiscal period where the appropriation is restricted to the use of portions thereof within given time periods. During this interim period the time specified in section 11 for effectuation of State legislation not having elapsed, Federal funds may be certified to the State for purposes authorized in the Federal Act for which State funds are not available, provided State officials may legally accept and disburse funds for such federally authorized purposes.

§ 600.36 *Certification.* The Director will, upon the basis of such estimates and supporting documents and the approved plan, certify the appropriate amounts thus determined for the period in question to the Secretary of the Treasury for payment to the State in accordance with such arrangements respecting the time and the methods as may be arranged with the Secretary of the Treasury. In making any such certification such additions and subtractions will be made as the State's accounting for any prior period and audit thereof may indicate as necessary in the process of balancing the Federal-State account for any such prior period. Adjustments by way of deduction may, in the discretion of the Director, be made in connection with any certification or payment being made to the particular State regardless of the fact that the circumstances giving rise to such deduction involved a phase of the program unrelated to the purposes of the particular certification. The State will be required to make transfers and adjustments necessary to discharge its accountability to the Federal Government.

§ 600.37 *Effect of certification.* (a) (1) Neither the approval of the State plan nor any certification of funds or payment to the State pursuant thereto shall be deemed to waive the failure of the State to observe before or after such administrative action any Federal requirement or the right or duty of the Administrator or Director to withhold funds by reason thereof.

(2) The final amount to be certified for any period is determinable on the basis of State expenditure for authorized purposes with respect to which Federal reimbursement or participation is authorized. The State assumes absolute responsibility for the initial application of Federal funds to authorized plan purposes since the criteria used in computing the State's claim are independent of any hazard, irregularity, or other circumstance or occurrence which may render the Federal grant or any part thereof paid to the State treasurer or other designated official unavailable for the purposes of the plan.

(3) The State treasurer or officer exercising similar functions for the State will receive and provide for custody of all funds paid the State under the Act subject to requisition thereof by the State agency, or disbursement thereof, for plan purposes.

(4) *Earned interest.* Interest earned on grants made under the Act shall be duly credited to the principal of the grant. All such earnings of interest shall be duly reported on the ensuing bugetary estimate.

(5) *Collections.* Any amount refunded or repaid to the State shall be credited to the federal account in proportion to the federal participation in the expenditures by reason of which such refunds or repayments were made.

SUBPART H—REPORTS

SEC. 2. (a) To be approvable under this Act, a State plan for vocational rehabilitation shall—

(7) Provide that the State board will make such reports, in such form and containing such information, as the Administrator may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

§ 600.38 *Reports; nature.* (a) The Act provides that the State board will make such reports, in such form and containing such information, as the Director may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

(b) Reports under this provision include written reports, fiscal and statistical accounts and schedules, inspection of agency records, releases and procedures, and oral reports where in the discretion of the Director such form of reporting is essential to an understanding of any important situation, or the disposition of any material issue arising in the course of the Federal-State relationship whether or not a hearing has been scheduled as provided in section 4 of the Act.

§ 600.39 *Reports; basis.* For reporting purpose plans shall provide for the maintenance at the State level of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the respective Federal authorizations.

§ 600.40 *Fiscal reports.* The plan should provide that a detailed fiscal report upon the financial report form prescribed therefor by the Director will be made for each period with respect to which Federal grants have been made to the State for any purpose under the Act. The report should include all of the State's expenditures for administrative expense and for rehabilitation of war disabled civilians and for rehabilitation services to other individuals and the amount claimed from the Federal Treasury by reason thereof. The report should indicate the appropriate credits to the Federal account including adjustments for any prior period and duly account to the Federal Government for all Federal funds.

§ 600.41 *Statistical reports.* The plan should provide that a detailed statistical report on the form prescribed therefor by the Director giving the number of applicants and accepted cases, including the numbers classified for all types of physical restoration, and for training, indicating current disposition thereof, placements, and clients awaiting placement, cases interrupted or discontinued and reason therefor and closed cases will be furnished on a routine basis as the Director shall determine. In addition such further information will be required including information with respect to individual plans and treatment, guidance and placement activities as the Director may require for any authorized purpose under the Act.

§ 600.42 *Annual report.* The State board should in addition make as soon after the close of each fiscal year as may be arranged and not later than the first day of September in each year an annual statistical and financial report of its plan and of its operations thereunder for the year. Copies thereof should be made available to the Administrator for his use in making reports to the Congress.

§ 600.43 *Reports; effect of failure or delay.* Any failure, refusal, or undue delay of the State with respect to the above provisions is included among the causes for the invocation of the procedures and sanction specified in section 4 of the Act.

SUBPART I—DISTRICT OF COLUMBIA

SEC. 6. Out of funds made available for the purpose, the Administrator is authorized to provide vocational rehabilitation services to disabled persons actually residing in the District of Columbia and to formulate and carry out a plan of cooperation with the United States Employees' Compensation Commission with respect to the vocational rehabilitation of any such disabled residents as are civil employees of the United States disabled while in the performance of duty. In carrying out his functions under this section, the Administrator is authorized to utilize and enlarge facilities of appropriate units of the Federal Security Agency, and to enter into agreements and cooperative working arrangements with public agencies and private persons, agencies, and institutions, within the United States, its Territories, and possessions, for services and use of facilities of such persons, agencies, and institutions and to compensate them and such units for such services and use.

§ 600.44 *District of Columbia Plan.* All operations within the District of Columbia pursuant to the Act will be administered by the Division of the Federal Office of Vocational Rehabilitation known as the District of Columbia Rehabilitation Service. All applicable provisions of the regulations, including the formulation by the Service and submission for approval of a plan for the District, will govern the operations of the Service. The Service will assume responsibilities with respect to providing rehabilitation services for resident war disabled civilians and employees of the United States disabled while in the performance of duty equivalent to those of the respective States.

SUBPART J—STATE LEGISLATION

SEC. 11. This Act may be cited as the "Vocational Rehabilitation Act"

SEC. 3. (b) If any State cannot fully comply with the conditions of the Vocational Rehabilitation Act, as amended by this Act, on the date of the enactment of this Act such State may secure the benefits of the Vocational Rehabilitation Act as so amended, until sixty days after the legislature of such State first meets in due course after such sixty days which could be given in such State to legislation passed within such sixty days to secure the benefits of this Act, whichever is the later, if it complies therewith to the extent possible.

§ 600.45 *State legislation.* Insofar as compliance on the part of any State with any Federal requirement necessitates legislative action within the State within the intent of this provision the Director will, upon the application of the State and upon a showing that the State is prepared to comply with the Act in other respects, waive compliance with such requirement for a period ending sixty days after the legislature of such State next meets in due course after the date of the Federal Act or the earliest date thereafter when legislation passed within such period could become effective.

[SEAL] PAUL V MCNUTT,
Federal Security Administrator

OCTOBER 9, 1943.

[F. R. Doc. 43-16847; Filed, October 14, 1943; 11:31 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

DUAL NETWORK OPERATION

The Commission on October 12, 1943 ordered that the following § 3.107 shall become effective on April 12, 1944:

§ 3.107 *Dual network operation.* No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided,* That this regulation shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

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

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43—16933; Filed, October 18, 1943; 11:30 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 9]

PART 503—ADMINISTRATION

MOTOR CARRIERS: RECORDS AND REPORTS

General outline. This order describes the records to be kept and reports to be filed by holders of Certificates of War Necessity covering commercial motor vehicles, and supersedes all other recording and reporting requirements previously in effect.

Property carriers are required to keep records of mileage, motor fuel consumption, loads transported, tire inspections, and idle equipment. Special provisions exempt such carriers from the requirement of keeping records of loads transported in certain operations, as specified in detail in the order. Single unit operators are required to keep all records, except idle equipment records, upon a prescribed form. Fleet operators may keep the required records in any convenient manner, except that tire inspection records, under specified circum-

stances, must be kept upon a prescribed form. The records, other than tire inspection records, are to be kept on a weekly basis, unless the carrier prefers to keep the records on a basis of any shorter period.

Passenger carriers are required to keep records of mileage and motor fuel consumption, on a weekly basis, and may keep such records in any convenient manner. Records of tire inspections must be kept upon a prescribed form, except under circumstances specified in the order.

The required records are to be kept available for inspection at all reasonable times by accredited representatives of the Office of Defense Transportation, but no reports are required to be filed periodically. The order provides, however, for the filing of a monthly operating report by property carriers whenever such report is requested by the district manager. It is to be noted that a monthly idle equipment report is no longer required.

The text of Administrative Order ODT 9 follows:

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, 9156, 9214, and 9294, and War Production Board Directive 21, and in order to regulate the keeping of records and making of reports, pursuant to General Order ODT 21, as amended (7 F.R. 7100, 9006, 9437, 10025; 8 F.R. 551, 2510, 7357, 7880, 9033, 13071) *It is hereby ordered,* That:

Sec.
503.250 Property carrying vehicles; records.
503.251 Property carrying vehicles; forms.
503.252 Passenger carrying vehicles; records.
503.253 Passenger carrying vehicles; forms.
503.254 Reports to be filed; forms.
503.255 Report of special circumstances.
503.256 Return of unused rations.
503.257 Approval by Bureau of the Budget.
503.258 Definitions.

AUTHORITY: §§ 503.250 through 503.258, issued under the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, 56 Stat. 176, 50 U.S. Code §§ 631 through 645a; E.O. 8989, 9156, 9214, and 9294; 6 F.R. 6725, 7 F.R. 3349, 6097, 8 F.R. 221; War Production Board Directive 21, 8 F.R. 5834.

§ 503.250 *Property carrying vehicles; records.* Every certificate holder who operates a property carrying vehicle or vehicles shall keep the following records in respect of the vehicles covered by each certificate:

(a) A record of mileage, for each vehicle owned or operated by the certificate holder;

(b) A record of motor fuel consumed, for all vehicles owned by the certificate holder;

(c) A record of loads transported, for each vehicle owned or operated by the certificate holder, in the same units as those specified in the certificate (such as tons, cubic feet, packages, gallons, etc.) *Provided,* That:

(1) Certificate holders engaged in nondistributive operations shall keep such load records only in respect of loads transported in over-the-road operations; and

(2) Certificate holders shall not be required to keep a record of loads transported, in respect of:

(i) Vehicles, other than tank vehicles, engaged in retail distribution service;

(ii) Vehicles engaged in construction operations within the territorial limits of a construction project, when engaged in the transportation of property used or to be used in or in connection with such construction project (including soil and waste material)

(iii) Vehicles engaged in maintenance, service, or repair service;

(iv) Vehicles engaged in the transportation of property wholly within the boundaries of any property under common control or management or between such properties (exclusive of operations by for-hire carriers between terminals and wholesale and retail operations) when not separated by more than one mile by the most direct highway;

(v) Vehicles operated in connection with the public health and safety, or by public utilities engaged in providing communications, light and power, gas, steam, water, and sanitary services; and

(vi) Vehicles controlled and operated by any person or persons principally engaged in farming, when used in the transportation of agricultural commodities and products thereof, from a farm or farms, or in the transportation of farm supplies to a farm or farms, but not including vehicles engaged in the transportation of such products for hire;

(d) A record of the periodic tire inspection of each vehicle, upon and in accordance with the form prescribed and provided therefor by the Office of Defense Transportation; and

(e) A record, for each vehicle, indicating the number of days the vehicle was idle when it normally would have been in use, and the reason for idleness.

§ 503.251 *Property carrying vehicles; forms.* The records required to be kept pursuant to § 503.250 of this order may be kept in any convenient form and shall contain entries in respect of operations for each week or period shorter than a week: *Provided,* That:

(a) Single unit operators shall keep such records for all owned vehicles upon and in accordance with the form prescribed and provided therefor by the Office of Defense Transportation, as reproduced in Appendix 1[1] of this order, except that (1) information relating to number of trips (space for which is provided on such form) is not required, and (2) information relating to truck days lost need not be kept upon such form, but may be kept in any convenient manner.

(b) Fleet operators shall keep records of tire inspections upon and in accordance with the form prescribed and provided therefor by the Office of Defense Transportation, as reproduced in Appendix 2 of this order, except when such tire inspection records are maintained in accordance with Exemption Order ODT 21-3A (8 F.R. 6485).

§ 503.252 *Passenger carrying vehicles; records.* Every certificate holder who operates a passenger carrying vehicle or vehicles shall keep the following records in addition to those required to be kept by general or other orders of the Office of Defense Transportation:

(a) A record of mileage, for each vehicle owned or operated;

(b) A record of motor fuel consumed, for all vehicles owned.

§ 503.253 *Passenger carrying vehicles; forms.* The records required to be kept pursuant to § 503.252 of this order may be kept in any convenient form, and shall contain entries in respect of operations for each week: *Provided,* That records of tire inspection shall be kept upon and in accordance with the form prescribed and provided therefor by the Office of Defense Transportation, as reproduced in Appendix 1 of this order for single unit operations and in Appendix 2 of this order for fleet operations, except when such records of tire inspection are maintained in accordance with Exemption Order ODT 21-3A.

§ 503.254 *Reports to be filed; forms.* Every holder of a certificate issued in respect of a property carrying vehicle shall fill out and submit an operating report to the Office of Defense Transportation, whenever required to do so by a district manager, upon and in accordance with the form prescribed and provided therefor by the Office of Defense Transportation, as reproduced in Appendix 3[2] of this order.

§ 503.255 *Report of special circumstances.* Every certificate holder shall promptly report to the district office which issued the certificate:

(a) A change of name of the certificate holder;

(b) A change of address of the certificate holder;

(c) A change of location of any operating unit or base of operations;

(d) A change of state in which a vehicle is registered;

(e) A change of character of use of a vehicle;

(f) The acquisition, transfer, replacement, or discontinuance of use of a vehicle;

(g) The issuance of the certificate in respect of a vehicle for which a certificate is not required;

(h) The issuance of the certificate in respect of equipment exempted from the provisions of General Order ODT 21, as amended, by order of the Office of Defense Transportation;

(i) Any obvious error in the certifications of operations contained in the certificate;

(j) The loss, theft, destruction, defacement, or mutilation of the certificate; and

(k) Any change in operating conditions which substantially affects mileage or motor fuel consumed by the certificate holder.

§ 503.256 *Return of unused rations.* Within 5 days after the end of each calendar quarter every certificate holder who has not used all of the ration orders, coupons, or stamps authorizing the acquisition of motor fuel specified for use during such quarter, shall report such excess to the district office which issued the certificate, and shall surrender the excess stamps, coupons, ration

[1] Filed as part of the original document.

orders, or a ration banking check in the amount of such unused rations, to such district office.

§ 503.257 *Approval by Bureau of the Budget.* The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific recording and reporting requirements hereafter prescribed in connection with this order shall be subject to the Federal Reports Act of 1942.

§ 503.258 *Definitions.* (a) Except in respect of tank vehicles:

(1) A vehicle shall be deemed to be engaged in distributive operations if 51 percent or more of the freight transported on a trip is picked up or delivered at points other than the origin or destination of the trip.

(2) The term "over-the-road operations" shall be deemed to include all operations of a motor truck except (i) those within an area which includes any municipality or urban community and a zone extending 25 air miles from the boundaries thereof, (ii) those within and between contiguous municipalities or urban communities, and (iii) those not more than 25 miles in length, except those operations by a carrier between its terminals.

(3) A load, and all parts thereof, shall be deemed to be transported in over-the-road operations if any part of the load carried on a trip is transported over-the-road on such trip.

(b) A tank vehicle shall be deemed to be engaged in local distributive operations if 51% or more of its operations consist of picking up a load at one or more points and distributing the load at two or more points, and all other operations of a tank vehicle shall be deemed to be over-the-road non-distributive operations.

(c) As used herein:

(1) The term "certificate" means a Certificate of War Necessity.

(2) The term "certificate holder" means a person to whom or in whose name a certificate has been issued.

(3) The term "district office" means a district office of the Division of Motor Transport of the Office of Defense Transportation.

(4) The term "district manager" means the manager of a district office.

(5) Any term which is defined in General Order ODT 21, as amended, shall have the meaning specified therefor in § 501.90 (Definitions) of General Order ODT 21.

This Administrative Order ODT 9 shall become effective on the 18th day of October 1943.

Issued at Washington, D. C., this 18th day of October 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-16881; Filed, October 18, 1943; 10:59 a. m.]

Notices

NAVY DEPARTMENT.

NAVY V-12 PROGRAM

OFFICER TRAINING FOR SELECTED STUDENTS AND RECENT GRADUATES

1. The Navy V-12 Program is designed to produce officers for the Navy, Marine Corps, and Coast Guard through the training of selected students and recent graduates of high schools and preparatory schools, college students, and enlisted men of the Navy, Marine Corps, and Coast Guard.

2. A qualifying test for civilians will be given on November 9, 1943, throughout the nation. In order to be eligible to take the November tests, candidates must:

(1) Be male citizens of the United States.

(2) Have attained their 17th and not their 20th birthdays by March 1, 1944.

(3) By morally and physically qualified for this program, including minimum visual acuity of 18/20, correctible to 20/20.

(4) Be unmarried and agree to remain unmarried until commissioned.

(5) Evidence potential officer qualifications, including appearance and scholarship records.

(6) Meet educational requirements as listed below:

(a) High school and preparatory school graduates who will have attained their 17th and not their 20th birthdays by March 1, 1944, regardless of whether they are presently attending college.

(b) High school and preparatory school seniors who will have completed graduation requirements by March 1, 1944, provided they will have attained their 17th and not their 20th birthdays by that date.

(c) Students who do not hold certificates of graduation from a secondary school but who are continuing their education in an accredited college or university.

3. Preliminary application forms for the V-12 Program will be distributed through local high schools and colleges. Each applicant will be required to submit this form, properly filled out and certified by a high school principal or college administrator, who will be directed to refuse to certify and thereby to eliminate candidates who obviously are below physical standards or who show evidence of inadequate educational preparation.

4. Following the tests, successful candidates will be requested to report to the nearest Office of Naval Officer Procurement at their own expense. In some sections of the country, temporary branch Offices of Naval Officer Procurement will be set up for the purpose of interviewing candidates for the Navy V-12 Program. In each Office of Naval Officer Procurement, final selection will be made by a selection committee after candidates have passed a thorough physical examination. No waivers for any of the requirements of this Program will be granted. The selection committee's decision will be final.

5. All men accepted for the V-12 Program will be enlisted or inducted into the Naval Service and placed on inactive duty until March 1, 1944, when they will be ordered to active duty as Apprentice Seamen, U. S. Naval Reserve, and assigned to Navy V-12 Units at colleges and universities under contract to the Navy.

6. Successful candidates will be permitted to indicate their preference for assignment to colleges on the Navy list. The Navy will respect the preference of the student as far as possible, but no guarantee can be made that a student's request for a given college will be granted.

7. They may also express their preference for the Branch of service, Navy, Marine Corps, or Coast Guard, at the time of their assignment to the V-12 Program. This choice will not be binding, however, and final assignment will be based on demonstrated ability, the needs of the Service, and counseling during the first two (semesters) terms.

8. Students may also express a preliminary choice of courses of study, such as medicine, engineering, etc. Assignment and continuance in these courses will be based on the needs of the service and demonstrated competence in the particular field.

9. The length of course for students will vary: Students trained for general duty will receive 1⅓ years of study. This training will consist of four terms of college work for 16 weeks duration each. Chaplains, medical and dental officers will have twelve 16-week terms; engineering specialists, eight 16-week terms; engineering for general duty, six 16-week terms.

10. Courses for the first two terms will be similar for all students, except pre-medical and pre-dental, and will emphasize fundamental college work in mathematics, science, English, history, engineering drawing, and physical training. Pre-medical and pre-dental students will substitute chemistry and foreign language for English and history. All students in the V-12 Program will receive instruction in Naval Organization and General Naval Orientation.

11. At the conclusion of their college work, students will take specialized Naval training leading to commissions.

12. Colleges and universities under contract to the Navy will accept men ordered to them for training, will maintain high standards of selectivity in instruction and examination, and will recommend for transfer to other active duty those students who fail to meet the requirements. Colleges may or may not, at their own discretion, give regular academic credit for courses prescribed by the Navy Department.

13. Students who are able to carry on elective courses in addition to their Navy curriculum may do so provided the extra work does not interfere with their proper performance of assigned duties. If the college is satisfied that the student has adequately covered any of the

subjects included in the curriculum, it may authorize the student to substitute courses for those covered.

14. During their college training, Navy students may take part in all college athletics and other campus activities, provided such activities do not interfere with their prescribed hours of courses of study. Any student who is able to meet the requirements of the curriculum, which include compulsory physical drills, swimming and setting-up exercises, and is able to devote additional time to participation in the college athletics or other extra-curricular activities, will be permitted to do so. Navy students, at their own personal expense, may also join all previously established college organizations and fraternities which are available to all students on the same terms. Students under the V-12 Program will be required to maintain the Navy's standards of discipline, although military activities will be kept at a minimum and subordinated to academic training.

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-16935; Filed, October 18, 1943; 11:43 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

PROVO RIVER PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 9, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you and by the Act of June 28, 1934 (48 Stat. 1269) as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388) and that Departmental Order of April 8, 1935 establishing Utah Grazing District No. 2 be modified and made subject to the withdrawal effected by this order.

PROVO RIVER PROJECT, UTAH

SALT LAKE MERIDIAN

T. 5 S., R. 3 E.,
Sec. 34, NW¼NW¼.

Respectfully,

H. W BASHORE,
Commissioner.

I concur: September 14, 1943.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: September 16, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

SEPTEMBER 23, 1943.

[F. R. Doc. 43-16815; Filed, October 15, 1943; 12:20 p. m.]

Coal Mines Administration.

[Bulletin No. 5]

EXECUTION OF AGREEMENT AND CERTIFICATION

TO THE OPERATING MANAGERS:

Government possession and control of the mining property of your company have been terminated. Under the provisions of section 40 of the amended Regulations for the Operation of Coal Mines under Government Control (8 F.R. 6655, 10712, 11344) if your company has not already executed and delivered an effective Instrument of Agreement and Certification, it may elect to execute and deliver to the Administrator either Instrument No. 1 or Instrument No. 2.

Unless it executes and delivers to the Administrator either Instrument No. 1 or Instrument No. 2, it will be assumed that your company claims, or reserves the right to claim, that all operations during the period of Government possession and control of the property have been for the account of the Government. In such event, you, as operating manager for the United States, and the mining company are accountable to the Government for the custodianship and disposition of proceeds from operations accruing during the period of Government possession and control. Pending the completion of such an accounting your appointment as operating manager for the United States will continue in force but only for the purposes of such an accounting and appropriate determinations with respect thereto. In all other respects, your appointment as operating manager is terminated.

Dated: October 14, 1943.

CARL E. NEWTON,
Deputy Coal Mines Administrator

[F. R. Doc. 43-16828; Filed, October 15, 1943; 4:35 p. m.]

Office of the Secretary.

KENDRICK PROJECT, WYOMING

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for powerhouse and power line operation and maintenance positions of the Bureau of Reclamation on the Kendrick Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Kendrick Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Line patrolman, 1st class	$1.12	$1.12
Line patrolman, 2d class	1.02	1.02
Line patrolman, 3d class	.92	.92
Powerhouse foreman	1.27	1.27
Powerhouse operator, senior	1.04	1.04
Powerhouse operator	.98	.98
Powerhouse operator, junior	.84	.84
Powerhouse operator, under	.72	.72

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the 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 forty-hour week Act (sec. 23, Act of March 23, 1934; 48 Stat. 522).

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all powerhouse and power line operation and maintenance employees of the Bureau of Reclamation on the Kendrick Project, except those allocated to grade, 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 powerhouse and power line operation and maintenance positions at this project which are not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 13th day of September 1943.

DUNCAN CAMPBELL,
Chairman.

Approved: September 21, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-16321; Filed, October 15, 1943; 12:20 p. m.]

SHOSHONE PROJECT, WYOMING

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for powerhouse and power line operation and maintenance positions of the Bureau of Reclamation on the Shoshone Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates

listed below are prevailing for similar work in the vicinity of the Shoshone Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Line patrolman, 1st class	$1.12	$1.12
Line patrolman, 2d class	1.02	1.02
Line patrolman, 3d class	.92	.92
Powerhouse foreman	1.30	1.30
Powerhouse operator, senior	1.07	1.07
Powerhouse operator	1.01	1.01
Powerhouse operator, junior	.87	.87
Powerhouse operator, under	.72	.72

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the 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 forty-hour week Act (sec. 23, Act of March 28, 1934; 48 Stat., 522)

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all powerhouse and power line operation and maintenance employees of the Bureau of Reclamation on the Shoshone Project, except those allocated to grade, 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 powerhouse and power line operation and maintenance positions at this project which are not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 13th day of September 1943.

DUNCAN CAMPBELL,
Chairman.

Approved: September 21, 1943.

ABE FORTAS,
Acting Secretary of the Interior

[F. R. Doc. 43-16822; Filed, October 15, 1943; 12:21 p. m.]

NORTH PLATTE PROJECT, NEBRASKA, WYOMING

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for powerhouse, power line, and substation operation and maintenance positions of the Bureau of Reclamation on the North Platte Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the North Platte Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Line patrolman, 1st class	$1.12	$1.12
Line patrolman, 2d class	1.02	1.02
Line patrolman, 3d class	.92	.92
Substation foreman	1.10	1.10
Substation operator, senior	.93	.93
Substation operator	.87	.87
Guernsey plant		
Powerhouse foreman	1.21	1.21
Powerhouse operator, senior	.98	.98
Powerhouse operator	.92	.92
Powerhouse operator, junior	.78	.78
Powerhouse operator, under	.69	.69
Lingle plant		
Powerhouse foreman	1.15	1.15
Powerhouse operator	.89	.89
Powerhouse operator, junior	.75	.75
Powerhouse operator, under	.69	.69

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the 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 forty-hour week Act (sec. 23, Act of March 28, 1934; 48 Stat., 522)

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all powerhouse, power line, and substation operation and maintenance employees of the Bureau of Reclamation on the North Platte Project, except those allocated to grade, 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 powerhouse, power line, and substation operation and maintenance positions at this project which are not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 13th day of September 1943.

DUNCAN CAMPBELL,
Chairman,

Approved: September 21, 1943.

ABE FORTAS,
Acting Secretary of the Interior

[F. R. Doc. 43-16817; Filed, October 15, 1943; 12:20 p. m.]

RIVERTON PROJECT, WYOMING

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for powerhouse and power line operation and maintenance positions of the Bureau of Reclamation on the Riverton Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Riverton Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Line patrolman, 1st class	$1.12	$1.12
Line patrolman, 2d class	1.02	1.02
Line patrolman, 3d class	.92	.92
Powerhouse foreman	1.18	1.18
Powerhouse operator, senior	.95	.95
Powerhouse operator	.89	.89
Powerhouse operator, junior	.75	.75
Powerhouse operator, under	.69	.69

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the 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 forty-hour week Act (sec. 23, Act of March 28, 1934; 48 Stat., 522)

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all powerhouse and power line operation and maintenance employees of the Bureau of Reclamation on the Riverton Project, except those allocated to grade, 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 powerhouse and power line operation and maintenance positions at this project which are not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of

Reclamation Wage Board this 13th day of September 1943.

DUNCAN CAMPBELL,
Chairman.

Approved: September 21, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-16818; Filed, October 15, 1943; 12:20 p. m.]

BOISE PROJECT, IDAHO

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for powerhouse operation and maintenance positions of the Bureau of Reclamation on the Boise Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Boise Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Black Canyon Plant		
Powerhouse foreman	$1.27	$1.27
Powerhouse operator, senior	1.10	1.10
Powerhouse operator	.98	.98
Powerhouse operator, junior	.89	.89
Powerhouse operator, under	.78	.78
Boise Diversion Plant		
Powerhouse foreman	1.15	1.15
Powerhouse operator	.92	.92
Powerhouse operator, junior	.84	.84
Powerhouse operator, under	.78	.78

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the 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 forty-hour week Act (sec. 23, Act of March 28, 1934; 48 Stat., 522)

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all powerhouse operation and maintenance employees of the Bureau of Reclamation on the Boise Project, except those allocated to grade, 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 powerhouse operation and maintenance positions at this Project which are not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 13th day of September 1943.

DUNCAN CAMPBELL,
Chairman.

Approved: September 21, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-16816; Filed, October 15, 1943; 12:30 p. m.]

MINIDOKA PROJECT, IDAHO

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for powerhouse operation and maintenance positions of the Bureau of Reclamation on the Minidoka Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Minidoka Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Powerhouse foreman	1.27	1.27
Powerhouse operator, senior	1.10	1.10
Powerhouse operator	.93	.93
Powerhouse operator, junior	.89	.89
Powerhouse Operator, under	.78	.78

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the 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 forty-hour week Act (sec. 23, Act of March 28, 1934; 48 Stat., 522).

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all powerhouse operation and maintenance employees of the Bureau of Reclamation on the Minidoka Project, except those allocated to grade, 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 powerhouse operation and maintenance positions at this project which are not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 13th day of September 1943.

DUNCAN CAMPBELL,
Chairman.

Approved: September 21, 1943.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 43-16820; Filed, October 15, 1943; 12:20 p. m.]

RIO GRANDE PROJECT, NEW MEXICO

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for powerhouse and power line operation and maintenance positions of the Bureau of Reclamation on the Rio Grande Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Rio Grande Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Electrician, maintenance	$1.00	$1.00
Electrician's helper, maintenance	.75	.75
Line patrolman, 1st class	1.00	1.00
Line patrolman, 2d class	.90	.90
Line patrolman's helper	.75	.75
Machinist, maintenance	1.00	1.00
Machinist's helper, maintenance	.75	.75
Powerhouse foreman	1.27	1.27
Powerhouse operator, senior	1.01	1.01
Powerhouse operator	.93	.93
Powerhouse operator, junior	.81	.81
Powerhouse operator, under	.72	.72

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the 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

forty-hour week Act (sec. 23, Act of March 28, 1934; 48 Stat., 522)

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all powerhouse and power line operation and maintenance employees of the Bureau of Reclamation on the Rio Grande Project, except those allocated to grade, 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 powerhouse and power line operation and maintenance positions at this project which are not allocated to grade and for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 13th day of September 1943.

DUNCAN CAMPBELL,
Chairman.

Approved: September 21, 1943.

ABE FORTAS,
Acting Secretary of the Interior

[F. R. Doc. 43-16819; Filed, October 15, 1943; 12:20 p. m.]

COLORADO-BIG THOMPSON PROJECT, COLORADO

RECOMMENDATIONS OF THE BUREAU OF RECLAMATION WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 23, 1943, and entitled "Wage Fixing Procedures, Field Employees, Bureau of Reclamation, Department of the Interior," the Bureau of Reclamation Wage Board has determined prevailing wage rates for powerhouse, power line and substation operation and maintenance positions of the Bureau of Reclamation on the Colorado-Big Thompson Project. The Board has considered rates currently being paid by private employers, rates paid by other Government agencies, and rates established by collective agreement.

The Bureau of Reclamation Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Colorado-Big Thompson Project and recommends them for your adoption:

Labor classification	Prevailing basic hourly rate on private work	Recommended basic hourly rate for B/R employees
Line and substations foreman	$1.25	$1.25
Line patrolman, 1st class	1.12	1.12
Line patrolman, 2d class	1.02	1.02
Line patrolman, 3d class	.92	.92
Powerhouse foreman	1.30	1.30
Powerhouse operator, senior	1.07	1.07
Powerhouse operator	1.01	1.01
Powerhouse operator, junior	.87	.87
Powerhouse operator, under	.72	.72

It is the understanding of the Wage Board that Bureau of Reclamation employees of the classes above specified, paid in accordance with this schedule, are in recognized trades or occupations and will receive overtime pay on the 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 forty-hour week Act (sec. 23, Act of March 28, 1934; 48 Stat., 522)

No reduction in current rates. The Wage Board recommends that no present employee of the Bureau of Reclamation suffer a reduction in his basic hourly wage rate as a result of the promulgation of these recommendations.

The Wage Board recommends that all powerhouse, power line and substation operation and maintenance employees of the Bureau of Reclamation on the Colorado-Big Thompson Project, except those allocated to grade, 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 powerhouse, power line and substation operation and maintenance positions at this project which are not allocated to grade for which job titles are not listed above be abolished.

The foregoing recommendations approved and adopted by the Bureau of Reclamation Wage Board this 13th day of September 1943.

DUNCAN CAMPBELL,
Chairman.

Approved: September 21, 1943.

ABE FORTAS,
Acting Secretary of the Interior

[F. R. Doc. 43-16843; Filed, Octoer 16, 1943; 11:12 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 224]

FINANCE, INSURANCE, REAL ESTATE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRIES

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE

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

Do hereby accept the resignation of William L. McFetridge of Chicago, Illinois, from Industry Committee No. 68 for the Finance, Insurance, Real Estate, Motion Picture, and Miscellaneous Industries, and do appoint in his stead David Sullivan of New York, New York, as representative for the Employees on such Committee.

Signed at New York, New York, this 14th day of October 1943.

L. METCALFE WALLING,
Administrator

[F. R. Doc. 43-16878; Filed, October 16, 1943; 4:32 p. m.]

CONSTRUCTION INDUSTRY

NOTICE OF HEARING ON THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE

To be held November 3, 1943.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on September 14, 1943, by Administrative Order No. 216, appointed Industry Committee No. 67 for the construction industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 67, on October 5, 1943, recommended a minimum wage rate for the construction industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on October 6, 1943 pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 67 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 67 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction industry (as defined in Administrative Order No. 216) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the construction industry as set forth in Administrative Order No. 216, issued September 14, 1943, is as follows:

The industry carried on by any person engaged in the designing, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wrecking or other demolition of such improvements and facilities.

a. It includes, but without limitation, houses, stores, factories; highways, railroads, bridges, and streets; sewers and watermains; foundations, piers, abutments and other heavy construction; reclamation; drainage, sanitation, irrigation, flood-control and water-power projects; pipe-lines; harbor and waterways construction and improvement; airports and airfields; transmission lines; and

mining, industrial and commercial facilities and appurtenances.

b. *Provided, however,* It shall not include construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry.

III. The full text of the report and recommendation of Industry Committee No. 67 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, Parcel Post Building, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Syracuse, New York, 301 State Tower Building.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, 401–411 Old Town Building, Gay and Fallsway Streets.

Atlanta, Georgia, Fifth Floor, Carl Witt Building, 249 Peachtree Street, N. E.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.

Jacksonville, Florida, 456 New Post Office Building.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Birmingham, Alabama, 1007 Comer Building.

New Orleans, Louisiana, 916 Richards Building, 837 Gravier Street.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building.

Cleveland, Ohio, 4094 Main Post Office, West Third and Prospect Avenue.

Detroit, Michigan, David Stott Building, 1150 Griswold Street.

Cincinnati, Ohio, 1312 Traction Building, Fifth and Walnut Streets.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 3000 Fidelity Building, 911 Walnut Street.

St. Louis, Missouri, 316 Old Customs House, 815 Olive Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building, Spring and Fourth Streets.

Seattle, Washington, 305 Post Office Building, Third Avenue and Union Street.

Portland, Oregon, 208 Old United States Court House.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, First Floor.

New York, New York, 165 West 46th Street.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

IV A public hearing will be held on November 3, 1943, before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, at 10:00 a. m. in Room 1001, 165 West 46th Street, New York 19, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 67 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 67 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided,* That not later than October 30, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 67.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 67 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the construction industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, "Memorandum to Industry Committee No. 67 for the Construction Industry," prepared by the Economics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, September 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any time except by special permission of the presiding officer.

3. At the discretion of the presiding officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the presiding officer or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Adminis-

trator upon the matter in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, a complete record of the proceedings shall be filed with the Administrator. No intermediate report shall be filed unless so directed by the Administrator. If a report is filed it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 11th day of October 1943.

L. METCALFE WALLING,
Administrator

[F. R. Doc. 43-16877; Filed, October 16, 1943; 4:31 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4984]

HILLYARD OPTICAL COMPANY, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41)

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 21, 1943, at ten o'clock in the forenoon of that day (eastern standard time) Hearing Room, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-16848; Filed, October 16, 1943; 11:24 a. m.]

[Docket No. 4937]

PROCTER AND GAMBLE CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of October, A. D., 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41)

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 9, 1943, at ten o'clock in the forenoon of that day (e. s. t.) in Court Room Number One, Federal Building, Cincinnati, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-16898; Filed, October 18, 1943; 11:18 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev.-81]

FRISCO TRANSPORTATION CO. AND POWELL BROTHERS TRUCK LINES, INC.

COORDINATED OPERATIONS BETWEEN JOPLIN, MO. AND OKLAHOMA CITY, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Frisco Transportation Company and Powell Brothers Truck Lines, Inc., both of Springfield, Missouri, to facilitate with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1,[2] and

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

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

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

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the 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 carrier's possessing or obtaining the requisite operating authority.

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

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

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-81," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

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[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660.

[2] Filed as part of the original document.

This order shall become effective October 22, 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 18th day of October 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-16882; Filed, October 18, 1943; 11:00 a. m.]

[Supp. Order ODT 3, Rev.—82]

PACIFIC MOTOR TRUCKING CO. AND OREGON-NEVADA-CALIFORNIA FAST FREIGHT, INC.

COORDINATED OPERATIONS BETWEEN WINNEMUCCA AND ELKO, NEV.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Pacific Motor Trucking Company, and Oregon-Nevada-California Fast Freight, Inc., both of San Francisco, California, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, a copy of which plan is attached hereto as Appendix 1,[2] and

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

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

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

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carriers.

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

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

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

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—82," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 22, 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 18th day of October 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-16883; Filed, October 18, 1943; 11:00 a. m.]

[Supp. Order ODT 3, Rev.—83]

BAUSERMAN TRUCK LINE, INC., ET AL.

COORDINATED OPERATIONS BETWEEN PORTLAND AND WESTPORT, OREG.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Bauserman Truck Line, Inc., Columbia Truck Express, Lewis R. Winkler and Albert T. Carlson, doing business as Farny Truck Service, L. V. Smart and C. F. Corbett, doing business as Smart's Auto Freight Co., all of Portland, Oregon, Jack Leu, doing business as Goble Freight Line, Goble, Oregon, and L. C. Hall, doing business as L. C. Hall's Truck Line, St. Helens, Oregon, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1, and

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

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

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

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

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

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

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[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660.
Filed as part of the original document.

resentatives of the Office of Defense Transportation.

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

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-83" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 22, 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 18th day of October 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-16884; Filed, October 18, 1943; 10:59 a. m.]

[Supp. Order ODT 3, Rev.—84]

COMMERCIAL MOTOR FREIGHT, INC. AND PENNSYLVANIA TRUCK LINES, INC.

COORDINATED OPERATIONS BETWEEN POINTS IN OHIO

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Commercial Motor Freight, Inc., and Pennsylvania Truck Lines, Inc., both of Columbus, Ohio, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1, and

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

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

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

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

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

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

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

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-84," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 22, 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 18th day of October 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-16885; Filed, October 18, 1943; 10:59 a. m.]

[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660.
[2] Filed as part of the original document.

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on October 6, 1943.

REGION IV

Atlanta Order No. 1-F, filed 2:29 p. m.
Atlanta Order No. 2-F, filed 2:27 p. m.
Atlanta Order No. 9, filed 2:40 p. m.
Atlanta Order No. 9, Amendment No. 1, filed 2:42 p. m.
Atlanta Order No. 9, Amendment No. 2, filed 2:42 p. m.
Atlanta Order No. 9, Amendment No. 3, filed 2:42 p. m.
Atlanta Order No. 9, Amendment No. 4, filed 2:31 p. m.
Atlanta Order No. 10, filed 2:36 p. m.
Atlanta Order No. 10, Amendment No. 1, filed 2:41 p. m.
Atlanta Order No. 11, filed 2:37 p. m.
Jacksonville Order No. 11, Amendment No. 2, filed 2:28 p. m.
Memphis Order No. 9, filed 2:35 p. m.
Montgomery Order No. 12, filed 2:41 p. m.
Nashville Order 2-F, filed 2:30 p. m.
Nashville Order 2-F, Amendment No. 1, filed 2:30 p. m.
Nashville Order No. 10, filed 2:39 p. m.
Raleigh Order No. 7, Amendment No. 1, filed 2:31 p. m.
Raleigh Order No. 8, Amendment No. 1, filed 2:31 p. m.
Raleigh Order No. 9, filed 2:36 p. m.
Roanoke Order No. 2, Revocation, filed 2:38 p. m.
Roanoke Order No. 3, Revocation, filed 2:31 p. m.
Roanoke Order No. 4, Revocation, filed 2:31 p. m.
Roanoke Order No. 5, filed 2:32 p. m.
Roanoke Order No. 6, filed 2:29 p. m.
Roanoke Order No. 7, filed 2:38 p. m.
Roanoke Order No. 8, filed 2:28 p. m.
Roanoke Order No. 8, Amendment No. 1, filed 2:28 p. m.
Savannah Order No. 1-F, Amendment No. 2, filed 2:27 p. m.
Savannah Order No. 1-F, Amendment No. 3, filed 2:28 p. m.
Savannah Order No. 11, Amendment No. 1, filed 2:27 p. m.
South Carolina Order No. 1-F, Amendment No. 1, filed 2:30 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-16832; Filed, October 15, 1943; 4:52 p. m.]

[Region I Order G-1 Under Rev. MPR 269, Amdt. 1]

POULTRY IN NEW ENGLAND

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1429.14 (e) of Revised Maximum Price Regulation No. 269 and the Emergency Price Control Act of 1942, as amended: *It is hereby ordered,* That:

Paragraph (b) be amended to read as follows:

(b) *Maximum base prices.* On and after the effective date of this order the maximum base prices applicable to native poultry items, other than drawn and quick-frozen eviscerated native poultry items, in Table A of § 1429.19 of Revised Maximum Price Regulation No. 269 are modified so that, except for drawn quick-frozen eviscerated native poultry items and except for the sales and deliveries of native poultry items specifically excluded, said Table A shall read as follows:

TABLE A

This Table A shall not apply to any sale or delivery of native poultry items at retail, to retailers, or to ultimate consumers, including commercial, industrial, institutional or governmental users, unless a permitted increase is provided for such sale or delivery in Table B in paragraph (c) (4) of this order or unless a maximum price is provided for such sale or delivery in paragraph (d) of this order; any such sale or delivery for which such a permitted increase or such a maximum price is not so provided shall be subject to the provisions of Revised Maximum Price Regulation No. 269.

Food Products			Eastern Zone Basing-Point City, Chicago			
Type	Weight					
	Liveweight	Kosher killed, kosher-dressed and dressed weight	Live	Dressed	Kosher killed	Kosher dressed and plucked
Broilers and fryers	Under 4	Under 3½	27.5	33.0	35.0	33.5
Roasters	4 and over	3½ and over	27.5	33.0	35.0	33.5
Capons:						
Light	Under 6	Under 5½	27.5	33.0	35.0	33.5
Heavy	6 and over	5½ and over	31.0	33.0	33.0	33.5
Fowl	All weights	All weights	24.0	32.0	31.0	32.5
Stags and old roosters	All weights	All weights	20.0	27.5	31.5	23.0

This amendment shall become effective October 12, 1943.

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

Issued this 11th day of October 1943.

K. B. BACKMAN,
Regional Administrator

[F. R. Doc. 43-16829; Filed, October 15, 1943; 4:52 p. m.]

[Jacksonville Order G-2 Under MPR 426 as Amended]

ICEBERG LETTUCE IN FLORIDA

Order No. G-2 under section 2 (b) of Maximum Price Regulation No. 426, as amended. Fresh fruits and vegetables for table use, sales except at retail. Adjustment of maximum prices for certain sales of iceberg lettuce in less than carlot or less than trucklot quantities.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Jacksonville District Office of the Office of Price Administration by section 2 (b) of Maximum Price Regulation No. 426, as amended, and Regional Delegation Order No. 16, issued by the Administrator of Region IV of the Office of Price Administration; *It is hereby ordered.*

(a) On and after the effective date of this order, no person shall make a sale of iceberg lettuce in less than carlot or less than trucklot quantities at a price higher than the maximum prices hereinafter established.

(1) The maximum price for a sale of iceberg lettuce in L. A. or Salinas crates containing not less than 48 heads with a minimum weight of 60 pounds shall be:

(i) On a sale by an intermediate seller whose selling establishment is located in the free delivery zone of either Jacksonville, Tampa, Miami or Pensacola, Florida, to another intermediate seller;

(*a*) When sold f. o. b. seller's platform or delivered to the purchaser's establishment when it is located within one of the named cities or free delivery zone thereof, $5.25 per crate.

(b) When delivered to the premises of the purchaser not located in one of the named cities or free delivery zone thereof, $5.25 per crate plus "freight" from the nearest city at which lettuce is customarily received in carlot quantities and which has a carlot freight rate from Salinas, California (that is, Jacksonville, Tampa, Miami or Pensacola Florida) located in the free delivery zone, to the purchaser's receiving point.

(ii) On a sale by any seller delivered to a "retailer" or institutional user or procurement agency of the United States or of any state within the free delivery zone of Jacksonville, Tampa, Miami or Pensacola, Florida, $5.55 per crate.

(iii) On a sale by any seller delivered to a "retailer," institutional user, or State procurement agency, outside of a free delivery zone, not including any sales to any procurement agency of the United States or to any branch of the armed forces of the United States, $5.55 per crate plus "freight" from the nearest city at which lettuce is customarily received in carlot quantities and which has a carlot freight rate from Salinas, California, (that is, Jacksonville, Tampa, Miami or Pensacola, Florida), located in the free delivery zone, to the purchaser's receiving point.

(2) The maximum price per pound for a sale of a type covered in paragraph (1) above, of iceberg lettuce in any container except L. A. or Salinas crates, or if sold in a L. A. crate or Salinas crate containing less than 48 heads or with a net weight of less than 60 pounds, shall be the price per crate established in paragraph (1) above for the particular type of sale involved divided by 60.

(b) *Definitions.* (1) "Free delivery zone" means all of the territory embraced within the municipal limits of the cities of Jacksonville, Tampa, Miami or Pensacola, Florida and all of the territory embraced in this order which is within the area adjacent to said cities to which the intermediate sellers therein customarily deliver lettuce without adding any cartage or delivery charge to their selling prices.

(2) "Retailer" means a person other than an intermediate seller who makes sales and deliveries to ultimate consumers.

(3) "Freight" as used in this order means "freight" as defined in section 8 (a) (7) of Maximum Price Regulation No. 426, as amended.

(4) "Intermediate seller" means any person who purchases fresh fruits and vegetables and who resells them in less than carlot or less than trucklot quantities to any person who is not an ultimate consumer.

(5) Unless the context otherwise requires, the definitions set forth in section 8 of Maximum Price Regulation No. 426, as amended, shall apply to the words and terms used herein.

(c) *Geographical applicability.* This order applies only to sales made either f. o. b. or delivered within the State of Florida.

(d) *Exempt sales.* (1) Sales to chain store warehouses or to any person acting as a purchasing agent for chain stores shall not be subject to this order, but shall remain subject to the provisions of Maximum Price Regulation No. 426, as amended, or any other applicable regulation heretofore or hereafter issued by the Office of Price Administration.

(2) Sales by intermediate sellers to any branch of the armed forces of the United States at any wholesale carlot receiving point in the State of Florida for delivery to the armed forces outside the free delivery zone of such intermediate seller.

(e) *Applicability of Maximum Price Regulation No. 426, as amended.* All sales for which maximum prices are adjusted by this order shall remain subject to all of the provisions of Maximum Price Regulation No. 426, as amended, or as it may hereafter be amended, which are not inconsistent with the provisions of this adjustment order. All sales for which the maximum prices are not adjusted by this order shall be subject to Maximum Price Regulation No. 426, as amended.

(f) This order may be revoked, amended, or corrected at any time by the District Director.

(g) This order shall become effective on the 13th day of October 1943.

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

Issued this 13th day of October 1943.

C. W. BUTLER,
District Director.

[F. R. Doc. 43-16830; Filed, October 15, 1943; 4:53 p. m.]

LIST OF INDIVIDUAL ORDERS UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on October 14, 1943.

Order Number and Name

RPS 23, Order 5 — Alabama By-Products Corp.
RPS 29, Order 6 — DeBardeleben Coal Corp.
MPR 95, Order 1 — M. G. Van Arsdale Inc.
MPR 221, Order 1, Amendment 1 — William Carter Co.
MPR 327, Order 1, Amendment 1 — Metals Reserve Co.

Copies of these orders may be obtained from the Printing and Distribution

Branch of the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-16831; Filed, October 15, 1943; 4:52 p. m.]

[Region II Order G-17 Under Rev. MPR 122]

PENNSYLVANIA ANTHRACITE COAL IN MERCER CO., N. J.

Order No. G-17 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in Mercer County, State of New Jersey, Coal Area VIII.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is ordered:

(a) *What this order does*—(1) *Dealers' maximum prices: area covered.* If you are a dealer in "Pennsylvania anthracite" this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in State of New Jersey—Coal Area VIII. Area VIII comprises all of Mercer County in the State of New Jersey.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area VIII, are set forth in Schedules I, II and III hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area VIII, whether or not you are located in Coal Area VIII.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Charging the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service set forth in Schedule I higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Use the schedule which covers your sale. (Schedule I applies to "direct-delivery" sales of anthracite. You will find Schedule I in paragraph (d) Schedule II applies to "yard sales" You will find Schedule II in paragraph (e) Schedule III applies to sales of bagged coal in 50 lb., 25 lb. and 12 lb. paper bags. You will find Schedule III in paragraph (f).)

(2) Take the dollars-and-cents figure given in the applicable schedule for the size and quantity you are selling.

(3) Deduct from this figure the amount of the discount which you are required to give as specified in the schedule. If the schedule makes no reference to any discount, you need give no discount. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for sales under Schedule I.

(5) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct $1.00 per ton for cash payment, you shall deduct 75¢ for three-quarters of a ton and 25¢ for one-quarter of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I—Sales on a "direct-delivery" basis.* Schedule I establishes maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area VIII.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton	Per net ½ ton	Per 100 lb. for sales of 100 lb. or more but less than ½ ton
Broken, egg			
Stove, nut	$13.05	$7.05	$0.80
Pea	11.75	6.40	.75
Buckwheat	9.95	5.50	.65
Rice	8.60	4.80	
Barley	7.60	4.30	
Screenings	3.45	1.75	

Required discounts. You shall deduct from the prices set forth above in this schedule, on sales and deliveries of all sizes except screenings, a discount of $1.00 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of all sizes except screenings, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

You must deduct this discount at or before the delivery of the fiftieth ton and continue to grant the discount on every subsequent delivery during the same twelve-month period.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser:	*Maximum authorized charges per net ton*
"Carry" or "wheel" (except for sales in 100 lb. lots, amounting to less than one-half ton)	50¢
Carrying upstairs, for each floor above the ground floor (except for sales in 100 lb. lots, amounting to less than one-half ton). This charge shall be in addition to any charge for "carry" or "wheel"	50¢

(e) *Schedule II—"Yard sales"* Schedule II establishes maximum prices for certain sizes of anthracite sold at the dealer's "yard" to dealers or consumers.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton for sales of ½ ton or more	Per 100 pounds for 100 pounds or more but less than ½ ton
Broken, egg		
Stove, nut	$12.05	$0.70
Pea	10.75	.65
Buckwheat	8.95	.55
Rice	7.60	
Barley	6.60	
Screenings	1.70	

Required discounts. You shall deduct from the prices set forth above in this Schedule, on sales and deliveries of all sizes except screenings, a discount of $1 per net ton and 50¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

(f) *Schedule III—"Sales of bagged coal."* Schedule III established maximum prices for sales to dealers and to consumers of certain sizes of anthracite in 50 lb., 25 lb., and 12 lb. paper bags.

MAXIMUM PRICE PER 50-POUND PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.35	$0.40	$0.45
Pea	.30	.35	.40

MAXIMUM PRICE PER 25-POUND PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.18	$0.20	$0.25

MAXIMUM PRICE PER 12-POUND PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	$0.09	$0.10	$0.12

(g) *Commingling.* If one size of anthracite is sold commingled with another size of anthracite, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes so commingled, whether the sale be a "delivered sale" "yard sale" or a "sale of bagged coal" except in the following situation: Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if those sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle, or in the bags, in which the delivery is made. The price for coal so commingled shall be calculated on the basis of the applicable per net ton price or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price so determined, for the quantity of each size in the combination.

(h) *Ex parte 148—Freight rate increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(i) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, you need not state this tax separately.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing and registration provisions of Licensing Order 1 and section 15 of the General Maximum Price Regulation. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but, under the Registration Section (Section 15 of the General Maximum Price Regulation) you may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examination by the Office of Price Administration, the same records you were required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(p) *Posting of maximum prices: Sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable Schedule or Schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Trenton District Office of the Office of Price Administration.

(r) *Definitions and explanations.* When used in this Order No. G-17, the term: (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency or any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the Schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to such sizes of anthracite as they were sold and designated in the State of New Jersey—Coal Area VIII, during December 1941.

(6) "Direct delivery," except with respect to sales in 100 lb. lots, means delivery to the buyer's bin or storage space by dumping or chuting directly from the seller's truck or vehicle or, where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(7) "Carry" and "wheel" refer to the movement of coal to buyer's bin or storage space in baskets or other containers, or by wheelbarrow or barrel, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's

bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery."

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(9) "Delivered at dealer's yard" as applied to sales of bagged coal in 50 lb., 25 lb., and 12 lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to sales of bagged coal in 50 lb., 25 lb., or 12 lb. bags, means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumers" as applied to bagged coal in 50 lb., 25 lb., or 12 lb. bags, means sales by dealers other than sales at the dealer's yard, whether or not delivered to the consumer's premises.

(5) *Effect of order on revised Maximum Price Regulation No. 122.* To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

This Order No. G-17 shall become effective October 20, 1943.

NOTE: This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1943.

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

Issued this 11th day of October 1943.

SYLVAN L. JOSEPH,
Regional Administrator

[F. R. Doc. 43-16853; Filed, October 16, 1943; 11:45 a. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on October 7, 1943.

REGION I

Springfield, Order No. 7, filed 9:38 a. m.
Montpelier, Order No. 8, filed 9:38 a. m.
Connecticut, Order No. 4, filed 12:25 p. m.

REGION II

Syracuse, Order No. 9, filed 12:27 p. m.
Syracuse, Order No. 10, filed 12:28 p. m.
Syracuse, Order No. 11, filed 12:28 p. m.
New York, Order No. 6, correction, filed 12:25 p. m.
New York, Order No. 7, filed 12:28 p. m.
District of Columbia, Order No. 6, filed 9:39 a. m.
Scranton, Order No. 8, Amendment No. 1, filed 9:40 a. m.
Scranton, Order No. 7, Amendment No. 1, filed 12:30 p. m.
Scranton, Order No. 7, Amendment No. 2, filed 12:29 p. m.
Pittsburgh, Order No. 4, filed 9:40 a. m.
Pittsburgh, Order No. 4, Amendment No. 1, filed 9:40 a. m.
Camden, Order No. 7, filed 9:39 a. m.
Camden, Order No. 8, filed 9:39 a. m.
Newark, Order No. 6, filed 12:29 p. m.
Maryland, Order No. 7, Amendment No. 1, filed 12:31 p. m.
Maryland, Order No. 8, Amendment No. 1, filed 12:31 p. m.
Maryland, Order No. 9, Amendment No. 1, filed 12:29 p. m.
Philadelphia, Order No. 6, filed 12:30 p. m.

REGION III

Lexington, Order No. 11, Amendment No. 1, filed 12:21 p. m.
Indianapolis, Order No. 1-F, Amendment No. 4, filed 12:21 p. m.
Detroit, Order No. 5, Amendment No. 13, filed 9:38 a. m.
South Bend, Order No. 8, filed 12:28 p. m.
South Bend, Order No. 9, filed 12:26 p. m.
South Bend, Order No. 10, filed 12:26 p. m.
South Bend, Order No. 11, filed 12:26 p. m.
South Bend, Order No. 12, filed 12:26 p. m.
South Bend, Order No. 13, filed 12:27 p. m.
Charleston, Order No. 11, Amendment No. 2, filed 12:21 p. m.
Charleston, Order No. 12, Amendment No. 2, filed 12:25 p. m.
Charleston, Order No. 13, Amendment No. 3, filed 12:25 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-16873; Filed, October 16, 1943; 4:30 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on October 8, 1943.

REGION III

Toledo, Order No. 4, Amendment No. 2, filed 12:43 p. m.
Lexington, Order No. LE5, Amendment No. 3, filed 12:44 p. m.
Lexington, Order No. LE6, Amendment No. 2, filed 12:44 p. m.
Lexington, Order No. LE7, Amendment No. 1, filed 12:45 p. m.
Lexington, Order No. LE8, Amendment No. 2, filed 12:43 p. m.
Lexington, Order No. LE10, Amendment No. 1, filed 12:44 p. m.
Grand Rapids, Order No. 3, Amendment No. 4, filed 12:50 p. m.

REGION IV

Raleigh, Order No. 9, Amendment No. 1, filed 12:43 p. m.
Jackson, Order No. 5, Amendment No. 2, filed 12:42 p. m.

REGION V

Dallas, Order No. 6, Amendment No. 2, filed 12:45 p. m.
Dallas, Order No. 7, Amendment No. 2, filed 12:45 p. m.
Dallas, Order No. 9, Amendment No. 1, filed 12:45 p. m.
Wichita, Order No. G-6, Amendment No. 1, filed 12:45 p. m.
Wichita, Order No. G-7, Amendment No. 1, filed 12:46 p. m.
Kansas City, Order No. 4, Amendment No. 2, filed 12:47 p. m.

REGION VI

Fargo-Moorhead, Order No. 12, Amendment No. 1, filed 12:47 p. m.
Fargo-Moorhead, Order No. 14, filed 12:38 p. m.
Duluth-Superior, Order No. 4, Amendment No. 2, filed 12:42 p. m.
Duluth-Superior, Order No. 4, Amendment No. 3, filed 12:41 p. m.
Moline, Order No. 11, filed 12:40 p. m.
Moline, Order No. 12, filed 12:51 p. m.
Omaha, Order No. 5A, filed 12:40 p. m.
Twin Cities, Order No. 4, Amendment No. 3, filed 12:39 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-16875; Filed, October 16, 1943; 4:30 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on October 9, 1943.

REGION III

Lexington, Order No. LE 4, Amendment No. 1, filed 12:31 p. m.
Charleston, Order No. 18, Amendment No. 2, filed 12:30 p. m.
Columbus, Order No. 8, Amendment No. 1, filed 12:29 p. m.
Columbus, Order No. 9, Amendment No. 1, filed 12:29 p. m.
Indianapolis, Order No. 2-F, filed 12:29 p. m.
Indianapolis, Order No. 3-F, filed 12:33 p. m.

REGION IV

Jackson, Order No. 6, Amendment No. 3, filed 12:28 p. m.
Jackson, Order No. 3, Amendment No. 2, filed 12:31 p. m.
Jackson, Order No. 4, Amendment No. 1, filed 12:31 p. m.
Montgomery, Order No. 12, Amendment No. 1, filed 12:31 p. m.
Memphis, Order No. 4-F, filed 12:31 p. m.
Fargo-Moorhead, Order No. 7, Amendment No. 1, filed 12:30 p. m.
Fargo-Moorhead, Order No. 8, Amendment No. 1, filed 12:30 p. m.

REGION V

Kansas City, Order No. 8, filed 12:23 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-16874; Filed, October 16, 1943; 4:30 p. m.]

[Region II Order G-12 under 18 (c), Corr. to Amdt. 1]

FLUID MILK IN STATE OF MARYLAND

Correction to Amendment No. 1, to Order No. G-12 (formerly Order No. 14) under § 1499.18 (c) as amended, of the General Maximum Price Regulation.

The phrase "it is ordered that paragraph (c) be deleted" is corrected to read: "*It is ordered,* That paragraph (d) be deleted."

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

Issued this 16th day of October 1943.

SYLVAN L. JOSEPH,
Regional Administrator

[F. R. Doc. 43-16876; Filed, October 16, 1943; 4:27 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-776]

ATLANTA GAS LIGHT COMPANY

SUPPLEMENTAL ORDER GRANTING APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 14th day of October 1943.

Atlanta Gas Light Company, a gas utility company and a subsidiary of Consolidated Electric and Gas Company, 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 said Act of the issuance and sale, in accordance with Rule U-50 promulgated under said Act, of $7,500,000 principal amount of first mortgage bonds, due 1963, and of 20,000 shares of Cumulative Preferred Stock, of the par value of $100 per share, the sales price of such bonds and preferred stock and the interest rate upon such bonds and the dividend rate upon such preferred stock to be fixed by competitive bidding, and having filed a declaration regarding the redemption and retirement of the presently outstanding 6% Cumulative Preferred Stock of Atlanta Gas Light Company (in accordance with the terms thereof and in conjunction with the redemption and retirement of outstanding bonds of said company)

The Commission having by order entered herein under date of October 4, 1943, granted said application and permitted said declaration to become effective, subject to the condition that said proposed issuance and sale of securities and said proposed retirement of securities should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order should have been entered by this Commission in the light of the record as so completed; and

The record herein having now been completed in respect of the results of said competitive bidding, the action proposed to be taken by Atlanta Gas Light Company in respect thereof, and the definitive terms of the securities proposed to be issued and sold, and it appearing that Atlanta Gas Light Company has accepted bids for both the bonds and the preferred stock from a group of underwriters headed by Shields & Company, White, Weld & Co., and Kidder, Peabody & Co., the price bid for the bonds being 100.159% of the principal amount thereof plus accrued interest from September 1, 1943 to the date of delivery, such bonds to bear interest at the rate of 3% and to be resold to the public at 101.45% of the principal amount thereof plus accrued interest from September 1, 1943 to date of delivery, representing a spread to the underwriters of 1.291% of the principal amount of said bonds; the price bid for said preferred stock being 100.379% of the par value thereof plus accrued dividends from September 1, 1943, to date of delivery, the dividend rate thereon to be 4½%, and such preferred stock to be sold to the public at 102.25% of the par value thereof plus accrued dividends from September 1, 1943, to date of delivery, representing a spread to the underwriters of 1.871% of the par value of such preferred stock;

The Commission having examined the record herein and finding no basis for imposing terms and conditions with respect to the proposed transactions, other than those prescribed by Rule U-24;

It is ordered, That said application and declaration, as amended, be and the same are hereby, respectively, granted and permitted to become effective forthwith, subject only to those terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-16813; Filed, October 15, 1943; 12:20 p. m.]

[File No. 70-653]

GREAT FALLS GAS CO. AND NORTH CONTINENT UTILITIES CORP.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of October, A. D. 1943.

North Continent Utilities Corporation, a registered holding company, and its public utility subsidiary, Great Falls Gas Company, having filed an application and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for the reorganization of Great Falls Gas Company;

A public hearing having been held after appropriate notice and the Commission having examined the record and having made and filed its opinion herein;

It is ordered, That the plan filed pursuant to Section 11 (e) be and hereby is approved, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That jurisdiction be and hereby is reserved with respect to the propriety of the accounting entries on the books of North Continent Utilities Corporation in connection with its acquisition of the proposed new securities of Great Falls Gas Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-16845; Filed, October 16, 1943; 11:12 a. m.]

LEROY A. STRASBURGER & CO.

ORDER DISMISSING PROCEEDINGS

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 October, A. D. 1943.

In the matter of Leroy A. Strasburger & Co., 1 Wall Street, New York, New York.

Proceedings having been instituted to determine whether the registration of Leroy A. Strasburger & Co., the respondent, as a broker and dealer should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934, and whether or not the respondent should be suspended or expelled from the National Association of Securities Dealers, Inc., pursuant to section 15A (1) (2) of said Act;

A hearing having been held after appropriate notice, and the Commission being fully advised and having made and issued its findings and opinion herein;

On the basis of said findings and opinion: *It is hereby ordered,* That the proceedings herein be and they hereby are dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-16846; Filed, October 16, 1943 11:12 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING SPECIAL DIRECTIONS DATED DECEMBER 8, 1942

The War Production Board has issued certain revocation orders revoking special directions dated December 8, 1942, issued in connection with high octane gasoline facilities construction projects to which urgency numbers listed below were assigned. For the effect of such revocation order the builder and suppliers affected shall refer to the specific order issued to the builder:

Urgency rating number	Builder's serial number	Company	Address	Location of project
16	7297	Standard Oil of Ind.	910 S. Michigan Ave., Chicago, Ill.	Whiting, Ind.
31	39070	Sun Oil Co.	1608 Walnut St., Philadelphia, Pa.	Toledo, Ohio.
44	46055	Humble Oil Co.	Houston, Tex.	Ingleside, Tex.
50	7159 2177 1603	Magnolia Oil Co.	Beaumont, Tex.	Beaumont, Tex.
51	5014 8293 9928	Standard Oil Co. of Louisiana	Baton Rouge, La.	Baton Rouge, La.

Issued this 15th day of October 1943.

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

[F. R. Doc. 43-16814; Filed, October 15, 1943; 12:15 p. m.]