THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 8 NUMBER 217

Washington, Tuesday, November 2, 1943

The President

EXECUTIVE ORDER 9392

AMENDMENT OF EXECUTIVE ORDER 9334 ENTITLED "WAR FOOD ADMINISTRATION"

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, Section 2 of Executive Order 9334 of April 19, 1943 entitled "War-Food Administration" is hereby amended to read as follows:

Sec. 2. All powers, functions, and duties of the Secretary of Agriculture (a) under Executive Order No. 9280 of December 5, 1942,[1] (b) under Title IV of Executive Order No. 9250 of October 3, 1942,[2] (c) which relate to labor and manpower under orders of the Economic Stabilization Director or the Chairman of the War Manpower Commission, (d) which relate to or which have heretofore been exercised through or in connection with the agencies, including corporations, consolidated by section 1 of this order, and (e) which relate to personnel, property and records transferred by section 3 of this order, are transferred to and shall be exercised and performed by the War Food Administrator (in addition to the powers, functions, and duties conferred upon him by Executive Order No. 9328 of April 8, 1943[3]). The War Food Administrator shall be the Chairman or shall designate the Chairman of the interdepartmental committee set up by section 7 (a) of Executive Order No. 9280, and shall be the United States member of the Combined Food Board. The War Food Administrator may designate a representative to serve as his deputy on the Combined Food Board. The War Food Administrator and the Secretary of Agriculture shall continue as members of the War Production Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 28, 1943.

[F. R. Doc. 43-17574; Filed, October 29, 1943; 2:06 p. m.]

[1] 7 F.R. 10179.
[2] 7 F.R. 7871.
[3] 8 F.R. 4681.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 28—THE FEDERAL LAND BANK OF OMAHA

FEES REQUIRED OF BORROWERS

Section 28.1 of Title 6, Code of Federal Regulations, as amended, is amended to read as follows:

§ 28.1 *Application fees: Payable with application*—(a) *Appraisal fee.* In connection with land bank loans, Land Bank Commissioner loans and joint land bank and Land Bank Commissioner loans, an appraisal fee of $10 must accompany:

(1) Each application for a new loan;

(2) Each application for a loan in an increased amount, whether or not additional security is offered;

(3) Each application to refinance a Federal land bank sale contract with a land bank loan for an amount greater than that necessary to retire the unpaid balance of the contract, together with the purchase of association stock and incidental loan expense;

(4) Each application to refinance a Federal Farm Mortgage Corporation sale contract with a first mortgage Land Bank Commissioner loan; or

(5) Each application for substitution of security where it is found necessary to have an inspection by a land bank appraiser.

(b) *Special additional fee for personal risk investigation.* In addition to the appraisal fee provided for by § 28.1 (a), an additional fee of $7.50 is required with applications by non-residents of the 8th Farm Credit District.

(c) *Reappraisal fees.* Regardless of the extent of the security offered or the amount applied for, the reappraisal fee is $10.

(d) *Division of loans.* An appraisal fee of $5 must accompany each application for the division of an existing loan. (Sec. 13 "Ninth", 39 Stat. 372, secs. 32, 33, 48 Stat. 43, 49, as amended; 12 U.S.C. 781 "Ninth", 1016 (e), 1017, and Sup.; 6 CFR, §§ 19.322, 19.330, 19.331,

(Continued on next page)

CONTENTS

THE PRESIDENT

EXECUTIVE ORDER: Page
War Food Administrator; additional authority; appointment as U. S. member of Combined Food Board 14783

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:
Divesting orders:
B. S. A. Tools Ltd 14864
Davis and Co. Inc 14864
Fate-Root-Heath Co 14865
General Electric Co 14866
Imperial Knife Co., Inc 14866
Radio Corp. of America 14865
Vesting orders:
American Wine Co 14863
Giesenkirchen Bei Rheydt 14871
Kitagawa, Wataru 14869
Pferdmenges, Heinrich and C. F. Dulken 14868
Pieroni Bros. & Co 14867
Pieroni Building Co 14867
Pieroni Inc 14868
Pruseit, Frederick (Corr.) 14871
Robling, Margaret 14871
Selter, Frances C 14869
Simi, Arturo 14870
Tuccori, Maria 14870
Yamada, Jitsugoro 14870
CIVIL AERONAUTICS ADMINISTRATION:
Designation of airway traffic control areas, control zones of intersection, control airports and radio fixes; miscellaneous amendments (2 documents) 14787, 14788
Designation of civil airways, miscellaneous amendments 14787
Hearings:
Accident near Centreville, Tenn 14863
Transcontinental and Western Air, Inc 14863
COAL MINES ADMINISTRATION:
Termination of appointment of operating managers:
Abram Creek Coal Co., et al 14860
"B" Quality Coal Co., et al 14860
Buffalo Eagle Mines, Incl., et al 14859
Butte Valley Coal Co., et al 14859
Coal Mining Co. of Graceton, Inc., et al 14861

(Continued on next page)

FEDERAL REGISTER

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

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

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

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

CONTENTS—Continued

COAL MINES ADMINISTRATION—Con.
Termination of appointment of operating managers—Con. Page
M. C. and S. Coal and Mining Co., et al. 14858
Noel, E. H., Coal Co., et al. 14859
Schumacher and Shultz, et al. 14858
COAST GUARD:
Coast Guard Reserve; aviator designations 14857
CUSTOMS BUREAU:
Drawback; supplies for certain vessels 14788
FARM CREDIT ADMINISTRATION:
Federal Land Bank of Omaha; fees required of borrowers 14783
FEDERAL COMMUNICATIONS COMMISSION:
Cape Cod Broadcasting Co., application for renewal of license 14863
FEDERAL TRADE COMMISSION:
Bell's Homeopathic Pharmacy, cease and desist order 14864
INTERSTATE COMMERCE COMMISSION:
Anthracite coal, acceptance and movement 14857
NATIONAL LABOR RELATIONS BOARD:
Enforcement of certain rights, etc., guaranteed employees of merged telegraph carrier 14788
OFFICE OF DEFENSE TRANSPORTATION:
Authority delegations, Division of Traffic Movement:
Assistant Director 14871
Director 14857
Carload freight traffic; cement and cotton (Permit ODT 18-1, Am. 1) 14858

CONTENTS—Continued

OFFICE OF DEFENSE TRANSPORTATION—Continued. Page
Taxicab operators coordinated operations plans, designated areas:
Benton Harbor, Mich. 14871
Tallahassee, Fla. 14872
OFFICE OF ECONOMIC WARFARE:
General license numbers; shippers' export declaration 14789
OFFICE OF PRICE ADMINISTRATION:
Alaska; tire rationing (RO 1F) 14845
Anthracite, rationing (RO 19, Am. 5) 14853
Apples and apple products (RMPR 233, Am. 6) 14852
Defense rental areas:
General:
(Rent Reg. for Hotels and Rooming Houses, Am. 7) 14814
(Rent Reg. for Housing, Am. 11) 14815
New York City:
(Rent Reg. for Hotels and Rooming Houses, Am. 1) 14814
(Rent Reg. for Housing, Am. 1) 14814
Eggs and egg products (MPR 333, Am. 17) 14855
Food and food products sold in designated store groups:
(MPR 422, Am. 7) 14853
(MPR 423, Am. 8) 14854
Fuel oil, rationing (RO 11, Am. 86) 14816
Gasoline rationing (RO 5C, Am. 81) 14815
Ice boxes, new (MPR 399, Am. 6) 14818
Imports, application of specific Maximum Price Regulations (Supp. Order 78) 14811
Meat, fats, fish and cheeses, rationing:
(RO 16, Am. 75) 14845
(RO 16, Am. 21 to Supp. 1) 14818
Paperboard sold east of the Rocky Mountains (RPS 3, Am. 7) 14811
Peanuts and peanut butter (RMPR 335, Am. 4) 14852
Processed foods, rationing:
(RO 13, Am. 83) 14844
Poultry (RMPR 269, Am. 19) 14854
(RO 13, Am. 27 to Rev. Supp. 1) 14818
Regional and district office orders:
Food and drink sold for immediate consumption, designated areas:
Denver, Colo. 14819
Lubbock, Texas 14819
Rent regulations, procedure (Rev. Procedural Reg. 3, Am. 4) 14811
Sirups and molasses (Order 3 under MPR 291) 14872
Sugar, rationing (RO 3, Incl. Am. 98) 14820
Transfer service, carriers of property (Rev. Supp. Reg. 14, Am. 46) 14819
Wild rice (Rev. Supp. Reg. 1 under GMPR, Am. 33) 14819

CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION: Page
Hearings, etc.:
General Capital Corp. and Old Colony Investment Trust 14874
Graen, Hermann, and Co., Inc. 14873
Ohrstrom, G. L., and Co. 14873
Oklahoma Gas and Electric Co. 14874
Renaud Corp. 14873
Southern Union Gas Co., et al. 14874
WAGE AND HOUR DIVISION:
Learner employment certificates:
D and D Shirt Co., review of cancellation denied 14861
Issuance to various industries (2 documents) 14861, 14863
WAR FOOD ADMINISTRATION:
Cheddar cheese, percentages required to be set aside (FDO 15-4) 14785
Citrus fruits (FDO 6-1, Am. 2) 14785
Fish oil, conservation and distribution (FDO 60, Am. 1) 14785
Raw linseed oil, set aside order (FDO 56, Am. 1, Corr.) 14785
Rice, sale and distribution (FDO 10, Am. 3) 14785
WAR PRODUCTION BOARD:
Anti-freeze solutions, salt and petroleum type (L-258) 14792
Chain (L-302) 14790
Clothing, men and boys (L-224) 14802
Construction:
(L-41) 14795
(L-41-a, Rev.) 14797
(L-41-b, Rev.) 14797
(L-41-c, Rev.) 14797
(L-41, Int. 1 superseded) 14797
Controlled materials plan; maintenance, repair, and operation supplies (CMP Reg. 5, Am. 1) 14789
Corsets, combinations, and brassieres:
(L-190) 14789
(L-90-a, Rev.) 14789
Electric motor controllers:
(L-250, Int. 1 and 2) 14797
(L-250, Int. 3) 14800
Glass container quotas (L-103-b) 14800
Hides, skins and leather (M-310) 14804
Inventory restriction exceptions (M-161) 14800
Nickel chemicals and catalysts (M-6-a, Dir. 1) 14794
Pencils and pen holders, wood cased and non-mechanical (L-227-b) 14792
Power, water, gas, etc.:
(U-1-h) 14808
(U-7, Dir. 1) 14810
Scheduled products (M-293, Dir. 1) 14789
Sodium metasilicate (M-355) 14793
Telephone industry, preference ratings; (U-3) 14809
(U-3, Int. 1, Rev.) 14810

19.333, 19.334, 19.335). (Res. Bd. Dir., September 22, 1943).

Section 28.2 of Title 6, Code of Federal Regulations, is hereby revoked. (Res. Bd. Dir., June 15, 1943.)

Section 28.4 of Title 6, Code of Federal Regulations, is hereby revoked. (Res. Bd. Dir., April 22, 1942.)

[SEAL] THE FEDERAL LAND BANK OF OMAHA,
By E. N. VAN HORNE, *President.*

Confirmed:
WAYNE E. SMITH,
Assistant Secretary.

[F. R. Doc. 43-17598; Filed, October 30, 1943; 10:08 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 15-4]

PART 1401—DAIRY PRODUCTS

CHEDDAR CHEESE

Pursuant to the authority vested in the Director by Food Distribution Order No. 15, dated February 6, 1943, as amended (8 F.R. 5698), effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, it is hereby ordered as follows:

§ 1401.5 *Percentages of cheddar cheese to be set aside*—(a) *Quantity.* Every person who is required to set aside cheddar cheese in November or December 1943 pursuant to the provisions of Food Distribution Order No. 15, as amended, shall set aside in each of the months of November and December 1943 in which he is required to set aside cheddar cheese, a quantity of cheddar cheese equal to at least 25 percent of all cheddar cheese manufactured by him in each such month.

(b) *Effective date.* This order shall be effective on November 1, 1943, as of 12:01 a. m., e. w. t.

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

Issued this 29th day of October 1943.
ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-17610; Filed, October 30, 1943; 11:37 a. m.]

[FDO 10, Amdt. 3]

PART 1432—RICE

SALE AND DISTRIBUTION

Food Distribution Order No. 10 (8 F.R. 1076) issued by the Secretary of Agriculture on January 21, 1943, as amended by the War Food Administrator on July 14, 1943 (8 F.R. 9863), is hereby amended by inserting after § 1432.1 (c) (2) the following additional provision:

(3) Any person may sell or otherwise dispose of or use the total quantity of brown, undermilled, or milled rice as to which he becomes the first owner during the month of November, 1943, without setting aside any portion thereof for sale to a Governmental agency.

This amendment to said Food Distribution Order No. 10, as amended, shall become effective 12:01 a. m., e. w. t., November 1, 1943.

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

Issued this 29th day of October 1943.
ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-17611; Filed, October 30, 1943; 11:37 a. m.]

[FDO 6-1, Amdt. 2]

PART 1405—FRUITS AND VEGETABLES

CITRUS FRUIT

Director Food Distribution Order No. 6-1 (8 F.R. 998), issued by the Director of Food Distribution on January 20, 1943, as amended, is further amended by deleting from § 1405.3 (a) (1) "20 percent" wherever the term appears therein, and inserting, in lieu thereof, the word "none".

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, the said Director of Food Distribution Order No. 6-1, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This amendment shall become effective at 12:01 a. m., p. w. t., October 31, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; 8 F.R. 511)

Issued this 30th day of October 1943.
C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-17612; Filed, October 30, 1943; 3:20 p. m.]

[FDO 56, Amdt. 1]

PART 1460—FATS AND OILS

RAW LINSEED OIL SET ASIDE

Correction

In paragraph (b) of F.R. Doc. 43-17317, appearing on page 14509 of the issue for Wednesday, October 27, 1943, the phrase "in each month thereafter" should read "in each month hereafter."

[FDO 60, Amdt. 1]

PART 1460—FATS AND OILS

FISH OIL

Food Distribution Order 60 (8 F. R. 9105) issued by the Acting War Food Administrator on June 30, 1943, is hereby amended to read as follows:

§ 1460.16 *Delivery, use, consumption, and processing of fish oil restricted*—(a) *Definitions.* (1) "Fish oil" means oil, other than oil produced solely from the livers of fish or marine animals, produced by the reduction of the whole or any part, including offal, of any fish or marine animal of the following species, commonly known as: California Sardine or Pacific Coast Pilchard (Sardina caerulea), Menhaden (Brevoortia tyrannus), Alaska Herring (Clupea pallasii), West Coast Mackerel (Scomber diego), Tuna and tuna-like fish, Salmon (Genus: Oncorhynchus), Rosefish (Sebastes marinus), and Alaska Seal. The term shall include all such oil, whether crude, refined, pressed, sulphonated or otherwise processed; all the by-products and derivatives of such oil, other than pitch, including foots, stearine, and fatty acids; and the "fish oil" content of any other product.

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

(3) "Manufacturer" means any person who uses fish oil in the manufacture of any "finished product" and shall include all other persons directly controlling or controlled by such person and all persons under direct or indirect common control with such person. The term shall not include any renderer, refiner, or other processor except as and to the extent that his operations result in the production of a "finished product."

(4) "Finished product" means any product produced by a person for sale as his finished product and carried on his books as a finished product; or any product listed under Schedules A or B hereof, produced by a person for his own use or consumption except an intermediate product used by him in the manufacture of another product listed under Schedules A or B. However, the term shall not include any fish oil product intended for sale to another manufacturer for further processing in the manufacture of, or for inclusion in, any product listed under Schedules A or B hereof.

(5) "Quota period" means the twelve-month period beginning on October 1, of any year and ending on September 30, of the following year. For the purposes of this order, the first quota period shall begin on October 1, 1943.

(6) "Calendar quarter" means the several three-month periods of the year beginning on January 1, April 1, July 1, and October 1. For the purpose of this order, the first calendar quarter shall begin on October 1, 1943.

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

(b) *Restrictions on use and consumption.* Except as provided for in paragraph (c) of this order, no manufacturer shall use or consume fish oil, unless and except as specifically authorized by the Director. Applications for such authorizations shall be made on Form FDA-478, or such other form or forms as the Director may prescribe.

(c) *Exceptions.* Notwithstanding the provisions of paragraph (b) hereof, specific authorization by the Director shall not be required for:

(1) The use or consumption by any manufacturer in any quota period of fish oil, other than Alaska Herring Oil or Alaska Seal Oil, in any class of use listed in Schedule A below, in a quantity not in excess of a quota equal to the percentage specified in such Schedule A of the fish oil, other than Alaska Herring Oil or Alaska Seal Oil, used by such manufacturer in such class of use during the calendar year of 1942.

SCHEDULE A

Class of use:	*Permitted percentage*
Manufacture of shortening	60
Manufacture of water soluble soaps	60
Manufacture of linoleum, felt base floor covering, and oil cloth used for floor covering	60
Manufacture of oil cloth for all purposes other than floor coverings, and all coated fabrics	60
Canning of salmon	100

A quota established hereunder for one class of use may not be transferred to another class of use.

(2) The use or consumption by any manufacturer in any calendar quarter of fish oil, other than Alaska Herring Oil or Alaska Seal Oil, in any class of use listed in Schedule B below, in a quantity not in excess of a quota equal to the percentage specified in such Schedule B of the fish oil, other than Alaska Herring Oil or Alaska Seal Oil, used by such manufacturer in such class of use during the corresponding calendar quarter of 1942: *Provided, however,* That with respect to the calendar quarter beginning on October 1, 1943, any manufacturer may, without specific authorization from the Director, use or consume, in the period beginning on November 1, 1943 and ending on December 31, 1943, in each class of use listed in Schedule B below, a quantity of fish oil, other than Alaska Herring Oil or Alaska Seal Oil, equal to two-thirds of his quota for such class of use for such quarter, without regard to the quantity of fish oil used or consumed by him in such class of use in October 1943.

SCHEDULE B

Class of use:	*Permitted percentage*
Manufacture of vitamin feeding oil having a guaranteed minimum potency of 400 A. O. A. C. units of Vitamin D per gram	100
Manufacture of medicinals or pharmaceuticals for human or animal consumption	100
Manufacture of natural leather	100
Manufacture of terne plate, galvanized metal, and hot dipped tin	100
Manufacture of caulking compounds and putties	100
Manufacture of paints, varnishes, lacquers, and other protective coatings, except alkyd resins	60

A quota established hereunder for one class of use may not be transferred to another class of use.

(3) The use or consumption by any manufacturer of any fish oil, other than Alaska Herring Oil or Alaska Seal Oil, in the manufacture of alkyd resins, or metallic soaps; or as a rubber compounding ingredient in the manufacture of natural or synthetic rubber products.

(4) The use or consumption by any manufacturer of Alaska Herring Oil or Alaska Seal Oil in the manufacture of natural leather.

(5) The use or consumption by any manufacturer of any fish oil, other than Alaska Seal Oil, in the manufacture of lubricants and metal working compounds, other than core oils.

(6) The use or consumption by any feed manufacturer of any vitamin feeding oil containing not less than 400 A. O. A. C. units of Vitamin D per gram.

(7) The use or consumption of fish oil, other than Alaska Seal Oil, in any calendar quarter, by any manufacturer, other than a feed manufacturer, who does not use or consume in excess of 1000 pounds of fish oil during such calendar quarter.

(d) *Restrictions on processing.* Unless and except as specifically authorized by the Director, no person shall process Alaska Seal Oil, except in such a manner as to render it suitable for use or consumption in the manufacturing of natural leather; or Alaska Herring Oil, except in such a manner as to render it suitable for use or consumption either in the manufacture of natural leather or in the manufacture of lubricants and metal working compounds, other than core oil.

(e) *Restriction, on delivery.* Unless and except as specifically authorized by the Director, no person shall deliver crude fish oil or crude fish oil to which vitamins may have been added, if such oil does not contain 400 A. O. A. C. units of Vitamin D per gram, to any person other than a manufacturer or a person who processes such oil for sale to a manufacturer.

(f) *FDO 42.* The restrictions of this order shall be construed as being supplemental to the restrictions of Food Distribution Order 42, as amended.

(g) *Records and reports.* (1) Any manufacturer who in any calendar quarter uses or consumes more than 6,000 pounds of fish oil in the aggregate shall report his consumption of fats and oils, including fish oil, as follows:

(i) On or before the 15th day of each month, he shall file Bureau of the Census Form BM-1, or such other form or forms as may be prescribed by the Director, with the Bureau of the Census, Washington 25, D. C., showing his use and consumption of fats and oils during the preceding month; and

(ii) On or before the 15th day of the second month of the succeeding quarter, he shall file Bureau of the Census Form BM-2, or such other form or forms as may be prescribed by the Director, with the Bureau of the Census, Washington 25, D. C., showing his consumption of fats and oils during the preceding quarter.

(2) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in fish oil.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 60. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

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

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 60.

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

to any employee of the United States Department of Agriculture.

(m) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(n) *Effective date.* This amendment shall become effective at 12:01 a. m., e. w. t., November 1, 1943. However, with respect to violations of Food Distribution Order 60, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 60 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

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

Issued this 1st day of November 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-17674; Filed, November 1, 1943; 11:16 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 33]

PART 600—DESIGNATION OF CIVIL AIRWAYS

DESIGNATION OF RED 9, 12, 14, 42, 43; GREEN 3; AMBER 1, 5; BLUE 9

OCTOBER 9, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

Designation of civil airways: Red civil airways Nos. 9, 42, 43. Redesignation of civil airways: Green civil airway No. 3; Amber civil airways Nos. 1, 5; Red civil airways Nos. 12, 14; Blue civil airway No. 9.

1. By deleting in § 600.10002 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* (8 F.R. 7218) the following:

* * * the intersection of the center lines of the on course signals of the east leg of the Moline, Ill., radio range and the southwest leg of the Chicago, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range;

and substituting in lieu thereof the following:

* * * the Joliet, Ill., radio range station, the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range;

2. By inserting in § 600.10100 *Amber civil airway No. 1 (San Diego, Calif., to Nome, Alaska)* (8 F.R. 7219, 9864) after the words: "Everett, Wash., radio range station," the following:

* * * the intersection of the center lines of the on course signals of the north leg of the Everett, Wash., radio range and the southeast leg of the Bellingham, Wash., radio range;

3. By deleting in § 600.10104 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.)* the following:

Springfield, Ill., radio range station; and the Joliet, Ill., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Joliet, Ill., radio range and the southwest leg of the Chicago, Ill., radio range. From the Chicago, Ill., radio range station, via the intersection of the center lines of the on course signals of the northwest leg of the Chicago, Ill., radio range and the south leg of the Milwaukee, Wis., radio range; to the Milwaukee, Wis., radio range station.

and substituting in lieu thereof the following:

Springfield, Ill., radio range station; the Joliet, Ill., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Joliet, Ill., radio range and the southwest leg of the Chicago, Ill., radio range; Chicago, Ill., radio range station, and the intersection of the center lines of the on course signals of the northwest leg of the Chicago, Ill., radio range and the south leg of the Milwaukee, Wis., radio range; to the Milwaukee, Wis., radio range station.

4. By adding a new § 600.10203 *Red civil airway No. 9 (San Diego, Calif., to Tucson, Ariz.)* to read as follows:

From the San Diego, Calif., radio range station via the El Centro, Calif., radio range station; Yuma, Ariz., radio range station; and the Gila Bend, Ariz., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Gila Bend, Ariz., radio range and the northwest leg of the Tucson, Ariz., radio range.

5. By amending § 600.10211 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.)* (7 F.R. 7654; 8 F.R. 13448) to read as follows:

From the intersection of the center lines of the on course signals of the northeast leg of the Kansas City, Mo., radio range and the west leg of the Columbia, Mo., radio range via the Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; the intersection of the center lines of the on course signals of the east leg of the Moline, Ill., radio range and the southwest leg of the Chicago, Ill., radio range to the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the southwest leg of the Chicago, Ill., radio range. From the Chicago, Ill., radio range station via the South Bend, Ind., radio range station to the Romulus, Mich., radio range station.

6. By amending § 600.10213 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* (7 F.R. 9297, 10278; 8 F.R. 1708) to read as follows:

§ 600.10213 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* From the Lone Rock, Wis., radio range station, via the Rockford, Ill., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the southwest leg of the Chicago, Ill., radio range. From the Chicago, Ill., radio range station via the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range; La Fayette, Ind., radio range station Indianapolis, Ind., radio range station; and the intersection of the center lines of the on course signals of the south leg of the Indianapolis, Ind., radio range and the west leg of the Louisville, Ky., radio range to the Louisville, Ky., radio range station.

7. By adding a new § 600.10241 *Red civil airway No. 42 (Joliet, Ill., to La Fayette, Ind.)* to read as follows:

§ 600.10241 *Red civil airway No. 41 (Joliet, Ill., to La Fayette, Ind.)* From the Joliet, Ill., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Joliet, Ill., radio range and the southeast leg of the Chicago, Ill., radio range.

8. By adding a new § 600.10242 *Red civil airway No. 43 (Chicago, Ill., to La Fayette, Ind.)* to read as follows:

§ 600.10242 *Red civil airway No. 43 (Chicago, Ill., to La Fayette, Ind.)* From the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the north leg of the Harvey, Ill., radio range; via the Harvey, Ill., radio range station to the intersection of the center lines of the on course signals of the south leg of the Harvey, Ill., radio range and the southeast leg of the Joliet, Ill., radio range.

9. By striking in § 600.10303 *Blue civil airway No. 9 (Kirksville, Mo., to Minneapolis, Minn.)* (7 F.R. 5540, 10273) the following portion of the caption: "Minneapolis, Minn." and substituting in lieu thereof the following: "U. S.—Canadian Border", and adding after the words:

* * * to the intersection of the center lines of the on course signals of the north leg of the Rochester, Minn., radio range and the southeast leg of the Minneapolis, Minn., radio range.

the following:

From the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the intersection of the center line of the on course signal of the northeast leg of the Duluth, Minn., radio range and the U. S.-Canadian Border.

This amendment shall become effective 0001 e. w. t., October 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-17595; Filed, October 30, 1943; 10:03 a. m.]

[Amdt. 48]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

BURLEY AIRPORT, IDAHO

SEPTEMBER 29, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and section 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City:	*Name of airport*
Burley, Idaho	Burley Airport

This amendment shall become effective 0001 e. w. t., October 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-17596; Filed, October 30, 1943; 10:08 a. m.]

[Amdt. 50]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

RED 9, 14, 42, 43; BLUE 9; GREEN 3, 4; AMBER 5

OCTOBER 9, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

Designation of airway traffic control areas: Red civil airway Nos. 9, 42, 43; redesignation of airway traffic control areas: Blue civil airway No. 9; designation of radio fixes: Red civil airway Nos. 9, 42, 43; redesignation of radio fixes: Green civil airway Nos. 3, 4; Amber civil airway No. 5; Red civil airway No. 14; Blue civil airway No. 9.

1. By adding a new section:

§ 601.10209 *Red civil airway No. 9 airway traffic control areas (San Diego, Calif., to Tucson, Ariz.).* All of Red civil airway No. 9.

2. By adding a new section:

§ 601.10242 *Red civil airway No. 42 airway traffic control areas (Joliet, Ill., to La Fayette, Ind.).* All of Red civil airway No. 42.

3. By adding a new section:

§ 601.10243 *Red civil airway No. 43 airway traffic control areas (Chicago, Ill., to LaFayette, Ind.).* All of Red civil airway No. 43.

4. By striking in § 601.10309 *Blue civil airway No. 9 airway traffic control areas (Kirksville, Mo., to Minneapolis, Minn.)* (7 F.R. 5540, 10278) the following portion of the caption: "Minneapolis, Minn." and substituting in lieu thereof the following: "U. S.—Canadian Border."

5. By deleting in §601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* (8 F.R. 7221) the following: "Chicago, Ill., radio range station;" and also deleting the words: "the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the New York (New York, LaGuardia Field) radio range;"

6. By inserting in § 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* (7 F.R. 7655; 8 F.R. 7221, 10654, 13449) after the words: "Daggett, Calif., radio range station;" the following:

* * * the intersection of the center lines of the on course signals of the east leg of the Daggett, Calif., radio range and the southeast leg of the Silver Lake, Calif., radio range.

7. By inserting in § 601.4015 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.)* after the words: "Joliet, Ill., radio range station;" the following:

* * * the intersection of the center lines of the on course signals of the northeast leg of the Joliet, Ill., radio range and the southwest leg of the Chicago, Ill., radio range; Chicago, Ill., radio range station.

8. By adding a new § 601.40209 *Red civil airway No. 9 (San Diego, Calif., to Tucson, Ariz.)* to read as follows:

§ 601.40209 *Red civil airway No. 9 (San Diego, Calif. to Tucson, Ariz.).* El Centro, Calif., radio range station, Yuma, Ariz., radio range station, Gila Bend, Ariz., radio range station, the intersection of the center lines of the on course signals of the east leg of the Gila Bend, Ariz., radio range and the northwest leg of the Tucson, Ariz., radio range.

9. By inserting in § 601.40214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* (8 F.R. 7222) after the words: "Rockford, Ill., radio range station;" the following:

* * * the intersection of the center lines of the on course signals of the southeast leg of the Joliet Ill., radio range and the southeast leg of the Chicago, Ill., radio range.

10. By adding a new § 601.40242 *Red civil airway No. 42 (Joliet, Ill., to La Fayette, Ind.)* to read as follows:

§ 601.40242 *Red civil airway No. 42 (Joliet, Ill., to La Fayette, Ind.)* The intersection of the center lines of the on course signals of the southeast leg of the Joliet, Ill., radio range and the south-leg of the Harvey, Ill., radio range.

11. By adding a new § 601.40243 *Red civil airway No. 43 (Chicago, Ill., to La Fayette, Ind.)* to read as follows:

§ 601.40243 *Red civil airway No. 43 (Chicago, Ill., to La Fayette, Ind.)* The intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the north leg of the Harvey, Ill., radio range; Harvey, Ill., radio range station.

12. By striking in § 601.40309 *Blue civil airway No. 9 (Kirksville, Mo., to Minneapolis, Minn.)* (7 F.R. 842, 5541, 10279) the following portion of the caption: "Minneapolis, Minn." and substituting in lieu thereof the following: "U. S.—Canadian Border."

This amendment shall become effective 0001 e. w. t., October 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-17597; Filed, October 30, 1943; 10:08 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50957]

PART 22—DRAWBACK

SUPPLIES FOR CERTAIN VESSELS

OCTOBER 29, 1943.

Section 22.22 (k), Customs Regulations of 1943 (19 CFR 22.22 (k)), is hereby amended by inserting the words "under the original notice of intent" in the second sentence after the word "made." (Sec. 5 (a), 52 Stat. 1080, sec. 3, 55 Stat. 602, sec. 624, 46 Stat. 759; 19 U.S.C. 1309 and Sup. II, 19 U.S.C. 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: October 29, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-17613; Filed, October 30, 1943; 4:13 p. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

PART 210—ENFORCEMENT OF CERTAIN RIGHTS, PRIVILEGES, AND IMMUNITIES GRANTED OR GUARANTEED TO EMPLOYEES OF MERGED TELEGRAPH CARRIERS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations, Series 2, as amended (General Rules and Regulations) which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations, Series 2, as amended, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Chapter II (National Labor Relations Board Rules and Regulations, Series 2, as amended) is hereby amended in the following manner:

1. By the insertion of a new section (and article) to be known as § 210.1 (Article X), to read as follows:

§ 210.1 *Enforcement of rights, privileges, and immunities granted or guaranteed under section 222 (f), Communications Act of 1934, as amended, to em-*

ployees of merged telegraph carriers. All matters relating to the enforcement of rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended, shall be governed by the provisions of §§ 201.1 to 201.6 inclusive, §§ 202.1 to 202.38 inclusive, §§ 204.1 to 204.4 inclusive, §§ 205.1 and 205.2 §§ 206.1 and 206.2, §§ 207.1 and 207.2, §§ 208.1 and 208.2, §209.1, and § 211.1, of this chapter, in so far as applicable, except that reference in §§ 202.1 to 202.38 inclusive to "unfair labor practices" or "unfair labor practices affecting commerce" shall for the purposes of this section mean the denial of any rights, privileges, or immunities granted or guaranteed under section 222 (f) of the Communications Act of 1934, as amended.

(Sec. 6 (a), 49 Stat. 452, 57 Stat. 5; 29 U.S.C. 156, 47 U.S.C., Sup., 222)

2. By redesignating the former Part 210 (Article X) as Part 211 (Article XI).

Signed at Washington, D. C., this 27th day of October 1943.

H. A. MILLIS,
Chairman.
JOHN M. HOUSTON,
Member.

[F. R. Doc. 43-17623; Filed, October 30, 1943; 4.16 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare; Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 115]

PART 802—GENERAL LICENSES

SHIPPER'S EXPORT DECLARATION

Section 802.2 *General license numbers* is hereby amended in the following particulars:

1. Paragraph (b) is hereby amended to read as follows:

(b) No exportation may be made pursuant to any general license granted in this part unless prior to said exportation, whenever required by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, a Shipper's Export Declaration has been filed with the United States Collector of Customs at the port of exit or with the United States Postmaster at the place of mailing; or, unless, whenever the filing of such Shipper's Export Declaration is not required, an oral export declaration describing the commodity or commodities to be exported is made to the United States Collector of Customs at the port of exit, by the exporter when he carries the same out of the country.

2. By adding to said section paragraph (c) as follows:

(c) A person exporting any commodity pursuant to any general license granted in this part shall state on the Shipper's Export Declaration the name of the person to whom such commodity is ultimately consigned, and the designation or symbol of the general license authorizing said exportation. Whenever such exportations are forwarded by mail the designation or symbol of the general license authorizing the same shall be written in ink on the address side of the wrapper of the parcel.

(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 31, 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 30, 1943.

HECTOR LAZO,
Assistant Director,
in Charge, Office of Exports.

[F. R. Doc. 43-17659; Filed, November 1, 1943; 10:49 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 58 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 3290—TEXTILE, CLOTHING AND LEATHER[1]

[Limitation Order L-90, as Amended October 27, 1943]

CORSETS, COMBINATIONS AND BRASSIERES

Section 3290.21 *Limitation Order L-90* is hereby amended to read as follows:

§ 3290.21[1] *Limitation Order L-90*—(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 knitting and cutting.* No person shall, in any calendar month, knit or cut, or cause to be knit or cut by others for his account, more corsets, girdles, garter belts, panty girdles, and/or combinations than 75% of his average knitting or cutting of all such garments during the period beginning January 1, 1941, and ending March 31, 1941, except garments known as Class I which means corsets, jackets, combinations or belts, shaped to support and control the back, abdomen and/or breast, with bonings or stays placed at intervals to preserve their designed shape, made to effect improvement in faulty posture or to provide safe and effective support for a specific disability, or for maternity use.

(c) *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.

(d) *Communications.* 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: L-90.

(e) *Violations.* Any person who wilfully violates any provisions 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 or from processing or using materials under priorities assistance by the War Production Board.

Issued this 27th day of October 1943.

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

[F. R. Doc. 43-17444; Filed, October 27, 1943; 4:54 p. m.]

[1] Formerly Part 1165, § 1165.1.

PART 1165—CORSETS, COMBINATIONS AND BRASSIERES

[Revocation of Supplementary Order L-90-a]

Section 1165.2 *Supplementary Order L-90-a* is hereby revoked. This action is not to be construed to affect in any way any liability or penalty accrued or incurred under Supplementary Order L-90-a.

Issued this 30th day of October 1943.

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

[F. R. Doc. 43-17691; Filed, October 30, 1943; 11:17 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Amdt. 1 to CMP Regulation 5 as Amended Sept. 13, 1943]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES

Section 3175.5 (a) the schedules of CMP Regulation No. 5 are amended as follows:

(1) Changing the item "II—Ice" to "I—Ice" under the general heading "Miscellaneous Products".

(2) Striking the items "I—Radio Communication" and "II—Radio Broadcasting" under the general heading "Conduct of the following businesses or activities".[1]

Issued this 30th day of October 1943.

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

[F. R. Doc. 43-17693; Filed, October 30, 1943; 11:15 a. m.]

PART 3203—SCHEDULED PRODUCTS

[Direction 1 to General Scheduling Order M-293]

The following direction is issued pursuant to General Scheduling Order M-293.

[1] The activities of radio communication and broadcasting are now covered exclusively by Order P-133.

Status of orders approved before issuance of M-293, as amended September 17, 1943:

(a) All actions taken by the War Production Board under Order M-293 or under any of the provisions of other orders listed in Table 2 of that order with respect to the freezing of schedules or the approval of individual transactions remain fully effective as provided in Priorities Regulation 18 and are not affected by the amendment of September 17, 1943. This means that, wherever the classification of an item under M-293 was changed by the amendment of September 17 or where Table 2 substituted a procedure under M-293 for a different procedure under one of the orders listed in the table, manufacturers of the item in question must continue to observe any frozen schedules or specifi directions which they received under the earlier procedure.

(b) Where the placing of a purchase order was approved for a Class Y item, or for an item covered by similar procedure under one of the orders listed, the approval remains effective and the person with whom the purchase order is placed must accept and schedule the same accordingly, even if he receives it after the item was reclassified by the amendment of September 17, 1943.

(c) This direction also applies to any future amendments of M-293 or of the tables to M-293 unless otherwise provided.

Issued this 30th day of October 1943.

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

[F. R. Doc. 43-17602; Filed, October 30, 1943; 11:16 a. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[Limitation Order L-302, as Amended October 30, 1943]

CHAIN

The fulfillment of requirements for the defense of the United States has created a shortage of chain for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.77 *Limitation Order L-302*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person who manufactures chain.

(2) "Chain" means any welded or weldless chain, excluding attachments other than repair links and excluding the following types of chain:

Anchor chain (stud link).
Band track chain.
Bead chain.
Buoy chain.
Cast metal chain.
Jewelry chain (for identification tags, costume jewelry, etc.).
Metal pickling chain.
Pocket wheel chain and chain for other wheel mechanisms.
Sprocket wheel, hoist, and conveyor chain, including ladder chain.
Tire chain.
Universal chain.
Welded brass chain.
Welded sash chain.

(3) "Chain assembly" means any chain which has been cut by the producer to a fixed length and assembled, with or without attachments, to fulfill a specific purpose.

(4) "Present manufacture" means as regularly manufactured by a producer on June 26, 1943.

(5) "PD-1X order" means any order for chain or any chain assembly now or hereafter placed with a producer by any person acquiring such chain or chain assembly pursuant to a rating assigned on Form PD-1X.

(6) "Other order" means any purchase order for chain or any chain assembly except PD-1X orders.

(b) *Restrictions on manufacture of chain.* (1) Except as provided in paragraph (b) (2) hereof:

(i) No producer shall commence processing any raw material into any chain or chain assembly which does not conform to the types, sizes, specifications, and finish contained and prescribed in the schedule attached hereto.

(ii) No producer shall sell or make delivery, nor shall any person purchase or accept delivery of any chain or chain assembly which he knows or has reason to believe was not manufactured in accordance with this order.

(2) The provisions of paragraph (b) (1) shall not apply

(i) To any chain or chain assembly not permitted by the schedule attached hereto processed from any raw material in a producer's inventory on June 26, 1943, or received within 45 days after June 26, 1943: *Provided,* That such raw material is not suitable for processing into any chain or chain assembly permitted by the schedule attached hereto.

(ii) To any chain or chain assembly the production of which has been commenced prior to June 26, 1943.

(iii) To any completed chain or completed chain assembly which was in any person's inventory in finished form on June 26, 1943.

(iv) To special chain assemblies made up to fulfill specific purposes which cannot be served by the types of chain assemblies permitted to be manufactured by the schedule attached hereto. Such special assemblies may be made only to fill a specific order placed by an ultimate consumer and shall be made only out of those types of chain permitted to be manufactured in the schedule attached hereto.

(v) To any chain required for the repair or maintenance of existing chain or chain assemblies when such repair or maintenance requires chain of special link dimensions not permitted by the schedule attached hereto.

(vi) To the carburizing or nitriding of chain to meet individual specifications.

(vii) To any chain or chain assembly produced with specific permission of the War Production Board.

(3) Wherever on the attached schedule with respect to any type of chain or chain assembly link dimensions are specified as "present manufacture" each producer shall forthwith file with the War Production Board, Tools Division, Reference: L-302, his established link dimensions for such type chain or chain assembly. The producer may thereafter apply to the War Production Board for leave to amend such link dimensions, but unless and until such leave is granted by the War Production Board in writing, such link dimensions in accordance with their present manufacture shall remain binding upon such producer.

(c) *Allocation of production between PD-1X orders and other orders.* Commencing with the month of July 1943 and each month thereafter, each producer shall schedule his monthly production and delivery thereof as follows:

(1) To the extent that he has PD-1X orders on hand, he shall schedule between 5 and 7 percent of his total monthly production in pounds of each type and size of chain and chain assemblies for delivery against PD-1X orders requiring delivery in such month. No producer shall schedule any order pursuant to this paragraph (c) (1) unless it clearly appears from such order that the rating applied thereto was assigned on Form PD-1X.

The sequence of deliveries on PD-1X orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(2) To the extent that he has other orders on hand, he shall schedule between 93 and 95 percent of his total monthly production in pounds of each type and size of chain and chain assemblies for delivery against other orders requiring delivery in such month.

The sequence of deliveries on other orders within the percentage limitation thereon which may be delivered in any given month shall be scheduled according to applicable War Production Board regulations.

(3) Any portion of the percentage allocated to PD-1X orders which has not been taken up by such orders on or before the fifteenth day preceding the first day of the month being scheduled shall be scheduled for delivery against other orders, and vice versa.

(d) [Deleted October 30, 1943]

(e) *Reports.* Each producer shall execute and file with the War Production Board Form WPB-2064 and such other reports and questionnaires as said Board may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *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.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

(h) *Communications.* All reports, appeals, and other communications concerning this order shall be addressed to War Production Board, Tools Division, Washington, D. C., Ref.: L-302.

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

Issued this 30th day of October 1943.

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

SCHEDULE

TABLE I—WELDED STEEL COIL CHAIN

Welded steel coil chain shall be made only in the following types. Link design of all types shall be straight link except that Liberty coil chain and Liberty machine chain may be made in both straight and twist link and Liberty truck chain may be made in twist link only.

All types shall be made out of open hearth steel except that proof coil chain may also be made of wrought iron, high test chain shall be made only from carbon steel SAE-1018—SAE-1040, inclusive, and alloy steel chain may be made to individual customers' specifications provided the end use is one for which carbon steel chain or wrought iron chain is unsuitable.

A producer may apply an oxide or phosphate finish to any welded steel coil chain if required by Army, Navy, Maritime Commission, or War Shipping Administration specifications for a specific order. Otherwise, finishes shall conform to this table.

All sizes specified are trade sizes.

Type	Link dimensions	Finish	Permitted sizes
Proof coil chain	Fed. Spec. RR-C-271	Self-colored or galvanized	5/16", 1/4", 5/16", 3/8", 7/16", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
BBB coil chain	Present manufacture	Self-colored or galvanized	5/16", 1/4", 5/16", 3/8", 7/16", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
High test chain	Present manufacture	Tumbled only to remove burs.	1/4", 5/16", 3/8", 7/16", 1/2", 5/8", 9/16", 7/8", 1", 1 1/8", 1 1/4", 1 3/8", 1 1/2", 1 5/8", 1 3/4", 1 7/8", 2".
Alloy steel chain	Present manufacture	Tumbled only to remove burs.	3/8", 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
Liberty coil chain	Present manufacture	Self-colored, bright or galvanized.	#4, #3, #2, #1/0, #2/0, #3/0, #5/0, #7/0.
Liberty machine chain.	Present manufacture	Self-colored, bright or galvanized.	#4, #3, #2, #1/0, #2/0, #3/0, #5/0, #7/0.
Liberty truck chain	Present manufacture	Self-colored or bright	#7/0, #2/0.
Heel coil chain	5/8" x 2" (Pattern No. 130) and 3/4" x 2 1/2" (Pattern No. 131).	Bright	5/16".
Passing link chain	Present manufacture	Self-colored or bright	#2/0, #1/0.
Side chain	In accordance with Limitation Order L-201, paragraph (d).		In accordance with Limitation Order L-201, paragraph (b).

TABLE II—WROUGHT IRON DREDGE OR CRANE CHAIN

This chain shall be made only from single or double refined wrought iron bars.

Finish shall be self-colored.

The following permitted link dimensions only are permitted; provided that this chain may also be made with link dimensions conforming to Fed. Spec. RR-C-271 and Navy Specification 42-C-219:

Permitted Link Dimensions (tolerance allowed ±4%)

Trade size (inches)	Outside length (inches)	Outside width (inches)	Inside length (inches)	Inside width (inches)
3/8	1 7/8	1 3/8	1 1/16	9/16
1/2	2 3/8	1 3/4	1 5/16	11/16
5/8	2 29/32	2 1/4	1 19/32	15/16
3/4	3 1/2	2 5/8	1 15/16	1 1/16
7/8	3 15/16	3	2 1/8	1 5/16
1	4 9/16	3 5/16	2 1/2	1 3/4
1 1/8	5 1/16	3 11/16	2 3/4	1 7/8
1 1/4	5 9/16	4 5/16	3	1 7/8
1 3/8	6 5/16	4 5/8	3 1/2	1 13/16
1 1/2	6 15/16	4 15/16	3 7/8	1 7/8
1 5/8	7 9/16	5 7/16	4 1/4	2 1/8
1 3/4	8 5/16	5 13/16	4 3/4	2 1/4
1 7/8	9 1/16	6 3/16	5 1/4	2 1/2
2	9 13/16	6 11/16	5 3/4	2 5/8
2 1/8	10 9/16	7 1/16	6 1/4	2 3/4
2 1/4	11 5/16	7 9/16	6 3/4	3
2 3/8	11 11/16	7 15/16	6 7/8	3 1/8
2 1/2	12 1/16	8 5/16	7	3 1/4

TABLE III—WELDED STEEL CHAIN AND WELDED IRON CHAIN ASSEMBLIES

All welded steel chain and welded iron chain assemblies shall be made only from those types of chain permitted to be manufactured in Tables I and II and shall be further limited in sizes and specifications as stated below.

Sling Chains

Steel sling chains shall be made out of those types of steel chain permitted in Table I.

Wrought iron sling chains shall be made only from wrought iron dredge or crane chain as permitted in Table II.

No special sling chain assemblies shall be made except where these are permitted by paragraph (b) (2) (iv).

Railroad Brake Chains

Shall be made from proof coil chain; trade sizes, 7/16", 1/2", 9/16", 5/8", 3/4".
Finish: Self-colored.

Railroad Safety Chains

Shall be made from proof coil chain; trade sizes: 1/2", 9/16", 5/8", 3/4", 7/8", 1", 1 1/8", 1 1/4".
Finish: Self-colored.

Railroad Switch Chains

Shall be made from proof coil chain; trade sizes: 5/8", 3/4", 7/8", 1".
Finish: Self-colored.

Boom and Rafting Chains

Shall be made from proof coil chain; styles as presently manufactured by the producer; sizes: As the purchaser may require.
Finish: Self-colored.

Chain Dogs

Style A, plain points.
Finish: Self-colored.
Link size: 5/16".
Blade size: 3/8" x 1 1/4" x 6" to 6 1/2".

Note: Chain dogs required for salt water use may be made in any required size and shape.

Ring Dogs

Style C, round ring, plain point.
Finish: Self-colored.
Ring size: 3/8" x 3".
Blade size: 3/8" x 1 1/4" x 6" to 6 1/2".

Note: Ring dogs required for salt water use may be made in any required size and shape.

Log Chains

Shall be made from proof coil chain; trade sizes: 1/4", 5/16", 3/8", 1/2".

May be made only in 14-foot lengths in pattern 120 with grab hook on one end, slip hook on other end, no swivel.
Finish: Self-colored.

Towing Chains (excluding Special River Tow Chains)

Shall be made from proof coil, BBB, or high test chain; sizes as presently manufactured by producer.

Wagon Chains

Finish on all wagon chains shall be self-colored.

Wagon end gate chains: Shall be made from proof coil chain; sizes: 1/4", 5/16", 3/8", 7/16", 1/2".

Anti-spreader chain: Shall be made from #2/0 straight link Liberty coil chain; lengths 38" and 42".

Wagon stay chains: Straight link, length as required; exact sizes: 5/16", 3/8".

Wagon tongue or pole chain: Regular pattern; exact sizes: 5/16", 3/8".

Wagon stretcher chain: Regular pattern; exact sizes: 5/16", 3/8".

Wagon lock chain: Straight link; exact sizes: 5/16", 3/8".

Note: Link dimensions of wagon stay chains, wagon tongue or pole chain, wagon stretcher chain, and wagon lock chain are not required to conform to Table I.

Harness Chains

Finish on all harness chains shall be bright.

The following harness chains only may be made:

Trace chains: Ring and hook patterns without swivel; may be made to the following two specifications only:

(a) Body links shall be made of 15/64" side chain. End links are limited to six, and their dimensions shall be as follows: 1/4" (exact size) x 1/2" x 2 1/2" (inside). Ring dimensions shall be 5/16" (exact size) x 1 3/4" (inside). This size trace chain may be made in the following lengths: 6 1/2', 7', 7 1/2'

(b) Body links shall be made of 9/32" side chain. End links are limited to six, and their dimensions shall be as follows: 9/32" (exact size) x 1/2" x 2 1/2" (inside). Ring dimensions shall be 11/64" (exact size) x 1 3/4" (inside). This size trace chain may be made in the following lengths: 7', 7 1/2', 8'.

Stage traces: Regular pattern, no swivel permitted; may be made only from #5/0 twist link Liberty coil chain in 42" length.

Butt chains: Regular pattern, no swivel permitted; hook or ring permitted on one end; may be made with four end links in the following length chains: 24", 30". Body link, end link, and ring dimensions shall be the same as permitted for trace chains.

Breast chains: Pattern No. 220; trade lengths 28" and 32" permitted.

Single breast chains: Patterns No. 155; trade size No. 2; length 26".

Cart back chains: As presently manufactured.

Hobble chains: Coast pattern; size No. 2; length 10"; Dee size 1¾".

Heel chains: May be made in the following trade sizes, with the number of links specified: No. 45—4, 6, and 8 links; No. 52—4, 6 and 8 links; No. 66—6 and 8 links; No. 86—7 and 10 links. Nos. 45 and 86 may have Dees of the following sizes: 1½", 1¾", 2".

Animal Tethering Assemblies

Finish on all animal tethering assemblies shall be bright. Patterns, sizes and lengths permitted only as specified.

Cow ties: Ohio pattern and open ring pattern. Ohio pattern sizes #2/0 (length 4½'), #3/0 (length 5'), #5/0 (length 5½'), #7/0 (length 6'). Open ring pattern #2/0 only, in 3', 3½', and 4½' lengths.

Halter chains: Regular pattern, in sizes #1/0 and #3/0; 4½' and 6' lengths permitted.

Choke collar chains: May be made only from #3 twist link Liberty machine chain in such lengths as are required.

Chain Repair Parts

The following repair parts may be made according to the specifications provided:

Repair or lap links: Finish—bright or galvanized; end open pattern—3/16" x 1", 7/32" x 1¼" (trade size 10-3), ¼" x 1¼" (trade size 10-2), 9/32" x 1¼" (trade size 10-1). 9/16" x 1½", ⅜" x 2", ½" x 2½"; side open pattern—⅝" x 2½".

"C" links: Plain pattern, bright finish; size ½" x 2½".

Cold shuts: No. 1 and No. 3 patterns, finish self-colored; sizes as required.

TABLE IV—WELDLESS COIL CHAIN

Weldless coil chair shall be made only in the following types and sizes. Material and finish on such chain may be as specified by the purchaser. Types refer to classification of types in Federal Specification RR-C-271.

(*a*) *Wire Chain*

Type	*Permitted sizes*
Class 1 (single-loop pattern) chain.	#4, #2, #1/0, #2/0, #3/0, #4/0, #5/0, #6/0, #7/0
Class 2 (double-loop pattern) chain, style 1.	#7, #4, #3, #2, #1, #2/0, #4/0, #6/0, #8/0, #10/0
Class 2 (double-loop pattern) chain, style 2.	#4, #2, #1/0, #2/0, #3/0, #5/0
Class 7, single jack chain.	#19, #18, #16, #14, #12, #10, #8, #6, #5
Class 8, double jack chain.	#19, #18, #16, #14, #12, #10
Class 10, register chain (safe chain).	#18, #16, #14, #12, #10
Pump chain	#6

(*b*) *Flat Metal Chain*

Class 3, sash chain	#8, #8B, #25, #30, #35, #40, #45, #50, #60, #65
Class 4a, flat link (long pitch) and Class 4b, flat link (short pitch) chain	#31, #33, #35, #12, #9½, #91, #8, #7, #3, #113, #330, #350, #4-0 Special, #210, #280
Class 6, safety chain (plumbers chain).	#00, #0, #1

TABLE V—WELDLESS CHAIN ASSEMBLIES

All weldless chain assemblies shall be made only from those types of chain permitted to be manufactured in Table IV and shall be further limited in sizes and specifications as stated below. Weldless chain assemblies may be finished as specified by the purchaser.

Tie out chains: Double-loop pattern chain only may be used; sizes #1 and #2/0 only; permitted lengths 20' and 30' only. Link dimensions on tie out chains may exceed regular dimensions for these sizes in double-loop pattern chain.

Halter chains: Double-loop pattern chain only may be used; sizes #1, #2/0, #4/0, and #6/0; permitted lengths 4½' and 6'.

Cow ties: Ohio pattern; may be made out of double-loop pattern chain only with or without swivel; size #2/0 only; permitted length 4½'.

Anti-spreader chains: Double-loop pattern only may be used; size #2/0; permitted lengths 38" and 42" only.

Kennel chains: Double-loop pattern only may be used; size #2/0; permitted lengths 6' and 9'. Kennel chains may be manufactured only for use with work dogs employed for purposes of training or hauling sledges.

[F. R. Doc. 43-17604; Filed, October 30, 1943; 11:16 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-227-b as Amended Oct. 30, 1943]

WOOD CASED AND OTHER NON-MECHANICAL PENCILS AND PEN HOLDERS

§ 3291.212 *General Limitation Order L-227-b*—(a) *Definitions.* For the purposes of this order:

(1) "Restricted pencil" means any wood cased pencil or other writing instrument containing a nonmovable core of lead or other marking material encased in a sheath of wood, paper, or other material which sheath has a thickness greater than .010 of an inch.

(2) "Pen holder" means an instrument designed to hold a pen nib in position for writing, except fountain pens as defined in Order L-227.

(3) "Manufacturer" means any person who manufactures or assembles restricted pencils or pen holders.

(b) *Specifications for restricted pencils and pen holders.* No manufacturer shall use in the manufacture of restricted pencils or pen holders any:

(1) Iron, steel, stainless steel, copper, copper base alloy or zinc;

(2) Crude, reclaimed or synthetic rubber except as permitted in Rubber Order R-1, as amended, or any relief granted pursuant to an appeal taken in accordance with the provisions of such order.

(c) *Limitation on production of restricted pencils and pen holders.* (1) From July 1, 1943, through September 30, 1943, no manufacturer shall produce more than:

(i) 22% of the number of restricted pencils produced by him during 1941;

(ii) 31¼% of the number of pen holders produced by him during 1941.

(2) During the calendar-quarter beginning October 1, 1943, and during each calendar quarter after that, no manufacturer shall produce more than:

(i) 20¼% of the number of restricted pencils produced by him during 1941;

(ii) 24% of the number of pen holders produced by him during 1941.

(d) *Reports.* Every manufacturer producing any restricted pencils and pen holders shall file with the War Production Board, Washington 25, D. C., Ref: L-227-b, Form WPB-1600 (formerly PD-655) on or before the 15th days of October, January, April and July, executed in accordance with the instructions for filing that Form.

(e) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of restricted pencils and pen holders, inventories of raw materials, semi-processed materials, or finished parts in quantities greater than the minimum amount necessary to maintain production at the rates permitted by this order.

(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) *Appeals.* Any appeal from the provisions of this order should be filed on Form WPB-1477 (formerly PD-500).

(h) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of restricted pencils and pen holders to a greater extent than does this order, the other order shall govern unless it states otherwise.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-227-b.

Issued this 30th day of October 1943.

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

[F. R. Doc. 43-17605; Filed, October 30, 1943; 11:16 a. m.]

PART 3292 [1]—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-258, as Amended Oct. 30, 1943]

SALT AND PETROLEUM TYPE ANTI-FREEZE SOLUTIONS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of automotive transportation for private account, for military purposes and for export, and urgent necessity has arisen to preserve existing automotive transportation, both

that held for rationing and that in circulation in aid of the national defense; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3292.71[1] *Limitation Order L-258, as amended October 30, 1943*—(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 purposes of this order:

(1) "Salt or petroleum type anti-freeze solution" means a solution designed to prevent freezing in the cooling systems of automotive and other types of internal combustion engines of the liquid-cooled type, when compounded of aqueous solutions of acids, salts or bases including, but not limited to, solutions of acetic acid, ammonium carbonate, calcium chloride or sodium hydroxide; or when compounded of petroleum distillates including, but not limited to, kerosene and/or fractions of higher boiling ranges.

(c) *Prohibition of manufacture and sale of salt or petroleum type anti-freeze solutions.* (1) On and after January 23, 1943 no person shall manufacture any salt or petroleum type anti-freeze solution;

(2) On and after October 30, 1943, notwithstanding any contract, agreement or other undertaking, no person shall sell or deliver any salt or petroleum type anti-freeze solution for use in the cooling systems of automotive and other types of internal combustion engines of the liquid-cooled type.

(d) *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.

(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 communications concerning this order shall be addressed to: War Production Board, Automotive Division, Washington 25, D. C. Reference: Order L-258.

Issued this 30th day of October 1943.

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

[F. R. Doc. 43-17606; Filed, October 30, 1943; 11:17 a. m.]

[1] Formerly Part 3186, § 3186.1.

PART 3293—CHEMICALS

[Allocation Order M-355]

SODIUM METASILICATE

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

§ 3293.556 *Allocation Order M-355*—(a) *Definitions.* (1) "Sodium metasilicate" means sodium silicate of the formula Na_2SiO_3 in either the anhydrous or hydrated form.

(2) "Primary supplier" means any person who produces sodium metasilicate or who purchases sodium metasilicate from a producer for resale as sodium metasilicate.

(b) *Restrictions on delivery.* (1) On and after December 1, 1943, no primary supplier shall deliver sodium metasilicate to any person except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) Authorization to each primary supplier for deliveries of sodium metasilicate will be made on the following basis:

Deliveries to customers ordering more than 8000 pounds (anhydrous basis) during any month must be individually authorized; deliveries to customers ordering between 800 and 8000 pounds (anhydrous basis) per month will be authorized on the basis of end uses stated in the customers' applications and a lump sum will be allocated to each end use for such intermediate orders without specifying individual customers' names; deliveries to customers ordering 800 pounds (anhydrous basis) or less per month will be authorized by allocating a lump sum for such small orders without specifying individual customers' names and without reference to end use.

(3) If a primary supplier is authorized or directed by the War Production Board to deliver sodium metasilicate to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, the sodium metasilicate shall revert to inventory, and shall not be delivered or used without further instructions.

(c) *Restrictions on acceptance of delivery.* No person shall accept delivery of sodium metasilicate from a primary supplier if he knows or has reason to believe that the delivery is made in violation of this order.

(d) *Restrictions on use.* (1) On and after December 1, 1943, no primary supplier shall use sodium metasilicate except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) Each person furnishing a use certificate pursuant to Appendix B with a purchase order shall use the sodium metasilicate delivered upon the order only as specified in the certificate, unless advised by his supplier that a particular specified use has been denied by the War Production Board or unless otherwise specifically authorized in writing by the War Production Board. However, any person not a primary supplier may re-deliver sodium metasilicate to a primary supplier without specific authorization.

(e) *Requirement for filing certificates with purchase orders.* Each person ordering more than 800 pounds (anhydrous basis) of sodium metasilicate in the aggregate for delivery by all primary suppliers during December, 1943, or during any calendar month thereafter, shall furnish each primary supplier with a certificate in accordance with Appendix C.

(f) *One-time customer's report.* Each person (not including governmental departments and agencies) shall file a report in accordance with Appendix B on or before the 15th day of the month preceding the first month in which he expects to receive more than 8000 pounds (anhydrous basis) of sodium metasilicate.

This report need be filed only once.

(g) *Primary suppliers to notify customers of denial of applications.* Each primary supplier shall notify each customer as soon as possible of denial in whole or in part by the War Production Board of any item or items on a certified purchase order placed by the customer.

(h) *Special directions.* The War Production Board at its discretion may at any time issue special directions with respect to:

(1) Use, delivery or acceptance of delivery of sodium metasilicate; or

(2) Production of sodium metasilicate; or

(3) Preparation and filing of forms and certificates required by Appendices A, B and C, subject to approval of the Bureau of the Budget when required by Federal Reports Act of 1942.

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

(2) *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 delivery of, or from processing or using, material under priority control and may be deprived of priority assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C.; Reference M-355.

Issued this 30th day of October 1943.

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

APPENDIX A—INSTRUCTIONS TO PRIMARY SUPPLIERS FOR FILING FORM WPB-2947[1]

Each primary supplier seeking authorization to use or deliver sodium metasilicate shall file application on Form WPB-2947 (formerly PD-602), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or deliver is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref.: M-355.

Number of sets. A separate set of applications should be filed for each grade of sodium metasilicate in terms of degree of hydration, such as "anhydrous" or "pentahydrate".

Heading. Under name of material, specify sodium metasilicate; under War Production Board order number, specify M-355; specify as grade the degree of hydration (such as "anhydrous" or "pentahydrate"); specify pounds as unit of measure; specify proposed delivery month; and otherwise fill in as indicated.

Table I (Application to deliver). First, in Column 1 list customers ordering more than 8,000 pounds (anhydrous basis) for delivery during the next month, in Column 1a enter each use stated in the certificate filed by each customer, and in Column 4 specify quantity ordered by each customer for each use; *second,* specify in Column 1 "800 to 8,000 pound orders", without specifying customers' names, in Column 1a group the end uses stated in the certificates filed with these orders, and in Column 4 specify the aggregate quantity ordered for each use; *third,* specify in Column 1 "800 pound or less orders", without specifying customers' names, leave Column 1a blank, and in Column 4 specify the aggregate quantity ordered or expected to be ordered. Fill in the other columns as indicated.

Table I (Application to use). If the applicant primary supplier is seeking authorization to use any part of his own production or stock of sodium metasilicate, he shall apply as if the consuming part of his organization had filed a purchase order and use certificate with the production or distribution part of his organization (the actual filing of such an order and certificate is not necessary). For example, if he wishes to use more than 8,000 pounds during the next month, he should specify his own name, his proposed use and requested quantity in Columns 1, 1a and 4; if he wishes to use between 800 and 8,000 pounds during the next month, he should not specify his own name, but opposite "800 to 8,000 pound orders" in Column 1, and opposite his proposed end use in Column 1a, should include in Column 4 the quantity which he requests for the specified use; or if he wishes to use 800 pounds or less during the next month, opposite "800 pounds or less orders" in Column 1, he should include in Column 4 the quantity which he requests, leaving Column 1a blank. Fill in the other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Each producer of sodium metasilicate shall fill in all columns of this table as indicated. Distributors purchasing sodium metasilicate from producers for resale shall fill in Columns 8, 10, 12 and 13 and leave the other columns of this table blank. In Columns 10 and 13, primary suppliers shall enter only those stocks not authorized for use or delivery on the dates specified.

[1] Forms WPB-2947 (formerly PD-602) and WPB-2945 (formerly PD-600), and the certificate required by Appendix C, and the instructions in Appendices A, B and C, have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

APPENDIX B—INSTRUCTIONS FOR FILING CUSTOMER'S ONE-TIME REPORT ON FORM WPB-2945[1]

Each person (not including governmental departments and agencies) shall, on or before the 15th day of the month preceding the first month in which he expects to receive more than 8000 pounds (anhydrous basis) of sodium metasilicate, file a one-time report on Form WPB-2945 (formerly PD-600), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2945 (formerly PD-600). Copies may be obtained at local field offices of the War Production Board.

Number of copies. Two copies shall be prepared, of which one shall be retained by the person reporting and one shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-355.

Heading. Under name of chemical, specify sodium metasilicate; under War Production Board order number, specify M-355; under unit of measure, specify pounds; specify names of usual suppliers; and otherwise fill in as indicated.

Table I. Strike out "application for delivery and/or use required for your next month's operations" and leave the month space blank.

Column 1. Specify the grade of sodium metasilicate reported in terms of degree of hydration, such as "anhydrous" or "pentahydrate".

Column 2. Specify the aggregate quantity of each grade of sodium metasilicate used and resold (both) by the person reporting in each calendar quarter specified in Column 4.

Column 3. Leave blank.

Column 4. Strike out the heading and insert on each successive line in Column 4 "fourth quarter 1941", "first quarter 1942", etc., through "third quarter 1943".

Column 9. Strike out heading and insert "resold", and specify quantities accordingly.

Column 10. Leave blank.

Table II. Fill in Columns 11 and 15 as indicated and leave the other columns blank.

Tables III, IV and V. Leave blank.

APPENDIX C—INSTRUCTIONS FOR FILING USE CERTIFICATES WITH PURCHASE ORDERS FOR MORE THAN 800 POUNDS PER MONTH FROM ALL PRIMARY SUPPLIERS[1]

(1) Each person ordering more than a total aggregate of 800 pounds (anhydrous basis) of sodium metasilicate from all of his suppliers for delivery during December, 1943, or during any calendar month thereafter, shall furnish with each purchase order a certificate in substantially the following form:

(Insert statement of quantities required for specified primary product and end use for the sodium metasilicate ordered, in accordance with instructions in paragraphs (2) and (3) below)

The undersigned hereby certifies to the seller and to the War Production Board that the sodium metasilicate covered by the accompanying purchase order will be used only as specified above, and that the quantity of sodium metasilicate hereby ordered, together with all other quantities ordered for delivery in the same month, does/does not (*strike out the inapplicable words*) exceed 8000 pounds, anhydrous basis.

_____
Name of purchaser

By _____
(Signature and title of duly authorized officer)

Primary suppliers are requested to obtain certificates with respect to deliveries to be made during any calendar month not later than the 10th day of the preceding month. The above certificate need not be filed with the War Production Board. It shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7.

(2) The primary product and end use description in the above certificate shall be specified as follows:

Primary product	End use	Quantity

Primary product should be specified as "Cleaning compound" or as other specified product. End use should be specified as household, industrial metal, dairy, other food facility (specify), laundry, paper de-inking, pulp and paper, or other specified use. Where the sodium metasilicate or the primary product is to be delivered directly to the Armed Services, or for export, or for Lend-Lease, specify "Armed Services", or "Export", or "Lend-Lease" as the end use, without further end use description.

If the purchase is for resale, the purchaser shall specify "resale", followed by a statement of use or uses (in terms of the uses above specified in this paragraph) to which the sodium metasilicate will be put by his customers. However, a primary supplier (distributor) ordering from a primary supplier (producer) need specify only "authorized resale".

(3) In the event that two or more end uses are involved in a single purchase order, the amount of sodium metasilicate required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the primary supplier to advise his customers, by purchase order number and item number, as to the action taken on the application to make delivery.

(4) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act) shall, provided such purchase order specifies the Lend-Lease contract or requisition number, constitute a use certificate for the purpose of this order.

[F. R. Doc. 43-17607; Filed, October 30, 1943; 11:16 a. m.]

PART 927—NICKEL

[Direction 1 to General Preference Order M-6-a]

The following direction is issued pursuant to General Preference Order M-6-a:

To all consumers of nickel chemicals and nickel catalysts; Subject: Form WPB-2873, formerly PD-27-B. Effective with application for nickel chemicals to be delivered during December 1943 it will not be necessary to file Form WPB-2873, formerly PD-27-B, for authorization to receive nickel chemicals and nickel catalysts pursuant to Nickel Allocation Order M-6-a, the uses of which are governed by Nickel Conservation Order M-6-b.

The following procedure is to be followed in the future:

(a) Place your purchase order with your supplier before the 15th of the month previous to the month in which delivery of the material is desired. (Thus orders for December delivery should be in your suppliers' hands by November 15.)

(b) Show on your purchase order:

1. "End use." (Be specific. State exactly what is to be plated such as "surgical instru-

ments which require sterilization" or what the "catalyst" will be used for. Do not use allocation symbols listed in Priorities Regulation No. 10 which regulation was revoked on Nov. 5, 1942.)

2. The "preference rating" applicable to the order together with Army or Navy contract numbers and/or CMP allotment numbers.

(c) Your supplier will take this information and recap it onto an allocation request form which will be sent to the War Production Board for authorization to make delivery of the material which you have requested.

(d) The authorization for your supplier to make delivery of the material for the "end uses" indicated by you will depend entirely on your supplying the information requested in paragraphs (a) and (b) of this letter to your supplier when placing your order with him.

Please direct any correspondence regarding this to the Nickel Section, Ferro-alloys Branch, Steel Division, War Production Board, Washington 25, D. C.

Issued this 1st day of November 1943.

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

[F. R. Doc. 43-17661; Filed, November 1, 1943; 11:11 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L-41 as Amended November 1, 1943]

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

§ 1075.1 *Conservation Order L-41*—(a) *What this order does.* This order limits construction. It is necessary in order to conserve materials, construction equipment, labor and transportation. In most cases, except where the construction is of a special kind, you must get permission from the War Production Board for construction. This permission (sometimes called "authorization to begin construction") must not be confused with preference ratings or priorities. If a construction job is allowed, either because it is not of the kind restricted by this order or because permission has been obtained, it may still be necessary to get preference ratings for the materials and fixtures which are needed. On the other hand, if you have ratings for materials, or materials on hand, you may still have to get permission to use them for a particular construction job.

(b) *What is meant by construction.* Construction covered by this order includes putting up or altering any sort of a structure, including a building, road, bridge, dam, sewer, and similar jobs; also the installing of equipment or fixtures. Certain special kinds of construction are excepted, as explained in paragraphs (c) and (d) below.

(c) *How much construction is allowed without getting permission.* You need not get permission under this order for construction which does not total more than the limits shown in the following list for all jobs begun in the same year. For an explanation of how to figure "cost," see paragraph (i). If a utility connection will be required (electricity, gas, water, steam or telephone), it may be necessary to get War Production Board approval for the connection. If so, approval for the connection must be obtained *before* beginning construction, even if the cost of construction comes within the limits. The limits for all jobs begun in the same year are as follows:

(1) $200 for a house, including the entire residential property.

(2) $1000 for a farm, including the farm house; a farm means a place used for raising crops, livestock, dairy products, poultry, etc., primarily for the market.

(3) $1000 for a hotel, apartment building or other residence for six or more families. Any residence for five or less families is considered a house under (1) above.

(4) $200 for an office, bank, store, laundry, garage, restaurant, or other retail service establishment, except that the limit is $1000 for a unit containing more than five establishments of this kind.

(5) $1,000 for a church, hospital, school, college, public playground for children, or for a publicly owned building or group of buildings used for public purposes.

(6) $1,000 for a bridge, overpass, underpass, tunnel, dock, pier, bus terminal or for a railroad or street railway building or group of buildings.

(7) $1,000 for an irrigation or drainage system serving more than one farm.

(8) $1,000 for a building or group of buildings which will be used for warehouse or for off-farm storage purposes.

(9) $1,000 for all monuments and structures on the same cemetery lot or for all cemetery buildings or structures in the same cemetery.

(10) $1,000 for a military exchange situated on a reservation of the Army or Navy.

(11) $1,000 for a building or group of buildings which will be used directly in furnishing any of the electric, gas, water or heating utility services listed in paragraph (a) (1) of Order U-1, and which will be owned by a utility producer as defined in that paragraph, or which will be used directly in furnishing communication services and which will be owned by an operator as defined in paragraph (a) (1) of Order U-2, or in paragraph (a) (1) of Order U-3, or which will be used directly for a sewage system and owned by a sewage system operator as defined in Order P-141.

(12) $5,000 for a factory, plant or other industrial unit which is used for the manufacture, processing or assembling of any goods, except that the limit is $200 if the goods are listed on Schedule A at the end of this order or if the productive floor area of the unit upon completion of construction is less than 10,000 square feet.

(13) $200 for any other kind of construction.

(d) *Special kinds of construction which do not require permission.* It is not necessary to get War Production Board permission under this order for the following kinds of construction:

(1) Maintenance and repair; that is, work necessary to keep a building or structure in sound working condition or fix it when it has become unsafe or unfit for service because of wear and tear; also the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by fire, flood, tornado, earthquake, acts of war, or the like. Changes in material are permitted in doing maintenance and repair work. Additions, structural alterations, or the completion of unfinished parts of buildings are not considered maintenance and repair. Rebuilding or restoring after damage caused by fire, flood, tornado, earthquake, acts of war, or the like, is not permitted as maintenance and repair, but is permitted in some cases as explained below.

(2) The rebuilding or restoring of a house (including a farm house) or other residential building damaged or destroyed after July 1, 1943, by fire, flood, tornado, earthquake, acts of war, or the like, if the cost of rebuilding or restoring is less than $5,000.

(3) The rebuilding or restoring of farm buildings damaged or destroyed by fire, flood, tornado, earthquake, acts of war, or the like, if the cost of rebuilding or restoring is less than $5,000, where the immediate reconstruction is determined by the United States Department of Agriculture to be essential to the agricultural program.

(4) The rebuilding or restoring of a building or structure damaged or destroyed by disaster, where the Red Cross has been given priority assistance to restore the disaster area, and where the rebuilding or restoring has been determined by the Red Cross to be essential.

(5) Construction necessary to prevent threatened loss of farm products, where immediate construction is determined by the United States Department of Agriculture to be essential to the agricultural program.

(6) Construction owned by the United States Army, Navy, Maritime Commission, War Shipping Administration, Coast Guard, Marine Corps, Civil Aeronautics Authority, Coast and Geodetic Survey, or Panama Canal.

(7) Insulating buildings with materials such as storm windows and doors, pipe covering, loose fill, blanket or bat insulation, plain or granule surfaced rigid insulation, and weather stripping.

(8) Installing plumbing or heating equipment rated on WPB-2631 (PD-851), if the cost of installation (not including the cost of the equipment) is less than $200.

(9) Grading, ditch-digging or similar earth-moving operations, if no cement, lumber or other building materials are used, except clay tile and non-reinforced concrete pipe.

(10) Various kinds of construction connected with the operations of farms, railroads, utilities, mines, the petroleum industry, logging camps, chemical plants, steel mills and broadcasting facilities as listed in Schedule B.

(11) A construction job which began before this order originally became effective (April 9, 1942), or at a time when the job was not limited by this order, and has gone on without interruption.

(12) Construction jobs which are classed as minor capital additions under CMP Regulation No. 5 or under CMP Regulation No. 5A. This exception applies only to:

(i) Additions to factories, plants and other industrial units which will have a productive floor area of 10,000 square feet or more, and which are for the manufacturing, processing or assembling of goods which are not listed in Schedule A.

(ii) Hospitals.

(e) *All other construction forbidden without WPB permission.* No person shall do any construction which has not been permitted by the War Production Board, unless it is of a kind described in paragraph (c) or (d) above. This prohibition applies to a person who does his own construction work, to one who gets a contractor to do it for him, and to any contractor or subcontractor who works on the job or gets others to work on it. It also applies to any supplier who furnishes material for the job if he knows or has reason to know that the construction has not been permitted.

(f) *How to apply for permission.* (1) Schedule C at the end of this order shows the various types of application forms, and where they should be filed.

(2) In case of emergency, application may be made by wire or in person instead of on a printed form. It must be made to the office in which a written application for the same construction should be filed. The following information must be given:

(i) Cause of the emergency (fire, flood, etc.).

(ii) What the building or structure is used for.

(iii) Type of construction.

(iv) Why immediate construction is necessary.

(v) Estimated cost of construction.

(g) *Preference rating includes permission in some cases only.* There are some forms of preference rating orders and certificates which are issued or have been issued for special kinds of construction and which include permission for construction although they do not say so. These are listed in Schedule D at the end of this order. In all other cases, a preference rating is not enough, unless the instrument which assigns the rating also states that construction is permitted under this order.

(h) *Other restrictions on use of some items.* Permission for construction or the exception of any construction from this order does not relieve any one from complying with the various WPB orders or directives which restrict the use of copper and other scarce materials or fixtures. If you do not know about these restrictions, consult the nearest War Production Board District Office.

(i) *How to figure cost.* (1) For the purpose of determining whether a construction job may be started without getting permission from the War Production Board, "cost" means the cost of the whole construction job as estimated at the time of beginning construction, except that the cost of used material or used fixtures may be disregarded.

(2) If any materials or fixtures which have not been used are obtained without buying them, their value must be included as part of the cost.

(3) The cost of processing machinery or equipment need not be included but the cost of installing it and the cost of plumbing, heating, and air conditioning equipment and of all other equipment not used directly in the processing of materials must be included.

(4) The cost of labor must be included, but if labor is unpaid its value need not be included. Contractors' fees also must be included but architects' and engineers' fees need not be.

(5) All construction on the same unit must be included. The word "unit" means any group of buildings or structures (including roadways, pipelines, etc.) which are situated near to each other, and which serve the same general purpose, or closely related purposes. For example, each of the following is a unit: a house, together with a detached garage, tennis court, swimming pool, etc.; a farm, including the farm house, barn, hen house, dairy, etc.; a manufacturing plant with a number of buildings used for the same or different processes, together with administration buildings, cafeterias, etc. In no case may a single building or structure be treated as more than one unit.

(6) The cost per year must be determined on a calendar year basis, beginning with January 1, 1943, except that a company which regularly keeps its books on a fiscal year basis may use the fiscal year.

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

Issued this 1st day of November 1943.

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

SCHEDULE A

This schedule is referred to in paragraphs (c) (12) and (d) (12). In the case of a unit principally designed for the manufacture, processing or assembling of any of the following articles, the cost limit is $200 in any one year without getting permission:

(i) Athletic supplies, sporting goods, or toys or games.

(ii) Beverages, except milk.

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

(iv) Candy or chewing gum.

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

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

(vii) Furniture, store fixtures, barroom fixtures, bowling alleys and the like.

(viii) Silverware, woodenware, household electrical appliances, draperies, rugs, and all other household appliances and equipment, but not including china and glassware.

(ix) Musical instruments.

(x) Stationery or office supplies.

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

(xii) Wearing apparel of every sort, except for the Army or Navy and their auxiliaries, and except safety equipment or safety clothing as defined in Order L-114.

SCHEDULE B

Permission under this order is not necessary for the following kinds of construction which are referred to generally in paragraph (d) (10).

1. Construction on structures which are to be used directly in the discovery, development or depletion of mineral deposits.

2. Construction which is regulated by any petroleum administrative order issued by the Petroleum Administrator for War. (Construction of this kind is permitted only to the extent authorized by the applicable petroleum administrative order.)

3. Construction of telephone and telegraph facilities or equipment, other than buildings, if authorized or permitted under the terms of Order U-2 (§ 4501.1) or Order U-6 (§ 4501.21).

4. Laying railroad tracks, together with the construction of necessary operating facilities, but not including buildings, tunnels, overpasses, underpasses, or bridges.

5. Construction of facilities (other than buildings) which will be used directly in furnishing any of the electric, gas, water or heating utility services listed in paragraph (a) (1) of Order U-1 and which will be owned by a utility "producer" as defined in that paragraph.

6. Construction of facilities (other than buildings) which will be used directly for a sewerage system and will be owned by a sewerage system "operator" as defined in Order P-141.

7. Installation or erection of rationed farm machinery, or mechanical equipment, which has been obtained on a purchase certificate issued by a County Farm Rationing Committee under Food Production Order 14 of the War Food Administration, or of wire fencing which has been obtained on P.R. 19 certification.

8. Drilling and casing of water wells, but excluding any use of pipe to conduct water on the surface.

9. Use by any logger or lumber manufacturer of lumber, nails, gravel, or clay products in construction needed to change the site of logging or lumbering operations; also the construction of timber access roads financed wholly or in part by defense highway appropriations.

10. Construction which is given priorities assistance under Order P-89 (relating to facilities for the manufacture of chemicals).

11. Construction which is given priorities assistance under Order P-68 (relating to facilities for the manufacture of steel).

12. Rearrangement or expansion of facilities and equipment, other than buildings, by an international point-to-point radio communication carrier to the extent that priorities assistance is granted under P-133 for such work.

SCHEDULE C

Application forms to be used in obtaining permission to begin construction under L-41 and where to file them, unless otherwise instructed. These forms are to be used whether or not priorities assistance or controlled material allotments are required.

Types of construction	Application form	Where filed
Farm construction, including farm buildings:		
Total cost less than $10,000	WPB-2570 (formerly PD-200-C)	Department of Agriculture County War Board having jurisdiction over the site.
Total cost $10,000 or more	WPB-617 (formerly PD-200)	Department of Agriculture County War Board having jurisdiction over the site.
War Housing owned by FPHA	Letter	WPB, Washington, D. C.
Housing for 5 families or less per building:		
Total cost less than $10,000 or construction consisting only of remodeling or rehabilitation.	WPB-2896 (formerly PD-105) and WPB 2897.1.	FHA Field Office having jurisdiction over the site.
Total cost $10,000 or more (except remodeling or rehabilitation).	WPB-2896 (formerly PD-105) and WPB-2897 (formerly PD-105A).	FHA Field Office having jurisdiction over the site.
Hotels and apartment houses for six or more families providing additional living quarters for war workers:		
Total cost less than $10,000 or construction consisting of remodeling or rehabilitation.	WPB-2896 (formerly PD-105) and WPB-2897.1.	FHA Field Office having jurisdiction over the site.
Total cost $10,000 or more (except remodeling or rehabilitation).	WPB-2896 (formerly PD-105) and WPB-2897 (formerly PD-105A).	FHA Field Office having jurisdiction over the site.
Hotels and apartment houses for six or more families not providing additional living quarters for war workers:		
Total cost less than $10,000	WPB-2570 (formerly PD-200-C)	WPB District Office having jurisdiction over the site.
Total cost $10,000 or more	WPB-617 (formerly PD-200)	WPB, Washington, D. C.
Public roads	PR 1 PA	State Highway Department having jurisdiction over the site.
Water, gas, steam, electricity, telephone facilities for use by the public.	WPB-2774	WPB, Washington, D. C.
Factories, plants and other industrial units:		
Total cost less than $10,000	WPB-617 (formerly PD-200)	WPB District Office having jurisdiction over the site.
Total cost $10,000 or more	WPB-617 (formerly PD-200)	WPB, Washington, D. C.
All other kinds of construction:		
Total cost less than $10,000	WPB-2570 (formerly PD-200-C)	WPB District Office having jurisdiction over the site.
Total cost $10,000 or more	WPB-617 (formerly PD-200)	WPB, Washington, D. C.

The "total cost" as used in the above schedule includes used materials and fixtures, processing machinery and equipment and architects', engineers' and contractors' fees although these are not included in "cost" for purposes of determining how much can be constructed without permission under paragraphs (c), and (d) of the order.

SCHEDULE D

The following preference rating orders or certificates are referred to in paragraph (g). If you have received one of these orders or certificates for your construction, the construction is permitted by the WPB.

P-19-e	Relating to public roads.
P-19-h, P-19-i, CMPL-127, CMPL-224	Relating to projects important to the war effort or essential civilian needs.
P-55-b	Relating to privately owned programmed war housing.
WPB-2774	Relating to utility facilities.
PD-3A, WPB-542	Relating to command construction and certain construction of the Corps of Engineers.
P-14-a, P-14-b, P-19, P-19-a, P-19-d, P-19-g, P-41, P-55, P-55—amended, P-110, PD-3	These orders and certificates are no longer used, but jobs which were authorized by them may go on.

INTERPRETATION 1

[Superseded by L-41, as amended November 1, 1943, which incorporates the substance of the interpretation.]

NOTE: The application forms specified in Schedule C have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 43-17666; Filed, November 1, 1943; 11:10 a. m.]

PART 1075—CONSTRUCTION

[Supplementary Conservation Order L-41-a, Revocation]

Section 1075.2 *Supplementary Conservation Order L-41-a* is hereby revoked, since under paragraph (e) of Conservation Order L-41 the construction stopped by L-41-a is prohibited without War Production Board permission.

Issued this 1st day of November 1943.

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

[F. R. Doc. 43-17663; Filed, November 1, 1943; 11:11 a. m.]

PART 1075—CONSTRUCTION

[Supplementary Conservation Order L-41-b, Revocation]

Section 1075.3 *Supplementary Conservation Order L-41-b*, as amended December 21, 1942, is hereby revoked because there is no longer need for paragraph (a) of this order, and because construction permitted by paragraph (b) of this order is now permitted under paragraph (d) (7) of Conservation Order L-41, as amended.

Issued this 1st day of November 1943.

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

[F. R. Doc. 43-17662; Filed, November 1, 1943; 11:11 a. m.]

PART 1075—CONSTRUCTION

[Supplementary Conservation Order L-41-c, Revocation]

Section 1075.4 *Supplementary Conservation Order L-41-c* is hereby revoked because construction permitted under this order is now permitted under paragraph (d) (10) of Conservation Order L-41, as amended.

Issued this 1st day of November 1943.

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

[F. R. Doc. 43-17663; Filed, November 1, 1943; 11:11 a. m.]

[Interpretation 1 of Conservation Order L-41]

PART 1075—CONSTRUCTION

Interpretation No. 1 of Conservation Order L-41 is superseded by the Amendment of L-41 of November 1, 1943, which incorporates the substance of the interpretation.

Issued this 1st day of November, 1943.

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

[F. R. Doc. 43-17667; Filed, November 1, 1943; 11:10 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT[1]

[General Conservation Order L-250, as Amended Nov. 1, 1943]

ELECTRIC MOTOR CONTROLLERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials and facilities used in the manufacture of electric motor controllers 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:

§ 1226.97[1] *General Conservation Order L-250*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any enterprise to the extent that it is engaged in the business of manufacturing con-

[1] Formerly Part 3173, § 3173.1.

trollers, and includes sales and distribution outlets and warehouses controlled by any such person.

(3) "Manufacture" means the production, fabrication or assembly of any controller, or of any part thereof.

(4) "Controller" means any new device or equipment used to stop, start or regulate electric motors or to protect electric motors against overheating or overloading; including manual and magnetic starters and controllers, contactors and relays, speed regulators, drum switches, shunt or series coil type thermal or magnetic overload relays (except switch gear induction type relays), motor field rheostats, and solenoid, thrustor and torque motor brakes; and related pilot devices such as push button stations, and limit, pressure and float switches. The term does not include wiring devices or snap switches rated 15 amperes or less; safety switches; fuses; air circuit breakers; oil circuit breakers; domestic type thermostats, refrigeration controls or furnace controls; or any replacement part for a passenger automobile, truck, truck trailer, passenger carrier, motorized fire equipment, or off-the-highway motor vehicle, as defined in Limitation Order L-158, as amended.

(5) "Commercial" as applied to a size, type or rating of a product means any size, type or rating thereof heretofore normally produced by any producer as a standard item, for his inventory or for general distribution, and not in fulfillment of special orders.

(b) *Restrictions on orders.* No manufacturer shall accept any order, or commence manufacture in fulfillment of any order, for any controller or part thereof, unless the order bears a preference rating of AA-5 or higher. The restrictions of this paragraph shall not apply to any order for any controllers, or parts thereof, for use on elevators and manufactured by a person engaged primarily in the production of elevators.

(c) *Restrictions on manufacture.* (1) Except as otherwise provided herein, on and after March 1, 1943, no manufacturer shall accept any order, or commence manufacture in fulfillment of any order, for any controller or part thereof unless such controller or part is to be manufactured in accordance with the standards prescribed in subparagraph (2) below. On and after May 14, 1943, no manufacturer shall deliver any controller or part thereof, unless it has been manufactured in accordance with such standards. The limitations of this subparagraph shall not apply to any order for, or delivery of any controller or part which was completely fabricated on or before February 13, 1943.

(2) Subject to the other provisions of this paragraph, all controllers and parts thereof shall be manufactured in compliance with the following requirements and shall be otherwise of the simplest practicable design:

(i) All control circuit wiring shall follow a straight line between terminals except where, and to the extent that deviation therefrom is necessary to avoid electrical or mechanical interference.

(ii) Control circuit wiring carrying 15 amperes or less shall have no greater copper content than size No. 14 AWG wire; except when and to the extent that a larger copper content is required to avoid abnormal voltage drop or heating.

(iii) All buses, connecting straps and terminals, except for oil immersed controllers, shall be of the smallest commercial size copper necessary to prevent the bus, strap or terminal from exceeding a temperature rise of 50° over 40° C. ambient temperature when carrying the full load current of the motor with which the controller will be used.

(iv) No control circuit wiring insulation between terminals on a controller shall be of more than one color for each voltage.

(v) No controller of a type listed in Appendix A, for a single motor, shall include a contactor having an ampere rating in excess of the maximum rating prescribed in the appendix for such controller; except where operation of a general purpose controller, as covered by Table No. 1 or Table No. 4 of Appendix A requires repeated opening of stalled motor current (such as plug-stop or jogging (inching) duty) at a rate in excess of 5 per minute.

(vi) No general purpose controller, for a single motor, of the type listed below rated 600 volts or less shall include control circuit fuses or a control circuit disconnect switch:

(*a*) Alternating current magnetic across the line type starters;

(*b*) Alternating current magnetic reduced voltage autotransformer, reactor, impedance, or primary resistance type starters;

(*c*) Alternating current combination across the line starters and thermal or magnetic circuit breakers;

(*d*) Alternating current combination across the line starters and motor circuit switches.

(*e*) Direct current reduced voltage controllers.

(*f*) Direct current, reduced voltage controllers with motor circuit switches or thermal or magnetic circuit breakers.

(vii) No general purpose controller, for a single motor, of the types listed below rated 600 volts or less shall include a control transformer unless master switches or pilot devices of the necessary rating are not obtainable as a commercial product:

(*a*) Alternating current magnetic across the line type starters;

(*b*) Alternating current magnetic reduced voltage autotransformer, reactor, impedance, or primary resistance type starters;

(*c*) Alternating current combination across the line starters and thermal or magnetic circuit breakers;

(*d*) Alternating current combination across the line starters and motor circuit switches.

(viii) No alternating current controller of the reduced voltage autotransformer, reactor, impedance, or primary resistance type shall be provided for a polyphase induction motor of 20 horsepower or less, rated 600 volts or less, except that the limitations of this paragraph shall not apply to a controller for an elevator, hoist or crane.

(ix) No controller or control equipment of the types listed below, rated 600 volts or less, shall be provided with a floor mounting type steel enclosing case or a floor mounting type steel cabinet:

(*a*) Magnetic controller for main mill or auxiliary motors, for a metal rolling mill (mill duty controllers);

(*b*) Magnetic controllers for cab operated cranes;

(*c*) Protective panels for cranes;

(*d*) Magnetic or manual controllers for fire pumps;

(*e*) Magnetic controllers for elevators;

(*f*) Magnetic controllers for skip hoists;

(*g*) Magnetic, manual, or combination magnetic and manual controller for a single synchronous motor;

(*h*) Magnetic controllers of the across-the-line or reduced voltage type for a single motor;

(*i*) Resistor banks for secondary or armature control, mounted separately from the controller; except where forced draft or air circulation is required to meet the temperature limitation.

The limitations of this subparagraph (c) (2) (ix) shall not apply to any controller or control equipment used below the level of the ground in a mine or quarry; or to any controller to be used in a Class 1 hazardous location as defined in paragraph 5005, article 500, chapter 5 of the National Electrical Code, approved by the American Standards Association, August 7, 1940, or in a Class 2 hazardous location as defined in paragraph 5006, article 500 of the above mentioned code; or to be used generally in an atmosphere which is corrosive, or which contains such quantities of metal particles, dust or fumes as to be destructive of an open type controller; nor shall such limitations apply in any case where the controller is to be installed permanently outdoors without other protection.

(x) No controller shall be supplied with built in test jacks or test receptacles.

(xi) No alternating current motor controller of less than 1,000 horsepower, and no direct current motor controller of 50 horsepower or less, shall include instruments, meters, potential transformers, or current transformers or shunts to be used for metering, mounted on the controller panel or enclosure; but this restriction shall not apply to controllers used to regulate a series of direct current motors driving a common load, nor to alternating current line ammeter and direct current field ammeter to be installed on synchronous motor controllers, nor to ampere hour meters to be installed on industrial truck or locomotive control panels.

(xii) No aluminum, copper, chromium, nickel, cadmium, or alloys or finishes thereof shall be used in the manufacture of enclosing cases, name plates, identification plates or door handles for controllers.

(xiii) No stainless steel shall be used in the manufacture of any controller or

part; except for resistance wire or ribbon or where necessary to provide nonmagnetic properties required for operation or to prevent sticking or binding of moving parts.

(3) The limitations of paragraph (c) shall not apply to any controller delivered for use aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration.

(d) *Miscellaneous provisions*—(1) *Records and reports.* 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. All such persons shall execute and file with the War Production Board, such reports and questionnaires as the Board shall request from time to time.

(2) *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.

(3) *Appeals.* Any appeal from the provisions of this order may be filed by either the manufacturer or the purchaser or proposed purchaser. Any such appeal shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. On appeals from the provisions of paragraph (c) (2) (viii), the letter shall include the following data:

(i) Horsepower, voltage, frequency and phase of the motor to be controlled;

(ii) The kva rating of the transformer bank supplying the motor;

(iii) The maximum load on the transformer bank, exclusive of the motor to be controlled;

(iv) Description of the equipment being driven by the motor if reduced voltage starter is necessary to limit starting torque;

(v) And any other information necessary to establish the need for a reduced voltage starter.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, General Industrial Equipment Division, Washington 25, D. C.; Ref.: L-250.

Issued this 1st day of November 1943.

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

No. 217——3

APPENDIX A—ALTERNATING CURRENT CONTROLLERS

TABLE NO. 1—SQUIRREL CAGE AND WOUND ROTOR MOTOR CONTROLLERS

NOTE: Paragraph (a) amended June 15, 1943.

Maximum permissible size of:
(a) Enclosed across-the-line magnetic switch general purpose starters (8 hour basis)
(b) Reduced voltage general purpose magnetic starters

H. P. at 110 volts		H. P. at 220 volts		H. P. at 440-550 volts[1]		Maximum size	Maximum ampere rating
Three phase	Single phase	Three phase	Single phase	Three phase	Single phase		
1½	1	2	1½	2	1½	10	15
3	1½	5	3	7½	5	11	25
7½	3	15	7½	25	10	2	50
15	7½	30	15	50	25	3	100
25	-------	50	-------	100	-------	4	150
-------	-------	100	-------	200	-------	5	300
-------	-------	200	-------	400	-------	6	600

[1] These sizes not applicable to (a) or (b) for oil immersed controllers of the across-the-line or reduced voltage types, or (b) reduced voltage general purposes magnetic starters.

[2] If full load motor current of 380 volts exceeds the inclosed rating of the controller, the next larger size contactor may be used.

TABLE NO. 2—SYNCHRONOUS MOTOR CONTROLLERS

Maximum permissible size of:
(a) Contactors for full voltage starting
(b) Contactors for reduced voltage starting

Horsepower rating				Maximum contactor rating (8 hour)
220 volt		440-550 volt		
1.0 P. F.	0.8 P. F.	1.0 P. F.	0.8 P. F.	
20	15	30	25	50
40	30	60	50	100
60	50	125	100	150
125	100	250	200	300
250	200	500	400	600
500	400	1,000	800	1,200

TABLE NO. 3—OVERHEAD TRAVELING CRANE CONTROLLERS

NOTE: Paragraph (b) revoked June 15, 1943.

Maximum permissible size of:
(a) Line contactor

Horsepower @ 220 volts crane duty	Horsepower @ 440-550 volt crane duty	Maximum ampere rating (8 hour)	Maximum ampere rating crane duty
----------	----------	50	50
40	75	100	133
60	125	150	200
150	300	200	400
300	----------	600	800

DIRECT CURRENT CONTROLLERS

TABLE NO. 4—GENERAL PURPOSE & MACHINE TOOL SERVICE CONTROLLERS

Maximum permissible size of:
(a) Line contactor
(b) Reversing contactor
(c) Final accelerating contactor

Horsepower rating			Maximum ampere rating
115 volt	230 volt	550 volt	
3	5	----------	25
5	10	20	50
10	25	50	100
20	40	75	150
40	75	150	300
75	150	300	600

TABLE NO. 5—STEEL MILL AUXILIARIES & OVERHEAD TRAVELING CRANE CONTROLLERS

Maximum permissible size of:
(a) Line contactor
(b) Accelerating contactor

Horsepower continuous duty	Maximum ampere rating (8 hour)	Horsepower mill or crane duty	Maximum ampere rating mill or crane duty
25	100	35	133
40	150	55	200
75	300	110	400
150	600	225	800

INTERPRETATION 1

Paragraph (c) (2) (ix) prohibits the use of floor mounting type steel enclosing cases or steel cabinets for various kinds of controllers, with certain exceptions. These exceptions include cases for use in an atmosphere which is corrosive or which contains metal particles, dust, or fumes, or for use out-of-doors without other protection.

A question has arisen as to whether Type I (general purpose) and Type IA (semi-dust tight) enclosing cases are included within the above mentioned exception. Since Types I and IA cases are not suitable for protection against conditions of the kind which form the basis for the above mentioned exemptions, such equipment is not deemed to be within the exception regardless of the use to which the purchaser alleges he wishes to put the equipment. (Issued June 8, 1943.)

INTERPRETATION 2

Subparagraph (c) (3) of § 1226.97 (General Conservation Order L-250) provides that the limitations of paragraph (c) shall not apply to any controller delivered for use aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration. A question has been raised as to the proper classification of floating dry docks. It was contemplated that floating dry docks produced for service anywhere would be considered ships within the meaning of the paragraph. (Issued June 15, 1943.)

[F. R. Doc. 43-17669; Filed, November 1, 1943; 11:10 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT [1]

[INTERPRETATION 3 TO GENERAL CONSERVATION ORDER L-250]

ELECTRIC MOTOR CONTROLLERS

The following interpretation is issued with respect to General Conservation Order L-250:

The question has been raised as to whether the word "controller", as defined in paragraph (a) (4), includes a controller which is incorporated into a larger assembly, as a component part of the assembly.

The word "controller", as thus used, includes any controller (except those which are specifically excluded in the definition), regardless of whether it is assembled with other apparatus, or mounted individually.

Issued this 1st day of November 1943.

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

[F. R. Doc. 43-17670; Filed, November 1, 1943; 11:10 a. m.]

PART 1255—INVENTORY RESTRICTION EXCEPTIONS [2]

[General Inventory Order M-161 as Amended Nov. 1, 1943]

Section 1255.1 [2] (General Inventory Order M-161) is amended to remove the following materials from Schedule A:

Borax (hydrated and dehydrated)
Boric acid

§ 1255.1 [1] *General Inventory Order M-161*—(a) *What this order does.* This order excepts certain materials from inventory restrictions and from limits on the purchase of maintenance, repair, and operating supplies. The exception is made in some cases because there is no serious shortage of the material and in other cases because the material is available in quantity only in certain seasons, so that it is desirable to permit persons to buy and store it without limit.

(b) *Exception to inventory restrictions.* Section 944.14 of Priorities Regulation 1, which restricts inventory to a practicable working minimum, does not apply to the materials listed on Schedule A. Each of these materials is also exempted from all inventory restrictions in any other regulation or order of the War Production Board unless they expressly mention the material.

(c) *Exemption from restrictions on maintenance, repair, and operating supplies.* The materials listed on Schedule A are not subject to any restrictions in any regulation or order of the War Production Board which limit the quantity of material received or ordered for maintenance, repair, or operating supplies during any period on the basis of the amount of such supplies purchased during a base period. A person may receive or order for delivery any quantity of listed materials without regard to these restrictions. He does not have to charge his orders for any such material against his base-period quota except to the extent that purchases of the same material were taken into account in arriving at his quota. For example, a manufacturer operating under CMP Regulation 5 is limited in his purchases of maintenance, repair, and operating supplies to the amount which he spent in the base period. A manufacturer who spent $50,000 during the base period, including $500 for lead, may buy any amount of lead during the current period, and may use his MRO rating for that purpose, and he need include only $500 of the amount thus spent for lead in figuring the amount to be charged to his quota of MRO.

Issued this 1st day of November 1943.

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

SCHEDULE A

NOTE: Items "Borax (hydrated and dehydrated)" and "Boric acid" deleted Nov. 1, 1943.

Bentonite.
Kaolin.
Ball clay.
Stoneware clay.
Feldspar.
Potter's flint.
Domestic andalusite.
Domestic dumortierite.
Pinite.
Pyrophyllite.
Soapstone.
Ilmenite.
Salt (sodium chloride) in bulk.
Sodium sulfate (salt cake).
Lead.
Phosphate rock.
Sulphur.
Waste paper.

[F. R. Doc. 43-17664; Filed, November 1, 1943; 11:11 a. m.]

PART 3270—CONTAINERS

[Supplementary Order L-103-b as Amended Nov. 1, 1943]

GLASS CONTAINER QUOTAS

§ 3270.36 *Supplementary Order L-103-b*—(a) *Definitions.* For the purposes of this supplementary order:

(1) "Glass container" means any machine made bottle, jar or tumbler of less than two gallon capacity which is made of glass and which is suitable for packing any product.

(2) "Commercial user" means any person who uses glass containers for commercially packing any class of listed products in the continental United States (the 48 States and the District of Columbia).

(3) "Class of listed products" means any class of products listed in Schedule I of this order. Food and drug products listed in Schedules I and II of Order M-104 and shortening are not included in Schedule I of this Order, and therefore glass containers for such products are not subject to the restrictions of this order.

(4) "Quota period" means the 6-month period from July 1 through December 31, 1943, inclusive. This is the period during which the restrictions below will operate.

(5) "Base period" means, unless otherwise specified in Schedule I of this order, whichever of the following two periods a commercial user chooses: Base Period A (July 1-December 31, 1942, inclusive), Base Period B (January 1-December 31, 1942, inclusive). The number of empty new glass containers and metal cans accepted during the base period will be used in computing quotas under the restrictions below.

Quota and Related Restrictions

(b) *Quota restriction.* During the quota period (July 1-December 31, 1943), no commercial user shall accept delivery of, have manufactured, or have set aside by suppliers for his account, more empty new glass containers of less than two gallon capacity for packing any class of listed products than his quota for that purpose. The amount of the quota shall be computed by applying the appropriate quota percentage (as specified in Schedule I for that class) to the amount of his base quantity. The amount of the base quantity shall be computed in accordance with paragraphs (c) or (d) below:

(c) *Computing base quantity (except for beverages).* A commercial user's base quantity for any class of listed products other than beverages (as defined in Schedule I of this order) shall be whichever of the following two amounts he chooses (glass containers of two gallon capacity or larger shall not be included):

(1) *Choice #1.* The number of new glass containers and metal cans accepted by him during Base Period A (July 1-December 31, 1942, unless otherwise specified in Schedule I of this order), for packing that class of products; or

(2) *Choice #2.* One-half of the number of new glass containers and metal cans accepted by him during Base Period B (January 1-December 31, 1942, unless otherwise specified in Schedule I of this order), for packing that class of products.

(d) *Computing base quantity for beverages.* A commercial user's base quantity for beverages (as defined in Schedule I of this order) shall be whichever of the following two amounts he chooses (glass containers of two gallon capacity or larger shall not be included):

(1) *Choice #1.* The number of new returnable glass containers accepted by him during Base Period A (July 1-December 31, 1942) for bottling beverages plus 8% of the number of new non-returnable glass containers and metal cans accepted by him during that period for bottling beverages; or

(2) *Choice #2.* One-half of the number of new returnable glass containers accepted by him during Base Period B (January 1-December 31, 1942) for bottling beverages plus 8% of one-half of the number of new non-returnable glass containers and metal cans accepted by him during that period for bottling beverages.

(e) *"Borrowing" for purposes of 1944 usage.* In addition to his quota for any

[1] Formerly Part 3173, § 3173.1.
[2] Formerly Part 3286, § 3286.76.

product class, a commercial user may "borrow" against his anticipated 1944 usage of glass containers for that product class by accepting, having manufactured, or having set-aside for him during the month of December, 1943, up to the amount of one-sixth of his entire quota for that product class. However, any glass containers accepted during December 1943 on this "borrowing" basis shall not be used by him before January 1, 1944. In addition, the amounts so accepted shall be charged to any quota which may be imposed upon the product class involved for the year 1944 or any part thereof.

Restrictions on Using Larger Sizes

(f) *Maximum capacity increase.* The total capacity of all empty new glass containers accepted by any commercial user during the quota period for packing any class of listed products shall not exceed the following maximum: (1) 140% of the total capacity of the number of empty new glass containers and metal cans accepted by him for that class of listed product during Base Period A or; if he has chosen Base Period B for computing his quota, (2) 140% of the total capacity of one-half of the number of empty new glass containers and metal cans accepted by him for that class of listed product during Base Period B. Capacity shall be computed in terms of gallons or pounds, whichever is the customary measure for the particular class of products.

(g) *Restriction on ½-gal. and 1-gal. sizes.* No commercial user shall accept delivery of more ½-gallon and 1-gallon empty new glass containers for packing any class of listed products than the following maximum: (1) the total number of all ½-gallon and 1-gallon empty new glass containers and metal cans accepted by him for that class of listed product during Base Period A or; if he has chosen Base Period B for computing his quota, (2) one-half of the total of all ½-gallon and 1-gallon empty new glass containers and metal cans accepted by him for that class of listed product during Base Period B. The amount of ½-gallon and 1-gallon glass containers which he may accept is subject to the other restrictions of this order, including those of paragraph (f) above.

Manufacture, Sale and Delivery

(h) *Restrictions on manufacture, sale and delivery.* No person shall sell or deliver any empty new glass containers to any commercial user who has not filed with him a purchaser's certificate manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A. No person shall manufacture, sell, deliver or set-aside any glass containers to or for any commercial user which he knows or has reason to believe the user cannot accept or have manufactured or set-aside in conformity with the terms of this order.

Exceptions

(i) *Small-user exception.* The restrictions of this order shall not apply to any commercial user who accepts no more than a total of $1,500 worth (cost price to him) of empty new glass containers for all classes of listed products for the entire quota period.

(j) *Exception for stocks in transit.* The restrictions of this order shall not apply to any empty new glass containers placed in transit to a commercial user before July 1, 1943, even though received by him on or after July 1, 1943. This exception shall not apply to any empty new glass containers set aside for a commercial user before July 1, 1943 by a supplier but not placed in transit to him until on or after that date.

(k) *Assignment of special quota (malt beverages).* A special quota may be assigned by the War Production Board to any malt beverage bottler if the new containers accepted by him during his base period were principally non-returnable bottles, and if the quota computed on the resulting base quantity is inadequate for his operations at a rate consistent with the reductions generally contemplated by the quota restrictions of this order.

If such a special quota was assigned prior to October 31, 1943, under any previous version of this order (for a four-month quota period), it shall automatically be increased by one-half for the six-month quota period established by this order.

(l) *Multiple-unit users.* Any commercial user who uses glass containers at more than one plant may choose to compute and apply a separate quota for each plant (or groups of plants) or a collective quota for all such plants. Any organization which consists of a parent corporation and one or more wholly-owned subsidiary corporations may consider itself as a single commercial user for purposes of this paragraph.

Quota-Exemptions

(m) *Quota-exemptions (except for beverages).* In addition to his quota of glass containers for any class of listed products (other than beverages as defined in Schedule I) and free of the restrictions of paragraph (f) above, any commercial user may accept delivery of the number of glass containers used, or actually to be used, during the quota period for delivering that class of listed products to or for any of the following persons:

(1) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(2) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(3) American Red Cross, United Service Organizations, or such other non-profit Defense Recreation Committees, engaged in the operation of recreation centers in the forty-eight states of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph by the Office of Defense Health and Welfare Services, OEM.

(4) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(n) *Quota-exemptions for beverages.* In addition to his quota of glass containers for beverages (as defined in Schedule I) and free of the restrictions of paragraph (f) above, any commercial user may accept delivery of the following portion of the number of new or used glass containers used, or actually to be used, during the quota period for delivering beverages to or for any of the persons listed under paragraph (m) above:

(1) *Export shipment.* The full amount of glass containers for delivering beverages to or for any such person for shipment to points outside the continental United States.

(2) *Domestic consumption.* 8% of the full amount of glass containers for delivering beverages to or for any such person for use or distribution within the continental United States.

Miscellaneous Provisions

(o) *Restriction on changing choices.* After choosing his base period and the method of computing quotas for multiple-unit organizations, no commercial user shall thereafter change his choice, unless authorized by the War Production Board.

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

(q) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref.: L-103-b.

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

(8) *Expiration.* This order shall expire at the close of business December 31, 1943, unless previously revoked or extended.

Issued 1st day of November 1943.

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

SCHEDULE I—LISTED PRODUCTS AND QUOTA PERCENTAGES

Acceptances of empty new glass containers for packing the classes of products listed in Column 2 below are subject to the quota restrictions of Order L-103-b. The percentage listed in Column 3 below for each class is the quota percentage to be used in computing the quota for that class, as provided for in paragraph (b) of the Order.

NOTE: Entry in column 3 for Class III amended Nov. 1, 1943.

Class No. (1)	Class of Product (2)	Quota Percentage (3)
		Percent
I	Chemicals, household and industrial supply (only the items listed in Schedule III of Order M-104, but excluding cosmetics).	80
II	Beverages (malt and non-alcoholic beverages as defined in Schedule IV of Order M-104).	65
III	Coffee	(1)
IV	Distilled spirits; cordials	65
V	Wines	65
X	All other products (including cosmetics, but not including (a) products listed in Schedules I and II of Order M-104 and (b) shortening).	65

[1] For coffee, Base Period A shall be the six-month period from July 1 through December 31, 1941 and Base Period B shall be the twelve-month period January 1 through December 31, 1941.

The amount of empty new glass containers which a commercial user may accept delivery of, have manufactured, or have set-aside for packing coffee during the quota period (July 1–December 31, 1943) shall be the following: (1) the amount of empty new glass containers which he was permitted to accept, have manufactured, or have set-aside in accordance with the provisions of Order L-103-b, as amended August 24, 1943, for the period between July 1 through October 31, 1943; plus (2) 30% (40% of 75%) of whichever base quantity he may select in accordance with paragraph (c).

EXHIBIT A

One copy of this certificate is to be delivered to each person from whom purchases of empty new glass containers are made. Such certificate shall cover all purchases, present and future, so long as Supplementary Order L-103-b, in its present form or as it may be amended from time to time, remains in effect.

PURCHASER'S CERTIFICATE

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is familiar with Supplementary Order L-103-b, as heretofore amended, and that during the life of such order he will not accept or have manufactured or set-aside for his account any empty new glass containers, in violation of the terms of such order.

Date	Legal name of purchaser
	By _____ Authorized official
	_____ Title of official
	_____ Address of purchaser

Section 35A of the U. S. Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

INTERPRETATION 1

Paragraph (b) of Order L-103-b (§ 3270.36) prohibits commercial users from accepting delivery, having manufactured, or having set aside by their suppliers for their account more than their quota of empty new glass containers for packing any class of listed products. This does not mean that a commercial user has one quota for acceptances, a second quota for amounts which he may have manufactured, and a third quota for amounts which he may have set aside. It means that the amounts he accepts, and the amounts he has manufactured, and the amounts he has set aside are all chargeable to the same quota.

(Issued Aug. 24, 1943)

[F. R. Doc. 43-17671; Filed, November 1, 1943; 11:10 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER [1]

[General Limitation Order L-224, as Amended Nov. 1, 1943]

CLOTHING FOR MEN AND BOYS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wool, silk, rayon, cotton, linen and other materials 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:

§ 3290.130 [1] *General Limitation Order L-224*—(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 purposes of this order:

(1) "Wool cloth" means any cloth containing any percentage of wool, reprocessed wool or reused wool as those terms are defined in the Wool Products Labeling Act of 1939, 54 Stat. 1128 October 14, 1940, but shall not include cloth in which the only wool content is grown or adult mohair.

(2) "Put into process" means the first cutting operation of the cloth in the manufacture of men's or boys' clothing by any person, including tailors-to-the-trade and merchant tailors.

(3) "Men's" means all clothing graded as men's, young men's, students', or all that does not normally grade from size 14.

(4) "Boys'" means all clothing normally graded up and down from size 14, but shall not include sizes smaller than 7.

(5) "Children's (male)" means boys' clothing falling between sizes 7 to 12 inclusive.

(6) "Patch pocket" means a pocket made by superimposing a patch of cloth upon the body cloth of the garment.

(7) "High-rise trousers" means trousers with the difference between the inseam measurement and the outseam measurement (measured from the top of the waistband) exceeding 11½ inches for a 32 inch waist regular, with other sizes and variations in normal proportion.

(8) [Deleted Nov. 1, 1943]

(9) *Measurements.* Whenever particular measurements are set forth in this order, such shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

(10) Unless otherwise expressly defined, all terms shall have their usual and customary trade meaning.

(11) [Deleted Nov. 1, 1943]

Restrictions

(c) *Restrictions on use of cloth in the manufacture and finishing of men's and boys' clothing*—(1) *Coats, trousers, vests, or suits, including cossack or lumber jackets, leisure or loafer coats, semi-dress pants, slack-suit trousers, and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any cloth for manufacture of a:

(i) Second pair of trousers for any suit (but not including any uniform), whether two or three pieces, of the same or matching material;

(ii) Vest for a double-breasted suit of the same or matching material;

(iii) Sack coat, jacket, or cossack or lumber jacket with:

(a) Length exceeding for:

(1) Men's—29¾ inches for a size 37 regular, with other sizes and variations in normal proportion, except that on cloths other than wool cloth ½ inch additional shall be permitted;

(2) Boys'—24¾ inches for a size 14, with other sizes and variations in normal proportion, except that on cloths other than wool cloth ½ inch additional shall be permitted;

(b) Flaps over patch pockets, except on cossack or lumber jackets.

(c) Vent or belted back, or any other type of fancy back with pleats, tucks, bellows, gussets, or yokes, except a two-piece back with a belt stitched on in such a way that there is no overlay of cloth on cloth greater than one-half inch on the upper and the lower side of the belt.

(iv) Pair of trousers with:

(a) Maximum width exceeding 22 inches at the knee and 18½ inches at the bottom for a pair of trousers size 32 inch

[1] Formerly Part 3126, § 3126.1.

waist regular, with other sizes and variations in normal proportion;

(*b*) Inseam, exceeding, for:

(1) Men's—the following lengths (including the turn-up):

Shorts—33 inches
Regulars—35 inches
Longs—37 inches
Short stout types—32 inches
Stout types—34 inches
Long stout types—36 inches

except that on cloths other than wool cloth, one inch additional shall be permitted.

(2) Boys'—30½ inches (including the turn-up) for a size 14, with other sizes and variations in normal proportion, except that on cloths other than wool cloth, one inch additional shall be permitted.

(*c*) Real or simulated pleat or tuck, or stitching along the crease, except in the use of cloth, other than wool cloth, weighing, in its finished state, not more than six ounces for one yard of 36-inch width, provided that "Summerweight" is stamped on the trousers' ticket when the completed trousers are delivered by the manufacturer;

(*d*) Continuous waistband, extension waistband or any type of high-rise, except a continuous waistband for children (male);

(*e*) Side or back buckle strap;

(*f*) Belt-loops exceeding ¾ inch in width;

(*g*) Belt or half-belt, except for trousers without suspenders or bib for children (male);

(*h*) [Deleted Nov. 1, 1943]

(*v*) Vest with collar, lapels, or of a double-breasted style.

(2) *Wool cloth in topcoats and overcoats (including work overcoats, finger-tip coats, railroad mackinaws, surcoats and parkas), mackinaws and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any wool cloth for manufacture of:

(i) *Single-breasted topcoats, overcoats or mackinaws.* (*a*) Men's single-breasted topcoat or overcoat exceeding 43¼ inches in length and 56 inches in sweep for a size 37 regular with other sizes and variations in normal proportion, and that in the case of men's single-breasted mackinaw (not including railroad mackinaw,) the length shall in no case exceed 32 inches;

(*b*) Boys' single-breasted topcoat or overcoat exceeding 37¼ inches in length and 48 inches in sweep for a size 14, with other sizes and variations in normal proportion, and that in the case of boys' single-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes and variations graded up and down in normal proportion;

(ii) *Double-breasted topcoats, overcoats or mackinaws.* (*a*) Men's double-breasted topcoat or overcoat exceeding 44¼ inches in length and 62 inches in sweep for a size 37 regular, with other sizes and variations in normal proportion, and that in the case of men's double-breasted mackinaw (not including railroad mackinaw,) the length shall in no case exceed 32 inches;

(*b*) Boys' double-breasted topcoat or overcoat exceeding 37¼ inches in length and 53 inches in sweep for a size 14, with other sizes and variations in normal proportion, and that in the case of boys' double-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes and variations graded up and down in normal proportion;

(iii) A topcoat, overcoat, or mackinaw, with any type of cuff, a belt, pleats, or any type of fancy back, except a two-piece back with a belt stitched on in such a way that there is no overlay of wool cloth on wool cloth greater than one-half inch on the upper and the lower side of the belt and except that a boys' topcoat, overcoat, or mackinaw may have cuffs.

NOTE: Paragraphs (iv) and (v), formerly designated (v) and (vi), redesignated; former paragraph (iv) deleted Nov. 1, 1943.

(iv) A reversible topcoat, overcoat or mackinaw made of wool cloth on more than one side.

(v) A topcoat, overcoat or mackinaw with a quilted lining, except wool cloth weighing 26 ounces or less per yard, based on a width of 56 inches.

(3) *Selling samples and reference swatches.* No person shall cut, or cause to be cut by others for his account, a selling sample containing over 54 square inches of cloth or a reference swatch containing over 6 square inches of cloth. This restriction shall not apply to display or selling ends used by tailors-to-the-trade or merchant tailors containing yardage, alone or in combination with an end of approximately the same length and width, sufficient to be put into process for the manufacture of trousers, coat, suit, topcoat or overcoat.

(4) *Additional curtailments on dress clothes.* No person shall put into process or cause to be put into process by others for his account, any wool cloth in the manufacture of a full-dress coat, a cutaway coat, or a double-breasted tuxedo coat, except that a double-breasted tuxedo coat may be put into process from wool cloth which the processor has reason to believe was manufactured before June 1, 1942.

(5) *Additional curtailments on children's (male) clothing.* No person shall put into process, or cause to be put into process by others for his account, any cloth for the manufacture of a:

(i) Suit, jacket, mackinaw, topcoat, or overcoat with separate or attached hood, scarf, hat, helmet, cap, mittens, gloves, or purse of the same or matching material, except a mackinaw or jacket with an attached hood, if made without a collar;

(ii) Snow or ski suit with:

(*a*) [Deleted Nov. 1, 1943];

(*b*) Separate or attached cape, muff, scarf, bag, hat, coat or mittens of the same or matching material;

(*c*) Self or contrasting cloth belt exceeding 2 inches in width;

(*d*) Collar, if an attached hood is used;

(*e*) [Deleted Nov. 1, 1943];

(*f*) More than one pair of pants or leggings.

(d) *Sales and deliveries.* No person shall sell or deliver any men's or boys' clothing except:

(1) Clothing manufactured in accordance with the restrictions of paragraph (c) hereof;

(2) Clothing manufactured from wool cloth, including cloth containing mohair, put into process prior to May 30, 1942;

(3) Clothing manufactured from cloth other than wool cloth, excluding cloth containing mohair, put into process prior to October 26, 1942.

(4) Secondhand clothing.

Exceptions

(e) *Exceptions.* The provisions and terms of this order shall not apply to the cutting or manufacturing of

(1) Uniforms of material and construction prescribed by applicable regulations and required to be worn by the following persons:

(i) U. S. Army officers (commissioned and warrant);

(ii) U. S. Navy officers (commissioned and warrant) and chief petty officers;

(iii) U. S. Marine Corps officers (commissioned and warrant);

(iv) U. S. Coast Guard officers (commissioned and warrant) and chief petty officers;

(v) U. S. Government military and naval academy and training school students;

(vi) U. S. Maritime Commission officers;

(vii) U. S. War Shipping Administration officers;

(viii) U. S. Coast and Geodetic Survey officers;

(ix) U. S. Public Health Service officers;

(x) U. S. Bureau of Customs personnel;

(xi) U. S. Forest Service personnel;

(xii) U. S. Immigration and Naturalization Service personnel;

(xiii) U. S. Post Office Department personnel;

(xiv) Federal, State, County, Municipal or local government policemen, guards or militia;

(xv) Flying personnel with commercial air lines;

(xvi) Organized civilian personnel assigned to the armed forces of the United States.

(xvii) Enlisted men and non-commissioned officers of the armed forces of the United States.

(2) Uniforms to fill orders on hand therefor to be delivered to the Army or Navy of the United States, the United States Maritime Commission, the War

Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation or Metals Reserve Company.

(3) Clothing, robes and vestments as required by the rules of religious orders and sects.

(4) Historical costumes for theatrical productions.

(5) Clothing for persons who, because of unusual height or abnormal size or physical deformities, require additional cloth for proportionate length of coat, jacket, topcoat or overcoat, or the inseam or outseam of trousers or width of trouser knee and bottom, or otherwise, but only insofar as necessary because of such unusual height or abnormal size or physical deformities.

(6) Clothing manufactured specifically in accordance with the provisions of any other applicable conservation, limitation or general preference order.

General Provisions

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

(g) *Equitable distribution.* It is the policy of the War Production Board that items covered by this order 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 items, 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 may be deemed a violation.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C. Ref: L-224.

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

Issued this 1st day of November 1943.

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

[F. R. Doc. 43-17672; Filed, November 1, 1943; 11:11 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER[1]

[General Conservation Order M-310 as Amended Nov. 1, 1943]

HIDES, SKINS AND LEATHER

The fulfillment of requirements for the defense of the United States has created shortages in hides, skins and leather 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:

§ 3290.196[1] *General Conservation Order M-310*—(a) *General definitions.* (1) "Tanner" means a person in the business of tanning, dressing, or similarly processing hides or skins, who in any calendar month after April 1, 1940, processed or processes more than 100 hides or skins.

(2) "Contractor" or "converter" means a person in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(3) "Collector" means a person, including a dealer or importer, engaged in the business of acquiring from others untanned hides or skins for resale, or removing hides or skins from animals not slaughtered by him.

(4) "Producer" means a person in the business of slaughtering animals.

(5) "Military order" means an order for hides, skins or leather for delivery against a specific contract placed by any of the following, or for incorporation in any product to be delivered against such a contract:

The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or any foreign government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or any extension or renewal thereof: *Provided,* That orders for U. S. Army or Marine Corps Post Exchanges or for U. S. Navy Ship's Service Departments shall not be deemed military orders within the terms of this definition, except orders by the U. S. Navy Ship's Service Department for cut sole leather for repair purposes which are endorsed by the Bureau of Naval Personnel as provided in Priorities Regulation No. 17.

(6) "Military specifications" or "military quality" means, except as herein otherwise specifically provided, the specifications applicable to military orders or the quality of material meeting such specifications.

(7) "Sole leather" means vegetable tanned sole leather unless otherwise specified.

(8) All trade terms shall have their usual trade significance unless otherwise specified.

(b) *Provisions applying to all hides, skins and leather.* (1) No person shall process any hides, skins or leather contrary to any specific direction issued from time to time by the War Production Board relating to the processing or production of specific types of leather to meet military or designated civilian requirements.

(2) No producer, collector, tanner, contractor, converter or cutter shall sell, deliver, accept delivery of, cut, use or incorporate in any product any hides skins or leather contrary to any specific direction issued from time to time by the War Production Board deemed necessary in order to fill military or designated civilian requirements.

(3) No person shall sell or deliver any hides, skins or leather which he knows or has reason to believe will be used in violation of this order.

(4) Notwithstanding the provisions of any priorities or other regulations of the War Production Board, no preference rating shall be applied or extended for the delivery of hides, skins or leather, except:

(i) Leather for military orders; or

(ii) When specifically authorized in writing by the War Production Board pursuant to this subparagraph (b) (4), (ii).

(5) In making sales or deliveries of hides, skins or leather, including sole leather cut stock, no person shall make discriminatory cuts in quality or quantity between customers who meet such person's established prices, terms and credit requirements, or between customers and his own consumption of said materials.

(c) *Untanned cattlehides, calfskins and kips*—(1) *Definition.* "Cattlehide" means the hide or skin of a bull, steer, cow, or buffalo, foreign or domestic (not including calfskin or kip).

(2) No person shall put into process any cattlehide, calfskin, or kip in excess of such amounts for specified periods, as may be fixed by the War Production Board from time to time.

(3) No person shall sell, deliver, purchase or accept delivery of any untanned cattlehide, calfskin or kip, other than splits, except to the extent that the purchaser is specifically authorized in writing by the War Production Board pursuant to application by the purchaser on Form WPB-1325 (formerly PD-569) for cattlehides and on Form WPB-1322 (formerly PD-569A) for calfskins and kips: *Provided,* That the following may be effected without such authorization:

[1] Formerly Part 3235, § 3235.1.

(i) Transactions between collectors and between producers and collectors for purposes of resale;

(ii) Transactions with any United States Government agency in hides or skins imported under General Imports Order M-63;

(iii) The sale and delivery to and the purchase and acceptance of delivery by any person other than a tanner[2] of less than 100 hides or skins in any calendar month.

(4) In acting under paragraph (c) (3), it will be the policy of the War Production Board, so far as is practicable, to grant authorizations so that:

(i) The contractor or tanner may obtain cattlehides, calfskins, or kips in the proportions that the wettings in 1942 of the contractor or tanner, respectively, of cattlehides, calfskins, or kips, computed separately, bore to all wettings thereof in that year by all contractors and tanners; and

(ii) The contractor shall contract with the same tanners as in 1942 and shall divide his contracts between them in the same proportions as in 1942.

(5) No producer or collector shall cut off bellies or shoulders of untanned cattlehides, except for a purchaser specifically authorized in writing by the War Production Board to purchase hides with portions cut off.

(6) No person shall sell or dispose of any heads, bellies, shoulders, or other portions of untanned cattle hides (other than splits), whether green, green-salted, dry, dry-salted, limed or pickled, except to the extent that the purchaser is authorized in writing by the War Production Board.

(d) *Cattlehides, calfskins and kips, and leather therefrom*—(1) *Definition.* "Cattlehide, calfskin, or kip leather" means leather produced from such hides or skins, whether grain or split, including rawhide.

(2) No tanner shall produce any bag, case, or strap leather from cattlehides of qualities meeting Federal Specifications KK-L-151a, KK-L-166 or KK-L-271a, unless the hides are split in a manner to yield:

(i) Grains of the weights required to meet his unfilled military orders; or

(ii) Grains of the maximum weights obtainable: *Provided,* That this restriction shall not require the production of grains in excess of 8 oz.

(3) No tanner shall produce any harness leather in any color other than russet, except to fill military orders.

(4) Unless otherwise specifically ordered in writing by the War Production Board, no person shall curry or finish the following leathers and no manufacturer shall use the same, either before or after such currying or finishing, except in accordance with the following requirements:

(i) Rough sole leather shall be finished as sole leather (which thereupon becomes subject to paragraph (e) hereof) except that rough sole leather 12 iron and up may be curried and used for round belting;

(ii) Rough belting butts or butt bends shall be curried and thereafter used only for transmission belts, hydraulic, packing, mechanical and textile leathers, or fillet leather: *Provided,* That this restriction shall not apply to straightenings cut from the portion of the belting butt or butt bend beginning at the edge from which the belly was removed, if the straightening is less than two inches in width at the widest point;

(iii) Rough shoulders cut from sole leather hides if not finished for sole leather, and rough shoulders cut from any belting butts, shall be curried and used only for welting, hydraulic, packing, mechanical and textile leathers, except that double rough shoulders 11 iron and up may be curried and used for round belting.

(5) Vegetable tanned sole leather shall be processed so as to meet the requirements of Federal Specification KK-L-261B, including any emergency alternate specifications or amendments thereto.

(6) Bellies cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(7) Shoulders cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in a line running perpendicular to line of backbone at a point within the limits of the break in the foreflank.

(8) No tanner shall fill or contract to fill any order, whether or not bearing a preference rating, for any harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap or upholstery leather, or transfer any such leather to his owned or controlled fabricating establishment, or use or cause such leather to be used, in excess of the monthly or other quota and delivery schedule fixed for such tanner from time to time by the War Production Board pursuant to his application on Form WPB-2177 (formerly Form PD-772).

(9) Except upon specific authorization of the War Production Board in writing, no tanner shall process any cattlehides to make grain garment leather: *Provided,* That this restriction shall not apply to the extent required to meet unfilled military orders on hand June 23, 1943.

(10) No person shall commercially incorporate any cattlehide, calfskin, or kip leather or rawhide in any product not permitted by Schedule A hereof, except as provided in paragraph (d) (11).

(11) The restrictions of paragraph (d) (10) shall not apply to products manufactured:

(i) To fill military orders;

(ii) From cattlehide, calfskin, or kip leather delivered to the manufacturer prior to April 1, 1943: *Provided,* That the products are completely fabricated before December 31, 1943: *Provided, however,* That nothing in this paragraph shall constitute an exemption from the provisions of General Limitation Order L-284 (Luggage), or any other applicable order of the War Production Board.

(iii) From the following types of leather, if not suitable either for military orders or for a product permitted by Schedule A:

(a) Vegetable tanned cattlehide flesh splits under 3½ ounces;

(b) Cattlehides, calfskin or kip leather scrap.

(iv) From other cattlehide, calfskin, or kip leather not suitable for any product permitted by Schedule A, if specifically authorized in writing by the War Production Board. Any person may apply for such authorization by letter once a month, stating the respects in which such leather is unsuitable for such products, the customers or trade to whom he intends to sell, the proposed uses of such leather, and the quantity, quality, weight and type of the leather involved.

NOTE: Former paragraphs (1), (2), (3), (4), (5), (6), (7) redesignated (2), (3), (4), (8), (9), (10), (11) respectively Sept. 20, 1943.

(e) *Sole leather and sole leather cut stock*—(1) *Definitions.* (i) "Military quality outersole" means a bend sole of good fiber of a grade not lower than No. 1 scratch grade, and of a substance 8½ iron to 11 iron, inclusive.

(ii) "Military quality innersole" means a sole of 5½ to 7 iron, inclusive, first quality full grain leather, of a quality and fiber adapted to the purpose.

(iii) "Military quality strip" means a strip 8½ iron to 13 iron, inclusive, and "military quality tap" means a tap of 9 iron to 14 iron, inclusive, both cut from sole leather bends, commercially described as finders' leather, and a good fiber of a grade not lower than No. 1 scratch.

(iv) "Butt piece" means a piece cut from the butt portion of a sole leather bend by a straight cut perdendicular to line of backbone not more than three inches from root of tail.

(v) "Bend piece" means the portion of a finders' bend remaining after a butt piece has been removed and after a belly slab has been removed from the belly edge of the bend by cutting in a line running from shoulder to butt, approximately parallel to the backbone, and not less than thirteen inches therefrom at any point.

(vi) "Cutter for the repair trade" means a sole leather cutter who is equipped to cut repair taps, and who during the year ending July 31, 1942, cut repair taps as a regular part of his business.

(2) Every tanner and contractor shall set aside each month for cutting as required by paragraph (e) (4) 20% of the quantity of manufacturers' bends produced by him for his own account, or produced for his account by others, or such other percentage as may be fixed by the War Production Board in writing from time to time. The weight and quality of said portion set aside, hereinafter referred to as "manufacturers' bends-for-repair", shall be proportionately equal, as nearly as possible, to those of the manufacturer's bends not so set aside. No manufacturer's bends-for-repair shall be sold to any finder or shoe-repairer as a whole bend.

[2] Tanner is defined in paragraph (a) (1).

(3) No person shall cut military quality outersoles or innersoles, except on patterns to fit the United States Munson last in sizes and widths to fit the sizes of shoes specified in military orders, or on other patterns approved or in sizes prescribed by the War Production Board from time to time.

(4) Except as otherwise specifically authorized in writing by the War Production Board, sole leather whole-stock shall be cut and the resulting cut stock disposed of only in accordance with the provisions of Schedule B hereof, and no military quality cut stock produced in accordance with such schedule shall be sold, delivered or used except to fill military orders.

(5) No person except a shoe-repairer repairing shoes for the general public or any person repairing his own shoes shall hereafter use any non-military quality repair stock (except as provided in Block IIIB of Schedule B hereof) cut from finders' bends, from manufacturers' bends-for-repair or from parts of such bends.

(f) *Horsehides*—(1) *Definitions.* (i) "Horsehide" means the hide or skin of a horse, colt, mule, ass or pony, except dry pony hides to be processed for furs.

(ii) "Horsehide front", "horsehide butt" and "horsehide shank" mean those horsehide parts commercially so known whether or not attached to other parts of the horsehide.

(2) No tanner shall put into process, and no converter shall cause to be put into process in any calendar month a greater percentage of his monthly average of similar material put into process in the year ending June 30, 1942, than:

100% as to wet salted horsehide fronts;

80% as to wet salted and dry horsehide butts;

80% as to wet salted and dry horsehide shanks; or

Such other percentages thereof as may be established by the War Production Board from time to time.

(3) No tanner shall put into process, or continue to process, any horsehide front, except into leather meeting military specifications in force at the time, unless such horsehide is not capable of being so processed.

(4) No person shall sell, deliver, accept delivery of, or commercially incorporate into any product any horsehide front leather meeting any military specification except for unfilled military orders, or commercially incorporate horsehide shank or any horsehide front leather not meeting any military specifications *into* any product, except as permitted in Schedule A hereof: *Provided,* That this restriction shall not apply to persons using less than fifty horsehide shanks or horsehide fronts per month.

(g) [Deleted September 20, 1943]

(h) *Goatskins and cabrettas*—(1) *Definitions.* (i) "Goatskin" means the skin of a goat or leather made from such skin, including kidskin, but excluding India tanned goatskin, and domestic angora goatskin.

(ii) "Cabretta" means the skin of a hair sheep or leather made from such skin.

(iii) "India tanned goatskin" means an imported goatskin tanned in Asia.

(2) No tanner shall put into process in the respective three months' period, commencing May 1, 1943, and on the first days of each August, November, February and May thereafter, more than 220% of his average monthly wettings of raw goatskins and cabrettas in 1941, (which average shall be known as "basic monthly wettings"), or more than such other percentages for such periods as may be fixed in writing by the War Production Board from time to time, with respect to any or all skins referred to in subparagraph (1) (i) and (ii) above: *Provided,* That kidskins and Calcutta Smalls purchased separately and described as such in Government purchase contracts dated later than August 1, 1943, may be put into process in addition to the percentages specified in this paragraph.

(3) No person shall put into process any raw goatskins, except to produce leather for incorporation into a goatskin product permitted to be manufactured by Schedule A hereof, or to meet military specifications.

(4) The restrictions of paragraphs (h) (2) and (h) (3) shall not apply to persons who put into process less than 200 domestic goatskins in any calendar month and who process no foreign goatskins.

(5) No tanner shall sell or deliver goatskin garment leather for other than military purposes, except leather failing to meet military specifications: *Provided,* That such failure has resulted unavoidably in the course of producing military leather; *Provided further,* That such leather permitted hereby to be sold or delivered for other than military purposes may not exceed 12½% of his production of military goatskin garment leather subsequent to the date of this order.

(6) No person shall commercially incorporate any goatskin leather in any product, except:

(i) To fill military orders; or

(ii) As permitted by Schedule A hereof; or

(iii) To utilize scrap not capable of being used to produce any of the goatskin products permitted by Schedule A hereof. Any tanner selling such scrap pieces for such purpose shall state such sales in his report to the War Production Board on Form WPB-1437 (formerly Form PD-373).

(i) *Deerskins*—(1) *Definition.* "Deerskin" means the skin of any domestic, Canadian or New Zealand deer, except elk, moose, caribou skins, and Alaska deerskins.

(2) No person shall process any deerskin or deerskin leather, except:

(i) To produce suitable leather meeting United States Quartermaster Corps Tentative Specifications CQD-105, as amended from time to time, in all respects except as to country of origin; or

(ii) To fill a specific military order.

(3) No person shall sell or deliver any deerskin leather, or incorporate or manufacture any deerskin leather into any product, except to fill a specific military order.

(4) *Exceptions.* The restrictions of the preceding paragraphs (2) and (3) shall not apply to:

(i) Any deerskin or deerskin leather which does not meet and cannot be made to meet the specification referred to in subparagraph (2) (i) above: *Provided,* That deviations from the specification as to color or country of origin shall not be considered cause for this exception within the meaning of this provision;

(ii) Deerskin leather rejected in writing by the United States Army Quartermaster Depot, Chicago, Illinois;

(iii) Deerskin leather colored black or dark brown before March 20, 1943;

(iv) Any person who at no time puts into process, splits, shaves, skives, sells, delivers or uses more than 25 deerskins during any calendar month beginning with March 1943, or causes more than 25 deerskins to be processed, split, shaved, skived, sold, delivered or used for his account during any such month.

(v) A skin taken off a deer after September 20, 1943 and owned by the person causing it to be processed or incorporated into a product for his personal use or for a gift.

(j) *Effect on prior orders.* Authorizations to buy hides issued prior to June 23, 1943, under Conservation Order M-194, shall continue in effect until the expiration date therein provided or until expressly revoked.

Authorizations and directions issued and appeals granted prior to June 23, 1943, under the following orders, shall continue in effect until the expiration date therein provided or until expressly revoked:

General Preference Order M-80
General Conservation Order M-94
Conservation Order M-114
General Conservation Order M-141
Conservation Order M-273
General Preference Order M-301

(k) *Reports.* Every person described below shall, on or before the 10th day of each month execute and file reports with the War Production Board, as directed on the respective forms mentioned below:

Producers or collectors of more than 500 cattlehides per month	WPB-1321 formerly PD-569C
Producers or collectors of more than 200 calfskins per month	WPB-1324 formerly PD-569D
Tanners of cattlehides	WPB-1325 formerly PD-569
Tanners of calfskins and kips	WPB-1322 formerly PD-569A and WPB-2256 formerly PD-778
Tanners of cattlehide side upper leather	WPB-2211 formerly PD-770
Tanners of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap, and upholstery leather	WPB-2177 formerly PD-772
Tanners of sole leather	WPB-1304 formerly PD-598B
Tanners and converters of horsehides	WPB-1001 formerly PD-475

Tanners of shearlings ..... WPB-894 formerly PD-421
Tanners and converters of goatskins, kidskins, cabretta, or India tanned goatskins ..... WPB-1437 formerly PD-373
Sole cutters ..... WPB-1303 formerly PD-598A
Non-sole cutting shoe manufacturers ..... WPB-2209 formerly PD-598C
Finishers and converters of cattlehide splits WPB-2351
Tanners and converters of glove and garment cattlehide grain leather WPB-1795

(l) *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.

(m) *Communications to the War Production Board.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref. M-310.

(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 who 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.

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

Issued this 1st day of November 1943.

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

SCHEDULE A

NOTE: "Footwear," "Luggage handles * * *" amended; "Functional parts * * *" added Sept. 20, 1943.

	Cattlehide, calfskin and kip leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column	Horsehide shank or nonmilitary quality horsehide front leather may be incorporated in any product marked "Permitted" in this column	Goatskin leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column
Footwear	Permitted, except harness leather.	Permitted	Permitted.
Transmission belts	Permitted	Not permitted	Not permitted.
Hydraulic, packing and mechanical leather products.	Permitted	Not permitted	Not permitted.
Leather products for textile equipment	Permitted	Not permitted	Not permitted.
Harness, horse collars, and saddlery for police, farm and industrial use.	Permitted	Not permitted	Not permitted.
Trusses	Permitted	Permitted	Permitted.
Surgical supports	Permitted	Permitted	Permitted.
Artificial limbs	Permitted	Permitted	Permitted.
Orthopedic products including arch supports	Permitted	Permitted	Permitted.
Cattle and drivers' whips and quirts	Permitted	Not permitted	Not permitted.
Laces and thongs	Permitted	Not permitted	Not permitted.
Cap visors	Permitted	Not permitted	Not permitted.
Divers' equipment	Permitted	Not permitted	Not permitted.
Motorcycle saddles	Permitted	Not permitted	Not permitted.
Sheaths for industrial knives	Permitted	Not permitted	Not permitted.
Work chaps	Permitted	Not permitted	Not permitted.
Work gloves	Permitted	Permitted	Permitted.
Work aprons	Permitted	Permitted	Permitted.
Garments for heavy duty workers, made from grain leather resulting unavoidably from tanning or cutting for specific military orders, but which was rejected as not meeting military specifications.	Permitted	Permitted	Permitted.
Heavy duty work belts	Permitted	Not permitted	Not permitted.
Industrial safety clothing and equipment only to the extent essential for safety and protection in the performance of the workers' duties.	Permitted	Permitted	Permitted.
Furniture leather essential for repair and maintenance of transportation equipment, office and commercial furniture.	Permitted	Not permitted	Not permitted.
Athletic goods except golf bags	Permitted	Permitted	Not permitted.
Leather puttees for peace officers, transportation and industrial workers.	Permitted	Not permitted	Not permitted.
Rifle scabbards, rifle slings, pistol holsters, pistol belts for peace officers, guards, cowboys.	Permitted	Not permitted	Not permitted.
Luggage handles and attaching pieces, welts, bindings, corners, and closures made only from the types of leather permitted by paragraph (b) (1) (iv) of Schedule I of General Limitation Order L-284.	Permitted	Not permitted	Not permitted.
Rawhide hammers and hammer faces	Permitted	Not permitted	Not permitted.
Functional parts of musical instruments (excluding straps, cases or containers).	Permitted	Not permitted	Permitted.

SCHEDULE B

NOTE: Block IIIA amended Sept. 20, 1943.

	Type of sole leather whole stock			
	Finders' bends	Manufacturers'-bends-for-repair	Manufacturers' bends	Shoulders, bellies and shanks
Block I. Persons permitted to cut each type subject to the provisions of Blocks II and III below.	Cutter for the repair trade only, except that any sole leather cutter may cut to obtain outersoles, midsoles and toplifts only in accordance with Block IIB below.	Cutter for the repair trade only.	Any sole leather cutter.	Any sole leather cutter.
Method of cutting				
Bock IIA. Except for deviation permitted in Block IIB below, each type shall be cut to yield maxmum quantity of military quality cut stock shown in this block.	Bend pieces (which may not be further cut except in accordance with Block IIB).	Outersoles	Outersoles and innersoles.	Innersoles.
Block IIB. Each type may be cut to produce the military quality cut stock shown in this block but only— 1. So as to yield the maximum quantity of such military quality cut stock, and 2. To the extent required to meet unfilled military orders of the kinds indicated.	Strips and taps cut from bends or from bend pieces, to meet any unfilled military order. Toplifts cut from bends, bend pieces, or other bend portions, to meet any unfilled military order. Outersoles and midsoles cut from bends or from bend pieces to meet military orders under Lend-Lease Act only.	May not be cut except under Block IIA.	Midsoles, counters and toplifts, to meet any unfilled military order.	Counters and midsoles to meet any unfilled military order.
Cutting and disposition of remainder of each type (including belly slabs resulting from cutting of bend pieces from finders' bends) after military quality cut stock has been obtained as provided in Block II.				
Block IIIA. Except as permitted in Block IIIB below, remainder of each type shall be cut and disposed of only as shown in this block.	To produce repair stock, other than outersoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.	To produce repair stock, other than outersoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.	To produce cut stock for sale to and use by shoe manufacturers only.	Unrestricted.
Block IIIB. Exceptions shall be only as shown in this block.	Finders' toplifts and finders' pieces from which no tap can be obtained—unrestricted. Non-military outersoles produced unavoidably in the course of cutting military outersoles—for sale only to shoe manufacturers.	Butt pieces, finders' toplifts and finders' pieces from which no tap can be obtained—unrestricted. Non-military outersoles produced unavoidably in the course of cutting military outersoles—for sale only to shoe manufacturers.	No exceptions.	No exceptions.

[F. R. Doc. 43-17665; Filed, November 1, 1943; 11:11 a. m.]

Subchapter C—Director, Office of War Utilities

PART 4500—POWER; WATER, GAS, ELECTRICITY, AND CENTRAL STEAM HEATING

[Supplementary Utilities Order U-1-h]

§ 4500.9 *Supplementary Utilities Order U-1-h*—(a) *Permission to build certain extensions.* Notwithstanding the provisions of paragraph (h) (1) of Utilities Order U-1, extensions of electric, gas, water, and central steam heat facilities may be made or connected by a producer, subject to the restrictions of paragraph (b) below, to serve the following types of consumer premises:

(1) Premises which are being built or remodeled under authority of a specific authorization issued pursuant to Conservation Order L-41,

(2) Premises which will be occupied exclusively by the Army, Navy, Maritime Commission, War Shipping Administration or Civil Aeronautics Authority,

(3) Premises of an industrial or commercial consumer,

(i) In cases where the extension or enlargement of utilities facilities is necessary for the production of one of the products or the supply of one of the services listed in Schedules I and II of CMP Regulation 5 or

(ii) In cases where the consumer is an electric, gas, water, steam heat, telephone or telegraph utility; a person engaged in the business of producing, refining or marketing (except retail) natural gas or petroleum products; or a person engaged in the business of mining or burning refractories to whom a serial number has been assigned under Preference Rating Order P-56.

(b) *Restrictions on construction.* Extensions of the type permitted by paragraph (a) of this order may be built only if all of the following conditions are satisfied:

(1) The cost of material for any such utility extension does not exceed $5,000 but exceeds $1500 in the case of underground construction, or $500 in the case of other construction. No job or project may be subdivided to come within these limits.

(2) The extension does not duplicate an adequate service already installed or constitute a stand-by service.

(3) No other producer can render the same service with lesser amounts of critical material.

(4) In the case of extensions to buildings which are to be used exclusively for dwelling purposes the extension (including service drop or service pipe and any portion built by or for the consumer) can be built within the limits established by the Housing Utilities Standards issued by the War Production Board.

(5) In the case of extensions to premises which are to be built or remodeled under authority of a specific authorization applied for pursuant to Conservation Order L-41, the producer has completed Form WPB-3348, and delivered it to the builder for attachment to the builder's application for L-41 approval.

(c) *Assignment of preference rating and CMP allotment number.* (1) The preference rating AA-3 is hereby assigned to orders for material other than controlled material, and the abbreviated CMP allotment number U-9 is hereby assigned to orders for controlled material, to be placed by a producer for use in the construction of extensions of facilities authorized by this supplementary order or to replace in inventory material so used.

(2) The preference rating and allotment number assigned above may be applied by a producer by using the certification provided in CMP Regulation 7.

(3) An order for controlled material bearing the CMP allotment number U-9 shall be deemed an authorized controlled materials order. This allotment number shall constitute an "allotment number or symbol" for the purpose of CMP Regulation 3.

(d) *Acquisition of material.* The acquisition of material for extensions of facilities authorized by this supplementary order is subject to the following restrictions:

(1) It may be ordered only to the extent that it is not available in the producer's inventory in excess of a practical working minimum.

(2) If taken from such excess inventory it may not be replaced.

(3) If taken from practical working minimum inventory it may be replaced therein, but only with the preference rating or allotment symbol assigned in paragraph (c) of this supplementary order.

(4) It may not be ordered until either

(i) The producer has been advised that the builder of the structure to be served has received L-41 approval, or

(ii) The producer has been advised by such builder that L-41 approval is not required and has received a written request from such builder to supply the utility service.

(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; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 30th day of October 1943.

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

[F. R. Doc. 43-17608; Filed, October 30, 1943; 11:16 a. m.]

PART 4501—COMMUNICATIONS

[Utilities Order U-3 as Amended October 30, 1943]

PREFERENCE RATING ORDER (MRO) FOR TELEPHONE INDUSTRY

Utilities Order U-3 is amended to read as follows:

(a) Definitions.
(b) Rating and CMP allotment number.
(c) Restrictions on use of material.
(d) Authority to begin construction.
(e) Restrictions on inventory.
(f) Restrictions on purchases.
(g) Exemptions.
(h) Sales of material.
(i) Records and reports.
(j) Applicability of regulations.
(k) Violations.
(l) Communications.

§ 4501.6 *Utilities Order U-3*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering telephone communication service (and such telegraph and teletypewriter service as may also be conducted by him), within, to, or from the United States, its territories or possessions. Public law enforcement agencies and public fire protection agencies are excluded from this definition for the purposes of this order.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) Without regard to accounting practices:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like.

(iii) Neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design.

(4) "Operating supplies" means any material essential to the operator's business and used for purposes other than maintenance and repair. "Operating supplies" purchased with the rating or allotment number authorized by this order can not be used in any single case in an amount exceeding the dollar limits of paragraph (c).

(5) Without regard, to accounting practices, "operator's inventory" means the aggregate of material currently owned by an operator and not incorporated into plant or in the process of being consumed, exclusive of:

(i) Material listed for sale on Form WPB-2567 (UF-6), and filed with the Communications Division, Office of War Utilities. Records of withdrawals from and additions to material listed for sale shall be maintained and preserved for a period of not less than two years under the authority of paragraph (i) and shall be reported to the Communications Division upon the request of the War Production Board.

(ii) Material for use on a project approved by the War Production Board.

(iii) [Revoked Oct. 30, 1943]

(iv) Material set aside to restore plant damaged by enemy action or sabotage provided the operator has received War Production Board approval on Form WPB-2774 or other appropriate form. Withdrawals must be reported to the War Production Board.

(v) Lead covered cable or bare line wire maintained by an operator for the repair of major breakdowns due to storms, floods, etc., reported as prescribed on Form WPB-1127 (UF-5), unless disapproved by the War Production Board.

(vi) Poles, crossarms, insulators and non-metallic conduit, furniture and fixtures; office machinery; printing, stationery and office supplies; house service supplies; and coal and petroleum products.

(b) *Rating and CMP allotment number.* (1) An operator is authorized to use the allotment number U-9 and preference rating of AA-1 for deliveries of material for maintenance, repair and operating supplies.

(2) An operator may apply and a supplier may extend the rating or allotment number in the manner provided in Priorities Regulation 3 and CMP Regulation 3, by placing on his delivery order substantially the certification set forth below in paragraph (b) (3).

(3) Utilities maintenance, repair and operating supplies certification.

Allotment number U-9, preference rating AA-1. The undersigned operator certifies, subject to the pentalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders, and under all provisions of Utilities Orders U-2, U-3, and U-6, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered and to use any preference rating or allotment number which the undersigned has placed on this order.

(c) *Restrictions on use of material.* (1) Material obtained under this order may be used by an operator only within the limitations of Orders U-2 and U-6.

(2) Material obtained under this order may be used for operating supplies only in the following cases:

(i) An amount costing not more than fifty dollars may be used on any project specifically approved by the War Production Board on Form WPB-2774 or any alternative form.

(ii) It may be used for toll line plant in any single case in which the total material cost does not exceed $500.

(iii) It may be used for telegraph and teletypewriter facilities in any single case in which the total material cost does not exceed $2,500.

(iv) An amount costing not more than $2,500 may be used for other purposes in any single case in which the total cost of all material used does not exceed $5,000.

(3) An operator whose "operator's inventory" at the end of 1942 or whose use of material during 1942 did not exceed $10,000 may not, in any single case, use material obtained under this order costing more than $500 for operating supplies.

(4) No operator shall subdivide a single order job, or project to qualify it under the dollar limitations of this paragraph.

(5) Material obtained under this order may be used for maintenance and repair without regard to dollar limitations on the use of material for operating supplies.

(6) The dollar limits of this paragraph (c) shall not prevent the use of material on hand to meet temporary traffic or emergency requirements, but where the dollar limits are exceeded the material must be returned to inventory or to its original location in plant within thirty days, unless application has been made to the War Production Board for authority to continue the use of material.

(7) No material may be used for building construction except as permitted by Order L-41. However, an operator may effect maintenance and repair of build-

ings which are essential to the conduct of the operator's business.

(8) A P. B. X. switchboard obtained under this order may be installed initially only for Schedule A service as set forth in Order U-2, or for essential public pay station service.

(d) *Authority to begin construction.* For any addition or expansion of telephone, telegraph or teletypewriter facilities involving a total material cost which exceeds the dollar limitations of paragraph (c) (2) or (c) (3) above, or which involves a total cost in material in excess of $5,000, an operator must obtain authority to begin construction and necessary priority assistance on Form WPB-2774.

(e) *Restrictions on inventory.* (1) No operator shall accept deliveries of material unless after the delivery his operator's inventory will not exceed a practical working minimum. A practical working minimum shall in no case be greater than 27½% of the dollar value of material used during the calendar year 1940 for all purposes exclusive of the items in paragraph (a) (5) (vi) and materials which were used for building construction. The items in (a) (5) (vi) may be accepted by an operator even if his operator's inventory exceeds 27½% of his 1940 usage of material.

(2) No operator shall accept delivery of a size, type, gauge and length of cable, wire or strand, if the operator's inventory of that size, type, gauge and length is in excess of requirements for the next sixty days. However, if an operator needs some wire, cable or strand, this provision does not forbid purchase of the minimum standard reel-length, even though the operator does not expect to use the whole reel in the next sixty days.

(f) *Restrictions on purchases.* (1) No operator shall use the allotment number or preference rating assigned by this order to obtain material during any calendar quarter in an aggregate dollar amount exceeding one-fourth of his aggregate dollar usage in 1942 for maintenance, repair and operating supplies.

(2) But, so long as the 1942 base as set forth in paragraph (f) (1) is not exceeded during a calendar year, an operator may in any quarter obtain the dollar quantity used in the corresponding quarter of 1942.

(g) *Exemptions.* (1) Any operator whose operator's inventory did not exceed $10,000 at the end of 1942 is exempt from the inventory restriction of paragraph (e) (1).

(2) Any operator whose use of material during the year 1942 did not exceed $10,000 shall be exempt from the provisions of paragraph (f) (1) above.

(h) *Sales of material.* Material which is "industrial material" as defined in Priorities Regulation 13 and is listed for sale under (a) (5) (i) or is reserved for emergencies under (a) (5) (iv) and (a) (5) (v), must when sold between operators be sold without a preference rating or allotment number. However, the material in (a) (5) (iv) and (a) (5) (v) so sold must be used for the purposes for which it was originally reserved.

(i) *Records and reports.* Each operator acquiring maintenance, repair or operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired which shall, upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board. In addition, each operator affected by this order shall file such reports with the Communications Division, Office of War Utilities, as may from time to time be required by the War Production Board.

(j) *Applicability of regulations.* (1) This order and all transactions affected by it, except as expressly provided, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations No. 5 or 5A shall apply to operators as defined in paragraph (a) (1) of this order, and no such operator shall obtain any material under the provisions of these regulations.

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

(l) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C. Ref.: U-3.

(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; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 30th day of October 1943.

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

INTERPRETATION 1

[Superseded by paragraph (c) (7) of U-3, as amended October 30, 1943]

[F. R. Doc. 43-17609; Filed, October 30, 1943; 11:16 a. m.]

PART 4501—COMMUNICATIONS

[Revocation of Interpretation 1 of Utilities Order U-3]

Interpretation 1 of Utilities Order U-3 (§ 4501.6) is superseded by paragraph (c) (7) of Utilities Order U-3, as amended on October 30, 1943.

Issued this 30th day of October 1943.

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

[F. R. Doc. 43-17624; Filed, October 30, 1943; 5:09 p. m.]

PART 4500—POWER; WATER, GAS, ELECTRICITY AND CENTRAL STEAM HEATING

[General Directive 1 under Utilities Order U-7 (formerly L-31)]

Whereas, because of an increasing shortage of natural gas in the Appalachian area, the following restrictions upon deliveries, acceptance and use of natural gas in such area are necessary to protect gas deliveries to war industries and essential services:

Now, therefore, pursuant to the provisions of paragraphs (b) (1) and (c) (1) of Utilities Order U-7, it is ordered and directed:

§ 4500.16 *General Directive 1 under Utilities Order U-7.* (a) The Appalachian area shall be deemed an area in which a gas shortage exists, within the meaning of paragraphs (b) and (c) of Utilities Order U-7.

(b) Commencing November 15, 1943 and until March 31, 1944, except as otherwise ordered by the War Production Board, no utility or non-utility supplier in the Appalachian area shall make deliveries of natural gas to any commercial or industrial consumer having stand-by facilities capable of utilizing residual fuel oil (#5, #6 or Bunker C), except to the extent that the fuel requirements of any such consumer cannot be supplied by such stand-by facilities: *Provided,* That any additional curtailments which are necessary shall be made in accordance with the provisions of paragraph (c) (1) of Utilities Order U-7.

(c) No consumer to whom deliveries of natural gas are prohibited by paragraph (b) above, shall accept any such deliveries.

(d) As used in this directive, Appalachian area shall include the States of Virginia, West Virginia, Maryland, Ohio, Pennsylvania, New York, the District of Columbia, and the following counties of the State of Kentucky: Bourbon, Boyd, Bracken, Bullitt, Campbell, Carter, Clark, Fayette, Floyd, Franklin, Greenup, Hardin, Harrison, Jefferson, Johnson, Kenton, Knott, Lawrence, Lewis, Martin, Mason, Magoffin, Meade, Menifee, Montgomery, Morgan, Pendleton, Pike, Scott, Shelby, and Woodford.

(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; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1, as amended May 15, 1943, 8 F.R. 6727)

Issued this 1st day of November 1943.

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

[F. R. Doc. 43-17673; Filed, November 1, 1943; 11:10 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Amdt. 4 to Rev. Procedural Reg. 3[1]]

RENT REGULATIONS; ACTION BY REPRESENTATIVE OF LANDLORD

Section 1300.247 of Revised Procedural Regulation No. 3 is amended to read as follows:

§ 1300.247 *Action by representative.* Any action which by this regulation is required of, or permitted to be taken by a landlord may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with an application for review, a petition for amendment, or a protest. In such cases the power of attorney, signed by the landlord, shall be filed at the time action on his behalf is taken.

This amendment shall become effective November 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17577; Filed, October 29, 1943; 4:33 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 78]

AMENDMENT OF CERTAIN MAXIMUM PRICE REGULATIONS WITH RESPECT TO THEIR APPLICATION TO IMPORTS

A statement of the reasons for the issuance of this Supplementary Order No. 78 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1305.211 *Amendment of certain maximum price regulations with respect to their application to imports.* (a) The maximum price regulations listed below are hereby amended by adding thereto, either as a new section bearing the number set opposite the regulation (in which case the new section shall bear the head note "Application to Import Transactions") or as a part of an existing section bearing such number, the following sentence: "This regulation applies to transactions in commodities to be imported into the continental United States."

Price regulation:	*Section Number*
RPS 32[1]	1347.55
MPR 114[2]	1347.222a
MPR 129[3]	1347.17a

[1] 7 F.R. 1264, 2000, 2132, 2740, 3182, 8948; 8 F.R. 3524, 4187, 5838, 11291.

[2] 7 F.R. 2843, 3576, 5059, 5564, 8997, 8948; 8 F.R. 321, 2334, 8877, 10558.

[3] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5172, 5780, 5943, 7974, 8939, 8948, 9131, 9724, 10152, 10812; 8 F.R. 1889, 2237, 4365, 11809, 12559.

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

[1] 8 F.R. 526, 1798, 3534, 5481.

Price regulation:	*Section Number*
RMPR 130[4]	1347.283(g)
MPR 140[5]	1347.153a
MPR 182[6]	1347.306a
RMPR 187[7]	4a
MPR 225[8]	1347.458a
MPR 266[9]	1347.503a
MPR 307[10]	1347.603a
MPR 349[11]	3a
MPR 359[12]	1347.553a
MPR 365[13]	3a
MPR 369[14]	5a
MPR 459[15]	5a
MPR 463[16]	3a

[4] 7 F.R. 3183, 7521, 5139, 8948, 9251, 10255; 8 F.R. 1586, 2670, 7766, 11382.

[5] 7 F.R. 3410, 5563, 7178, 8996, 8948; 8 F.R. 7108, 13247.

[6] 7 F.R. 5712, 6048, 7974, 8997, 8948, 9724, 10811; 8 F.R. 4252, 4180, 7196, 10761, 13109.

[7] 7 F.R. 5780, 8948, 9323, 10618; 8 F.R. 4180, 7281, 10656, 13256.

[8] 8 F.R. 4181, 7382, 10983, 12660.

[9] 7 F.R. 9335, 10714; 8 F.R. 531, 2431, 4131, 7383, 12468, 12795, 13117.

[10] 8 F.R. 1369, 2335.

[11] 8 F.R. 3617, 6110, 7266, 11434.

[12] 8 F.R. 4635, 4727, 6736, 7257, 10431.

[13] 8 F.R. 4721, 9520, 12560, 13712.

[14] 8 F.R. 5174.

[15] 8 F.R. 11807, 13498.

[16] 8 F.R. 12177.

This supplementary order shall become effective November 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 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17582; Filed, October 29, 1943; 4:33 p. m.]

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

[RPS 32, Amdt. 7]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

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.*

1. Section 1347.51 is amended to read as follows:

§ 1347.51 *Maximum prices for paperboard.* The sale of any paperboard shipped from or into the area east of the Rocky Mountains shall be subject to Revised Price Schedule No. 32.

Regardless of the terms of any contract of sale or purchase, or other commitment, in the area east of the Rocky Mountains:

(a) No producer and no agent or representative of a producer, shall sell, offer to sell, deliver, or transfer any grade of paperboard at prices higher than the appropriate maximum prices established by §§ 1347.61, 1347.62 and 1347.63. Transfers of paperboard by an integrated or combined operator to a converting plant owned, controlled or operated by such operator shall be made at prices not in excess of the maximum prices established herein.

(b) No person shall buy, offer to buy, or accept delivery of any grade of paperboard from a producer, or agent or representative of a producer at prices higher than the appropriate maximum prices established by §§ 1347.61, 1347.62, and 1347.63.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

2. Section 1347.59 (b) is amended to read as follows:

(b) "East of the Rocky Mountains" includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Wyoming, and Montana.

3. Section 1347.59 (f) is amended to read as follows:

(f) "Paperboard" means all kinds, grades, types, calipers, colors, and patterns of paperboard, and is further defined as follows:

(1) All grades of paperboard covered by Appendix A:

(i) Shall have weight, thickness and density specifications prescribed in Boxboard Thicknesses (R-44-36). U. S. Department of Commerce Simplified Practice Recommendations.

(ii) Which are full bending boards shall sustain a 180° fold when properly scored and folded across the grain, with no break in the outer surface fibres, except that semi-bending boards are those which sustain a 90° fold under the same conditions.

(iii) Which are vat lined boards shall have a liner of uniform formation and of sufficient thickness to prevent any show-through of the filler.

(iv) Shall have a moisture content not exceeding 8½% of invoiced weight.

(v) Which are vat lined boards shall be made on a cylinder paper machine or a multiple head box Fourdrinier machine with the lined side of different compositions than the balance of the sheet.

(2) "Plain chip" is a paperboard which is composed of mixed papers and is characterized by a gray to a natural brown color.

(3) "News vat lined chip" is a vat lined paperboard which has one side lined with 100% printed news wastepaper, with the remainder of the sheet composed of mixed papers; the lined side of a characteristic gray color, is cleaner than plain chip.

(4) *"Filled news"* is a vat lined paperboard which has both sides lined with 100% printed news wastepaper with the remainder of the sheet composed of mixed papers; and has both liners, of a characteristic gray color, which are cleaner than plain chip.

(5) *"Solid news"* is a paperboard which is a homogeneous grade composed of a minimum of 70% printed news wastepaper and has a characteristic clean gray color.

(6) *"White vat lined chip"* is a vat lined paperboard which has a white or

natural cream colored top liner and has the balance of the sheet composed of mixed papers.

(7) *"Mounting board"* is a paperboard which is a quality of chipboard or newsboard with resistance to warping, and is a very closely formed smooth sheet with a uniform moisture content.

(8) *"Chip tube and can stock"* is a paperboard which is composed of mixed papers; is hard, uniform, and level in caliper across the sheet, and is of a quality that permits forming it into a spirally or convolutely wound cylinder of the desired diameter without checking, in excess of the amount of checking, generally acceptable to the purchaser during the year 1941.

(9) *"Single manila lined chip"* is a vat lined paperboard which is of full-bending quality on the top liner side. It has a uniform cream colored top liner with a surface suitable for printing in colors, and has the balance of the sheet composed of mixed papers.

(10) *"Single jute lined chip"* is a vat lined paperboard which is of full-bending quality on the top liner side. It has a uniform brown colored top liner with a smooth surface suitable for printing in colors, and has the balance of the sheet composed of mixed papers. This grade may not be sold in roll form, unless for use in other than the manufacture of corrugated and solid fibre shipping containers.

(11) "Mist gray lined chip" is a vat lined paperboard which is of full-bending quality on the top liner side. It has a top liner containing a uniform dispersal of black fibres to give the board a misty appearance, with a surface suitable for printing in colors, and has the balance of the sheet composed of mixed papers.

(12) "Bleached manila lined chip" is a vat lined paperboard which is of full-bending quality on the top liner side. It has a white top liner, with a surface suitable for printing in colors, and has the balance of the sheet composed of mixed papers.

(13) "Semi-bending and creasing chip" is a paperboard which is of semi-bending quality on one side. It is composed of mixed papers, and is characterized by a gray to a natural brown color.

(14) "Full bending chip" is a paperboard which is of full-bending quality on one side. It is composed of mixed papers and is characterized by a gray to a natural brown color.

(15) "#1 single white patent coated news" is a vat lined paperboard of full-bending quality on the top liner side. It has a white top liner, with an extra smooth surface adapted for high grade color printing. It has a top liner composed of 85% or more chemical fibre either in virgin pulp form or in waste-papers directly substituting therefore, with the balance of the sheet homogeneous in character and composed of a minimum of 60% printed news waste-paper.

(16) "#1 double white patent coated news" is a vat lined paperboard which is of full-bending quality on both the top and bottom liner sides. It has white top and bottom liners with extra smooth surfaces adapted for high grade color printing. It has a top and a bottom liner composed of 85% or more chemical fibre either in virgin pulp form or in waste-papers directly substituting therefore, with the balance of the sheet homogeneous in character and composed of a minimum of 60% printed news waste-paper.

Definitions of grades of paperboard covered by Appendix B.

(17) All grades of paperboard covered by Appendix B:

(i) Which are of full-bending quality shall sustain a 180° fold across the grain when properly scored and folded as an integral part of corrugated sheets, or solid fibre sheets not exceeding .100 points in thickness.

(ii) Which are vat lined boards shall be made on a cylinder machine, with the top liner of uniform formation and of sufficient thickness to prevent any show-through of the filler.

(18) "Fourdrinier Kraft" is a grade of paperboard of full bending quality, manufactured on a Fourdrinier machine from a furnish of at least 70% virgin Kraft wood pulp or virgin Kraft wood pulp screenings.

(19) "Cylinder Kraft" is a vat lined board of full bending quality, manufactured from a furnish of at least 70% virgin Kraft wood pulp or virgin Kraft wood pulp screenings.

(20) "Jute liner" is a vat lined board of full bending quality manufactured on a cylinder machine with the top liner of Kraft pulp or Kraft wastepapers and with the total furnish containing more than 30% wastepaper.

(21) "Strawboard corrugating material" is a grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish of at least 60% straw pulp.

(22) "Chestnut corrugating material" is a grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish of at least 70% Chestnut Pulp.

(23) "Bogus corrugating material" is a grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish containing more than 30% wastepaper or ground wood pulp.

(24) "Canadian sulphite and ground wood corrugating material" is a grade of paperboard manufactured in the Dominion of Canada or Newfoundland on a cylinder Fourdrinier machine from a furnish of sulphite and ground wood.

(25) "Chip" is a non-bending grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish of mixed papers.

4. Section 1347.59 (l) is added to read as follows:

(1) "Test" means minimum average Mullen or Cady test, and is to be determined as follows:

(1) Each roll is to be considered individually in determining whether the Mullen or Cady test of the paperboard is as specified. The tests shall be made according to TAPPI method T-403-m-36, in so far as apparatus and calibration are concerned.

(2) At least one sample is to be taken from each roll, and cut to size 12" x 12", for testing purposes. This sample shall be obtained from the outer laps of the roll immediately upon being rewound and tested within 15 minutes on a Mullen or Cady tester located in the same machine room, or in another room of the same conditions of temperature and relative humidity. The moisture content of the board when tested shall be within 6% to 8½%.

(3) In applying Mullen or Cady test, the plate above diaphragm must be firmly clamped down on board to prevent its slipping. At least two tests shall be made from each side of the sample and the tester shall be turned at a constant and uniform speed of about 2 revolutions per second. The average test of the sample is determined by securing a simple arithmetic average of these tests. This average test is to be used in determining the proper classification for pricing purposes.

5. Section 1347.61 (a) is amended to read as follows:

Section 1347.61 Appendix A: Maximum prices for paper-board used in the manufacture of folding paper cartons, set-up boxes, or for any other purpose, sold east of the Rocky Mountains. (a) Non-bending boards, mounting-boards, and chip tube and can stock. (No. 1 Gage List—Regs. 50's to 90's incl. See paragraph (d) for other thicknesses.)

	Maximum price per item		
	1 to 3 tons	Over 3 less 10 tons	10 tons or over
Plain chip	[4] $53.00	[4] $50.50	[4] $48.00
News vat lined chip	[4] 53.00	[4] 50.50	[4] 48.00
Filled news	53.00	50.50	48.00
Solid news	55.00	52.50	50.00
White vat lined chip	65.00	62.50	60.00
Mounting board	53.00	50.50	48.00
Chip tube and can stock	[4] 55.00	[4] 52.50	[4] 50.00

[4] This maximum price shall remain in effect up to and including January 14, 1944, and effective on January 15, 1944, the maximum price shall be that maximum price which was in effect immediately prior to the issuance of Amendment No. 7 to Revised Price Schedule No 32.

If the producer had observed the practice of charging an additional differential for quantities of less than 1 ton during the base period of October 1, 1940 to October 15, 1941 such additional differential may now be charged.

6. Section 1347.61 (b) is amended to read as follows:

(b) *Folding boards.* (No. 2 gage list—Reg. 50's to 90's incl. See paragraph (d) for other thicknesses):

	Maximum price per item		
	1 to 3 tons	Over 3 less 10 tons	10 tons or over
Single manila lined chip	$65.00	$62.50	$60.00
Single jute lined chip	65.00	62.50	60.00
Mist gray lined chip	65.00	62.50	60.00
Bleached manila lined chip	67.50	65.00	62.50
Semi-bending and creasing chip	[4] 55.00	[4] 52.50	[4] 50.00
Full-bending chip	[4] 57.50	[4] 55.00	[4] 52.50

[4] See note to table in section 1347.61 (a).

If the producer had observed the practice of charging an additional differential for quantities of less than 1 ton during the base period of October 1, 1940 to October 15, 1941 such additional differential may now be charged.

7. Section 1347.61 (c) is amended to read as follows:

(c) *White patent coated news.* (No. 6 and No. 7 gage lists):

	MAXIMUM PRICE PER ITEM		
	1 to 3 tons	Over 3 less 10 tons	10 tons or over
GAGE LIST No. 6			
#1 Single white 0.020 and heavier	$80.00	$77.50	$75.00
#1 Single white 0.018	82.50	80.00	77.50
#1 Single white 0.016	85.00	82.50	80.00
#1 Single white 0.015	87.50	85.00	82.50
#1 Single white 0.014	90.00	87.50	85.00
GAGE LIST No. 7			
#1 Double white 0.020 and heavier	102.50	100.00	97.50
#1 Double white 0.018	107.50	105.00	102.50
#1 Double white 0.016	112.50	110.00	107.50
#1 Double white 0.015	115.00	112.50	110.00
#1 Double white 0.014	117.50	115.00	112.50

If the producer had observed the practice of charging an additional differential for quantities of less than 1 ton during the base period of October 1, 1940 to October 15, 1941, such additional differential may now be charged.

8. Section 1347.61 (e) is amended to read as follows:

(e) *Exception to quantity differentials.* When a single purchaser places an order, for delivery at one time, for paperboard of one grade, color, type, weight, caliper and finish, and where the sizes ordered are combined to fill the trim of the seller's papermaking machine and can be made simultaneously without a change in the slitter or chopper knives as the paperboard leaves the machine, then the combined weight of such sizes shall be considered as the quantity of an item for the application of quantity differentials. A combination of sizes which when combined are within 3% of the full trim of the paper making machine shall be considered an acceptable trim of such machine when applying this exception to quantity differentials.

(1) The quantity differentials established in Appendix A are designed to compensate, in whole or in part, for the extra costs involved in handling and manufacturing small orders of paperboard. These quantity differentials apply on the quantity ordered for delivery at one time (see definition of item, and exception to quantity differentials.) While this regulation does not require any manufacturer to sell any person any specific quantity of paperboard, it is considered an indirect violation of this regulation for the manufacturer to demand (directly, or by threat of refusal to supply) that the customer place several orders of small quantities, rather than to accept one or more orders of larger quantities, solely for the purpose of receiving the additional income from these quantity differentials—that is, six 2 ton orders, or four 3 ton orders, rather than one 12 ton order as the customer desires to place.

9. Section 1347.61 (f) is amended to read as follows:

(f) *Trimming.* For trimming sheets, to secure clean edges and/or more accurate measurements, add $1.00 per ton for each side trimmed. (This charge does not apply when merely cutting two or more sheets from one larger sheet.)

10. Section 1347.61 (g) is amended to read as follows:

(g) *Special size, special white, special color, special sizing, special test, or other special characteristics or requirements.* The prices and differentials set forth in paragraphs (a), (b), (c) and (d) of this section cover the types of paperboard described therein, or slight variations from these specified qualities. For special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, involving a difference in cost, the maximum price shall be determined by adding to, or subtracting from, the maximum price, as established by paragraphs (a), (b), (c) and (d) of this section for the particular type of paperboard involved, a differential therefor as follows:

(1) For items sold or contracted to be sold at a definite price by the producer during the period of October 1, 1940 to October 15, 1941, inclusive, the differential shall be the differential applied during such period to the base price of such paperboard of comparable quantity, for the special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this section.

(2) For items not sold or contracted to be sold at a definite price by the producer during such period, the differential shall be the list price for such differential therefore effective during such period. If no list price for such differential was in effect during such period, an application for approval of a differential shall be made to the Price Administrator, Washington, D. C. When submitting such differential to the Price Administrator for approval the application made by the producer or by an officer or partner of the producer, shall contain complete price and cost data in the manner and form required by the Price Administrator on one or more comparable items described in this section and sold or contracted to be sold at a definite price by the producer during such period: *Provided, however,* That orders may be accepted and manufactured, and invoices issued, at a differential subject to approval, disapproval or adjustment by letter. A notation to this effect must be made on all quotations, orders and invoices of the particular quality involved until the differential is approved or adjusted. The application must be mailed to the Office of Price Administration, Code 695, Washington, D. C., within 10 days after the item has been produced, on forms which may be secured from the Office of Price Administration, Code 695, Washington, D. C., Information must be included as to the name and address of the customer and the price agreed upon for the new grade or quality.

The differentials established by a producer under the provisions of this paragraph shall apply only to that producer and may not be used by any other producer without the specific authorization of the Price Administrator.

11. In § 1347.62 (a) ".016—56–68 lb. Jute—100 lb. Test ..... $1.92" is amended to read as follows:

.016—56–68 lb. Jute—100 lb. Test to less than 110 lb. Test ..... $2.02[4]

12. In § 1347.62 (a) two items are added to read as follows:

.016—56–68 lb. Jute—85 lb. Test to less than 100 lb. Test ..... $1.92[5]
.016—56–68 lb. Jute—Less than 85 lb. Test ..... 57.50[6] per ton

13. In § 1347.62 (b) ".030—96–110 lb. Jute—135 lb. Test ..... $3.30" is amended to read as follows:

.030—95–110 lb. Jute—135 lb. Test ..... $3.47[4]

14. In § 1347.62 (e) "0.007—21 lb. up to .017 ..... $47.50" and "0.017 and heavier ..... $45.00" are amended to read as follows:

0.007—21 lb. up to .016 ..... $50.50[4]
0.017 and heavier ..... 43.00[4]

15. Section 1347.62 (g) is amended to read as follows:

(g) *Special size, special white, special color, special sizing, special test, or other special characteristics or requirements.* The prices and differentials set forth in paragraphs (a), (b), (c), (d) and (e) of this section cover the types of paperboard described therein, or slight variations from these specified qualities. For special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, involving a difference in cost, the maximum price shall be determined by adding to, or subtracting from, the maximum price, as established by paragraphs (a), (b), (c), (d) and (e) of this section for the particular type of paperboard involved, a differential therefore as follows:

(1) For items sold or contracted to be sold at a definite price by the producer during the period of October 1, 1940 to October 15, 1941, inclusive, the differential shall be the differential applied during such period to the base price of such paperboard of comparable quantity, for the special sizes, special whites, special colors, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this section.

(2) For items not sold or contracted to be sold at a definite price by the producer during such period, the differential shall be the list price for such differential

[4] See note to table in section 1347.61 (a).

[5] This maximum price shall remain in effect up to and including January 14, 1944, and effective on January 15, 1944, the maximum price shall be $1.82.

[6] This maximum price shall remain in effect up to and including January 14, 1944, and effective on January 15, 1944, the maximum price shall be $55.00 per ton.

therefore effective during such period. If no list price for such differential was in effect during such period, an application for approval of a differential shall be made to the Price Administrator, Washington, D. C. When submitting such differential to the Price Administrator for approval, the application made by the producer or by an officer or partner of the producer, shall contain complete price and cost data in the manner and form required by the Price Administrator on one or more comparable items described in this section and sold or contracted to be sold at a definite price by the producer during such period: *Provided, however,* That orders may be accepted and manufactured, and invoices issued, at a differential subject to approval, disapproval, or adjustment by letter. A notation to this effect must be made on all quotations, orders and invoices of the particular quality involved until the differential is approved or adjusted. The application must be mailed to the Office of Price Administration, Code 695, Washington, D. C., within 10 days after the item has been produced, on forms which may be secured from the Office of Price Administration, Code 695, Washington, D. C. Information must be included as to the name and address of the customer, and the price agreed upon for the new grades or quality.

The differentials established by a producer under the provisions of this paragraph shall apply only to that producer and may not be used by any other producer without the specific authorization of the Price Administrator.

16. Section 1347.62 (k) is added to read as follows:

(k) Where the maximum price of paperboard is on a per M square foot basis, the square footage to be invoiced is to be determined by one of the following procedures:

NOTE: Paperboard on which the maximum price, as covered by this Appendix, is on a per M. square foot basis may not be invoiced at a price per ton.

(1) The paperboard in each roll is measured mechanically as it is wound to secure the lineal footage in such roll. This figure multiplied by the width of the roll (in decimals of a foot-to-two-places, e. g. 50 inch width equals 4.17 foot) results in the square footage to be invoiced.

(2) A sample is taken from each roll and cut accurately to size 12" x 12" square (1 square foot). The accurate weight of this sample (secured by weighing on a balance scale) multiplied by 1,000 results in the weight per thousand square feet for that roll. The simple arithmetic average of these weights, from the samples of the rolls in the shipment, divided into the total weight of the shipment results in the square footage to be invoiced. Each truckload or carload of paperboard is to be considered individually as a shipment when determining the square footage to be invoiced.

This amendment shall become effective November 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17578; Filed, October 29, 1943; 4:31 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

NEW YORK CITY AREA

[Rent Reg. for Hotels and Rooming Houses, N. Y. C. Area,[1] Amdt. 1]

Section 5 of the Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended by adding a new paragraph (e) to the said section to read as follows:

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent or both.

This amendment shall become effective November 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17588; Filed, October 29, 1943; 4:34 p. m.]

[1] 8 F.R. 13910.

PART 1388—DEFENSE-RENTAL AREAS

NEW YORK CITY AREA

[Rent Reg. for Housing in N. Y. C. Area, Amdt. 1]

Section 6 (d) (1) of the Rent Regulation for Housing in the New York City Defense-Rental Area is amended to read as follows:

(d) *Notices required*—(1) *Notices prior to action to remove tenant.* Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations by court process or otherwise, on any ground other than nonpayment of rent, unless at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

This amendment shall become effective November 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 29th day of October, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17587; Filed, October 29, 1943; 4:34 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,[1] Amdt. 7]

BURLINGTON, VT.

Schedule A of the Rent Regulation for Hotels and Rooming Houses is amended by adding item 337a (Burlington, Vermont) to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(337a) Burlington, Vermont	Vermont	Chittenden	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943

This amendment shall become effective November 1, 1943.

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

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17585; Filed, October 29, 1943; 4:35 p. m.]

[1] 8 F.R. 7334, 9019, 9021, 10618, 10739, 11161, 12025, 12795.

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing,[1] Amdt. 11]

BURLINGTON, VT.

Schedule A of the Rent Regulation for Housing is amended by adding item 337a (Burlington, Vermont) to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under rent regulation for housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(337a) Burlington, Vermont	Vermont	Chittenden	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943

This amendment shall become effective November 1, 1943.

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

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17586; Filed, October 29, 1943; 4:35 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[2] Amdt. 81]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. In § 1394.8114 the headnote is amended to read as follows: *"Authority of Regional Administrators, District Directors and persons designated by either of them to cancel and require the surrender of coupons, coupon books, gasoline deposit certificates and ration credits."*

2. Section 1394.8114 (a) is amended to read as follows:

(a) The several Regional Administrators and District Directors of the Office of Price Administration are authorized to determine upon review of the action of any Board within their respective regions or districts, whether any ration holder was entitled under the provisions of Ration Order No. 5C to receive the ration issued to him or whether any dealer or intermediate distributor was entitled under the provisions of Ration Order No. 5C to receive any inventory coupon or gasoline deposit certificate issued to him, or credits in a ration bank account arising from the deposit of such coupon or certificate. The authority vested in Regional Administrators and District Directors in this paragraph may be exercised by any person designated by the Regional Administrator or District Director to act in his name for such purpose.

Section 1394.8114 (b) is amended to read as follows:

(b) In any case where a Regional Administrator or a District Director or a person designated by him is authorized by any provision of Ration Order No. 5C to review or redetermine the right of any ration holder to receive any ration, or the right of any dealer or intermediate distributor to receive any inventory coupon or gasoline deposit certificate, such officer, before requiring the surrender of any such documents or credits shall notify the holder that his right to retain such documents or credits is under review and shall allow a reasonable time in which the holder may present evidence in support of his right to receive or retain such ration, coupon, certificate or credits under the provisions of Ration Order No. 5C. Such officer shall receive and consider any evidence presented by the holder, and may require him to appear for examination and to produce such witnesses or evidence as he may deem material. If the original application or certification and the other evidence presented fails to establish that the ration holder, dealer, or distributor was entitled under the provisions of Ration Order No. 5C to receive the ration books, coupons, or gasoline deposit certificates issued to him the Regional Administrator, District Director, or other designated person may order the surrender of any such books, coupons, or gasoline deposit certificates, or a ration check drawn upon credits arising from the deposit of such coupons or certificates. Any person required to surrender ration books, coupons, gasoline deposit certificates or ration credits by the terms of an order issued pursuant to this section shall surrender them as required by the terms of such order. Ration credits shall be surrendered by the issuance and delivery of a ration check payable to the Office of Price Administration. Any person may appeal from an adverse decision under such review or redetermination pursuant to Procedural Regulation No. 9.

4. In § 1394.8216 the headnote is amended to read *"Certification of shortage, and disposal of invalidated coupons and evidences."* The present text of § 1394.8216 is redesignated paragraph (a) of § 1394.8216 and a new paragraph (b) is added to read as follows:

(b) In the event that any dealer or intermediate distributor has in his possession or control any coupon or other evidence which he acquired after September 22, 1942, in exchange for a lawful transfer of gasoline, and which can no longer be lawfully transferred by him or deposited in a ration bank account at the same unit value which such coupon or other evidence had at the time and place it was surrendered by a consumer in exchange for a transfer of gasoline, the dealer or intermediate distributor shall surrender such coupon or other evidence to the Board having jurisdiction over the area where his place of business is located. Every dealer and intermediate distributor shall prepare, in triplicate, on Form OPA R-541, a list of the coupons and other evidences so surrendered and the unit value which each such coupon or other evidence had at the time and place it was surrendered by a consumer in exchange for a transfer of gasoline, and a written statement in triplicate setting forth: (1) the reasons he was unable to dispose of the coupons or other evidences within the time prescribed in §1394.8215; (2) the storage capacity, quantity of gasoline on hand, and the total gallonage value of the ration credits, gasoline deposit certificates, coupons and other evidences on hand for such place of business. The dealer or intermediate distributor shall sign the summary of coupons and evidences (Form OPA R-541) and the statement and shall file the original and one copy thereof with the Board having jurisdiction over the area where his place of business is located. The Board shall forward one copy of the summary and statement, containing a notation of the action of the Board thereon, to the Chief Enforcement Attorney in the Office of the District Director having jurisdiction over the area where the Board is located. If the Board finds that the coupons were acquired by the dealer or intermediate distributor at the unit value listed, in exchange for a lawful transfer of gasoline, and that there was good reason for the dealer or intermediate distributor's failure to dispose of the coupons within the time prescribed, the Board shall issue inventory coupons, in the case of a dealer, or a gasoline deposit certificate, in the case of an intermediate distributor, equal in gallonage value to the listed value of the coupons surrendered, except that the Board shall not issue inventory coupons or a gasoline deposit certificate in an amount which would cause the aggregate gallonage value of all ration credits, gasoline deposit certificates, coupons or other evidences in the possession or control of the dealer or intermediate distributor to exceed the unfilled storage capacity of such dealer or intermediate distributor. In the event the Board disallows the application it shall retain all coupons and other evidences which are

---

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

[1] 8 F.R. 7322, 9020, 9021, 10618, 10741, 12025, 12660, 12622, 12693, 12795, 13390.

[2] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1538, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3613, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6486, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062, 9202, 9304, 9334, 9219, 9787, 9457, 9530, 10082, 10364, 10365, 10511, 11429, 12023, 13124, 13125, 13340, 13340,

invalid and return to the applicant those evidences which are still valid and which then have a value less than the value at which they were received by the applicant.

5. Section 1394.8218 (e) is added to read as follows:

(e) In the event that any licensed distributor has in his possession or control at any of his facilities any coupons or other evidences which he acquired after September 22, 1942, in exchange for a lawful transfer of gasoline, but which can no longer be deposited by him in a ration bank account at the same unit value as such coupons or other evidences had at the time the gasoline was transferred, the licensed distributor shall surrender such coupons and other evidences to the Board with which the facility of such licensed distributor is registered. All coupons and other evidences so surrendered shall be listed by the licensed distributor on triplicate copies of Form OPA R-541, at the unit value which the coupons and other evidences had at the time of transfer of the gasoline in exchange for which the coupons or other evidences were received. The Board shall retain one copy of the Form OPA R-541, and shall endorse a receipt and the Board's address upon the original and one copy and return them to the licensed distributor. At the time of his submission of his next monthly state motor fuel tax report, the licensed distributor shall also submit, attached to his reconciliation statement (Form OPA R-550) the original summary on Form OPA R-541, bearing the receipt of the Board, and, on an attached statement, shall explain in detail the circumstances surrounding his failure to deposit the coupons or other evidences within the time allowed. He shall report on line 18 of his reconciliation statement (Form OPA R-550) the total listed value of the coupons or other evidences which have been so surrendered by him to the Board and which have not been reported on a reconciliation statement previously submitted. If the Office of Price Administration, Washington, D. C., finds that the coupons were acquired by the distributor at the unit value listed, in exchange for a lawful transfer of gasoline, and that there was good reason for the distributor's failure to deposit the coupons or other evidences within the time allowed, it will credit the licensed distributor with the value of the coupons or other evidences surrendered to the Board, and instruct the Board to destroy the coupons or other evidences so surrendered.

This amendment shall become effective November 3, 1943.

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

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17590; Filed, October 29, 1943; 4:36 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,[1] Amdt. 86]

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 1394.5653 (b) (1) is added as follows:

(1) On and after November 1, 1943, a dealer or primary supplier may not transfer fuel oil to a consumer (other than an agency specified in § 1394.5454 (a)) except in exchange for coupons equal in gallonage value to the amount of the fuel oil transferred, surrendered at the time of the transfer, if at the time of the transfer the consumer has failed to surrender evidences (or delivery receipts) to the transferor for any previous transfer of fuel oil and more than fifteen (15) days have elapsed since that surrender was required.

2. Section 1394.5653 (b) (2) is added as follows:

(2) On and after November 1, 1943, a consumer (other than an agency specified in § 1394.5454 (a)) may not accept a transfer of fuel oil from any transferor except in exchange for coupons equal in gallonage value to the amount of the fuel oil transferred, surrendered at the time of the transfer, if at the time of the transfer the consumer has failed to surrender evidences (or delivery receipts) to any transferor for a previous transfer of fuel oil and more than fifteen (15) days have elapsed since that surrender was required.

3. Section 1394.5655 (b) (5) (i) is added as follows:

(i) On and after November 1, 1943, a dealer or primary supplier may not transfer fuel oil to a consumer (other than an agency specified in § 1394.5454 (a)) except in exchange for delivery receipts or evidences (equal in gallonage value to the amount of the fuel oil transferred) surrendered at the time of the transfer, if at the time of the transfer the consumer has failed to surrender delivery receipts (or evidences) to the transferor for any previous transfer of fuel oil and more than fifteen (15) days have elapsed since that surrender was required.

4. Section 1394.5655 (b) (5) (ii) is added as follows:

(ii) On and after November 1, 1943, a consumer (other than an agency specified in § 1394.5454 (a)) may not accept a transfer of fuel oil except in exchange for delivery receipts or evidences (equal in gallonage value to the amount of fuel oil transferred) surrendered at the time of the transfer, if at the time of the transfer the consumer has failed to surrender delivery receipts (or evidences) to any transferor for a previous transfer of fuel oil and more than fifteen (15) days have elapsed since that surrender was required.

5. Section 1394.5687 (b) is amended by substituting for the second sentence in the paragraph the following sentence, "The check must be issued at the time of, or at the option of the transferor within seventy-two (72) hours after or within fifteen (15) days in advance of, the transfer, except that where a transfer of 2000 gallons or more of fuel oil is made to a consumer in a single transportation facility generally used for such purpose, the transferor may, at his option, permit the consumer to issue his check for such fuel oil within a period not exceeding fifteen (15) days after the transfer."

6. Section 1394.5687 (c) is amended by substituting for the first sentence in the paragraph the following sentence, "If a transfer is made to a consumer who is a depositor, in the absence of the consumer or his agent, or by common or contract carrier or pipeline, the consumer shall, within seventy-two (72) hours after, or at the option of the transferor within fifteen (15) days in advance of, the transfer, issue a ration check to the transferor for the fuel oil transferred" and by inserting before the period at the end of the paragraph the phrase, "after the transfer".

7. Section 1394.5687 (e) is added as follows:

(e) A transferor of fuel oil who receives a ration check in advance of the transfer of fuel oil shall not use the check (or if he is a depositor shall not issue a check against the check) so received until he has transferred the fuel oil to his transferee and only to the extent of the fuel oil transferred.

8. Section 1394.5687 (f) is added as follows:

(f) If a transferor permits a consumer to issue a check for a transfer of at least 2000 gallons of fuel oil after the transfer (according to and up to the maximum period permitted by paragraph (b) or (c) of this section), the transferor may,

---

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

[1] 7 F.R. 8480, 8809, 8897, 9316, 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, 4678, 6064, 6262, 6960, 7588, 6137, 9059, 9219, 9458, 9382, 10082, 10089, 10304, 10435, 11380, 11687, 11756, 11814, 12543, 12139, 12934, 12713, 13125.

at his option, permit the consumer to include in the check the gallonage value of any fuel oil transferred by the transferor to the consumer between the date on which the transfer of at least 2000 gallons was made and the date on which the issuance of the check for that transfer is required.

9. Section 1394.5689 is added as follows:

§ 1394.5689 *When a check must be issued by a consumer who has failed to surrender evidences for previous transfers.* (a) On and after November 1, 1943, a dealer or primary supplier may not transfer fuel oil to a consumer who is a depositor, except in exchange for a ration check or other evidences, (equal in gallonage value to the amount of fuel oil transferred) issued at the time of, or at the option of the transferor within fifteen (15) days in advance of, the transfer, if at the time of the transfer the consumer has failed to surrender a ration check or other evidences (or delivery receipts) to the transferor for any previous transfer of fuel oil and more than fifteen (15) days have elapsed since that surrender was required.

(b) On and after November 1, 1943, a consumer who is a depositor may not accept a transfer of fuel oil from any transferor except in exchange for a ration check or other evidences, (equal in gallonage value to the amount of the fuel oil transferred) surrendered to the transferor at the time of, or at the option of the transferor within fifteen (15) days in advance of, the transfer, if at the time of the transfer the consumer has failed to surrender a ration check or other evidences (or delivery receipts) to any transferor for any previous transfer of fuel oil and more than fifteen (15) days have elapsed since that surrender was required.

10. Section 1394.5707 (a) is amended by substituting the phrase "fifteen (15) days" for the phrase "five (5) days" in the first sentence.

11. Section 1394.5707 (a) (4) is added as follows:

(4) On and after November 1, 1943, a primary supplier within or without the limitation area or a dealer within the limitation area may not transfer fuel oil to a dealer within the limitation area except in exchange for evidences (equal in gallonage value to the amount of the fuel oil transferred) surrendered at the time of, or at the option of the transferor within fifteen (15) days in advance of the transfer, if at the time of the transfer the transferee has failed to surrender evidences to the transferor for any previous transfer of fuel oil and more than fifteen (15) days have elapsed since that surrender was required.

12. Section 1394.5707 (a) (5) is added as follows:

(5) On and after November 1, 1943, a dealer within the limitation area may not accept a transfer of fuel oil from any transferor except in exchange for evidences (equal in gallonage value to the amount of the fuel oil transferred) surrendered at the time of, or at the option of the transferor within fifteen (15) days in advance of the transfer, if at the time of the transfer the dealer has failed to surrender evidences to any transferor for any previous transfer of fuel oil and more than fifteen (15) days have elapsed since that surrender was required.

13. Section 1394.5709 is amended as follows:

The text of § 1394.5709 is renumbered § 1394.5709 (a) and is amended by deleting the parenthetical expression "(or any dealer who receives a transfer or return of fuel oil from another dealer who is within the limitation area)" and by inserting after the word "shall" the phrase "at the time of, or at the option of the transferor within fifteen (15) days after or within fifteen (15) days in advance of the transfer."

14. Section 1394.5709 (b) is added as follows:

(b) On and after November 1, 1943, a primary supplier may not accept a transfer of fuel oil under this section except in exchange for evidences (equal in gallonage value to the fuel oil transferred) surrendered at, or at the option of the transferor within fifteen (15) days in advance of the transfer, if at the time of the transfer the primary supplier has failed to surrender evidences for any previous transfer under this section, and more than fifteen (15) days have elapsed since that surrender was required.

15. Section 1394.5724 is amended to read as follows:

§ 1394.5724 *Application to replace dealer's losses.* (a) Any dealer may apply to his Board, on OPA Form R-1120, and upon the conditions mentioned on the form, for evidences to replace his unavoidable and unrecoverable losses or shortages of fuel oil, evidences, or delivery receipts. The applicant shall supply the information required by that form.

Allowances may be made only for:

(1) Losses of fuel oil, evidences, or delivery receipts acquired by the applicant in accordance with this order.

(2) Other shortages of fuel oil, evidences, or delivery receipts acquired by the applicant in accordance with this order. If the fuel oil, evidences, or delivery receipts were transferred, they must also have been transferred by the applicant in accordance with this order.

(b) If the shortage or loss of evidences or delivery receipts occurs before November 1, 1943, the application must be made before January 1, 1944, unless the applicant shows good cause for applying later. If a shortage or loss of evidences or delivery receipts occurs on or after November 1, 1943, or if a shortage or loss of fuel oil occurs at any time, application to replace the shortage or loss must be made within a reasonable time after it occurs. Except in the case of an extraordinary loss of fuel oil, evidences, or delivery receipts (for example, when caused by fire, theft, or accident), application may not be made more often than once a month.

(c) Unless the District Director is authorized by the Washington Office to do so, the Board may act on the application and may issue to the applicant evidences equal in gallonage value to the allowable loss or shortage described in paragraph (a) of this section.

(d) No allowance of loss or shortage made under this section shall operate as a waiver of any violations of this order.

16. Section 1394.5725 is added as follows:

§ 1394.5725 *Primary suppliers may explain losses or shortages.* A primary supplier may submit with his OPA Form R-1119 an explanation for any unavoidable or unrecoverable loss or shortage of fuel oil, evidences, or delivery receipts. If the shortage or loss of the fuel oil, evidences, or delivery receipts is satisfactorily explained and if it did not result from the primary supplier's violation of this order, the Washington Office may accept the explanation in lieu of evidences.

17. Section 1394.5726 is added as follows:

§ 1394.5726 *Surrender of excess evidences.* (a) A dealer, who has acquired evidences or delivery receipts of a gallonage value in excess of the amount he may properly receive under this order, or who has failed to deliver evidences as required by this order, must surrender to the person entitled to them under this order, or, if he is unknown, to the Board with which the dealer is registered (or to any employee of OPA authorized for that purpose) evidences equal in gallonage value to the excess or to the amount he failed to deliver. Unless the surrender is made to the person so entitled, the dealer must submit with the evidences a statement explaining the manner in which the excess or failure to deliver occurred.

(b) Any primary supplier, who has acquired evidences or delivery receipts of a gallonage value in excess of the amount he may properly receive under this order, or who has failed to deliver evidences as required by this order, must surrender to the person entitled to them under this order, or, if he is unknown, to the Control and Audit Section, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C. with his next monthly report on OPA Form R-1119, evidences equal in gallonage value to the excess or to the amount he failed to deliver. Unless the surrender is made to the person so entitled, the primary supplier must submit with the evidences a statement explaining the manner in which the excess or failure to deliver occurred.

(c) If a dealer, who received evidences for a shortage or loss pursuant to § 1394.5724, or of a primary supplier, whose explanation of a shortage or loss was accepted under § 1394.5725, subsequently recovers the fuel oil, evidences, or delivery receipts, for the shortage or loss of which the dealer received evidences, or the primary supplier's explanation was accepted, he shall immediately surrender evidences equal in gallonage value to the amount of such receipt or recovery to the Board, if he is

a dealer, or the Washington Office, if he is a primary supplier.

18. Section 1394.5734 is added as follows:

§ 1394.5734 *Dealers' accounts must be in balance.* Every dealer shall be accountable for all fuel oil, coupons and other evidences, ration credits, delivery receipts and, if he is also a consumer, fuel oil deposit certificates received by him. Coupons and other evidences and delivery receipts received at or for a dealer establishment shall, at all times when the dealer is open to transact business, be retained by him at the establishment for which they were received until such time as they are surrendered pursuant to this Ration Order 11, or, if he is a depositor, the coupons and other evidences and fuel oil deposit certificates may be on deposit in the appropriate ration bank account. No dealer shall have evidences, delivery receipts or ration credits the aggregate gallonage value of which is less than or in excess of the unfilled storage capacity of the storage facilities shown in his current registration certificate, except to the extent that he can account for such excesses or deficits by reason of conditions which are not due to his violations of other provisions of this order. However, in ascertaining whether a dealer's accounts are in balance, fuel oil delivered to him for which he has not yet surrendered evidences, evidences for which he has not yet transferred fuel oil, and the gallonage value of the unused portion of his fuel oil deposit certificates, must not be included.

This amendment shall become effective on November 1, 1943.

NOTE: The reporting requirements of this amendment are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(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-O, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of October, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17589; Filed, October 29, 1943; 4:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 27 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 is amended in the following respects:

1. Section 1407.1102 (a) is amended to read as follows:

(a) Processed foods shall have the point values set forth in the Official Table of Point Values (No. 9), which is made a part hereof.[2]

2. Section 1407.1102 (b)-(3) (vi) is added to read as follows:

(vi) Jams, jellies, marmalades (other than citrus), fruit butters and preserves—1.9.

This amendment shall become effective at 12:01 a. m., October 31, 1943.

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

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17530; Filed, October 29, 1943; 4:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[3] Amdt. 21 to Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (a) is amended to read as follows:

(a) Foods covered by this order shall have the point values set forth in the Official Tables of Consumer and Trade Point Values (No. 8) (OPA Forms H-1313 and 1611) which are made a part hereof.[2]

This amendment shall become effective at 12:01 a. m., October 31, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17581; Filed, October 29, 1943; 4:31 p. m.]

PART 1444—ICE BOXES

[MPR 399,[1] Amdt. 6]

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 respects:

Section 14, Table A, "Retail Ceiling Prices in Each State for Sales of Ice Boxes by Ice Companies and Retail Establishments Controlled by Ice Companies," is amended by adding ceiling prices for a new model ice box as set forth below.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Victory Mfg. Corp.	Bohn	100	75#	$69.00

State:	Price
Alabama	67.00
Arizona	68.25
Arkansas	67.00
California	68.25
Colorado	68.25
Connecticut	66.00
Delaware	66.00
D. C.	66.00
Florida	67.25
Georgia	66.75
Idaho	68.25
Illinois	66.50
Indiana	66.25
Iowa	66.75
Kansas	67.50
Kentucky	66.25
Louisiana	67.25
Maine	66.25
Maryland	66.00
Massachusetts	66.00
Michigan	66.50
Minnesota	67.25
Mississippi	67.25
Missouri	66.75
Montana	68.25
Nebraska	67.25
Nevada	68.25
New Hampshire	66.00
New Jersey	66.00
New Mexico	68.25
New York	66.00
North Carolina	66.00
North Dakota	68.00
Ohio	66.00
Oklahoma	67.50
Oregon	68.25
Pennsylvania	66.00
Rhode Island	66.00
South Carolina	66.50
South Dakota	67.75
Tennessee	67.00
Texas	68.00
Utah	68.25
Vermont	66.00
Virginia	66.00
Washington	68.25
West Virginia	66.00
Wisconsin	66.50
Wyoming	68.25

2. Section 16, Table C, "Ceiling Prices in Each State for All Other Sales of Ice Boxes at Retail," is amended by adding ceiling prices for a new model ice box as set forth below:

---

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10085, 10089, 10728, 11387, 11447, 11483, 11812, 12026.

[2] Filed with the Division of the Federal Register as part of the original Document. Copies may be obtained from the Office of Price Administration.

[3] 8 F.R. 3591, 3714, 4892, 5408, 5758, 6840, 7264, 7492, 8869, 9203, 10090, 10728, 11688, 12299, 12444, 12549.

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

[1] 8 F.R. 7448, 9062, 11386, 11813, 13982, 14150.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price
Victory Mfg. Corp.	Bohn	100	75#	$[illegible]

State:	Price
Alabama	72.25
Arizona	73.75
Arkansas	72.25
California	73.75
Colorado	73.50
Connecticut	71.25
Delaware	70.75
D. C.	70.50
Florida	72.50
Georgia	72.00
Idaho	73.75
Illinois	71.75
Indiana	71.50
Iowa	72.00
Kansas	72.75
Kentucky	71.50
Louisiana	72.50
Maine	71.50
Maryland	70.50
Massachusetts	71.25
Michigan	71.75
Minnesota	72.50
Mississippi	72.75
Missouri	72.00
Montana	73.75
Nebraska	72.50
Nevada	73.75
New Hampshire	71.25
New Jersey	70.75
New Mexico	73.75
New York	71.25
North Carolina	71.25
North Dakota	73.25
Ohio	71.25
Oklahoma	72.75
Oregon	73.75
Pennsylvania	71.00
Rhode Island	71.25
South Carolina	71.75
South Dakota	73.00
Tennessee	72.25
Texas	73.25
Utah	73.75
Vermont	71.25
Virginia	70.75
Washington	73.75
West Virginia	71.00
Wisconsin	72.00
Wyoming	73.50

This amendment shall become effective on the 4th day of November 1943.

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

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator

[F. R. Doc. 43-17575; Filed, October 29, 1943; 4:37 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-5, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN LUBBOCK DISTRICT, TEX.

For the reasons set forth in the statement of considerations issued simultaneously herewith, Restaurant Maximum Price Regulation No. 5-5 is hereby amended in the following respects:

Section 23 *Licensing* is amended to read as follows:

SEC. 23. *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 or schedule. 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.

Section 18 *Exempt Sales* is amended by adding paragraph (d) to read as follows:

(d) Eating and drinking places operated by any school, college, or university, which is a non-profit institution, that is, where no part of the net earnings inures to the benefit of any private individual, which sells food items or meals on a non-profit or cost basis, or as near thereto as reasonable accounting methods will permit, and substantially all sales of which are made to students, faculty members, and employees of such institutions. For the purpose of this section, persons receiving instruction on the premises of such institutions by arrangement with the War Department or the Department of the Navy shall be considered as students.

This amendment shall become effective on the 18th day of October 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of October 1943.

HOWARD R. GHOLSON,
District Director.

[F. R. Doc. 43-17592; Filed, October 29, 1943; 4:34 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[2d Rev. Restaurant MPR 7-1, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DENVER REGION, COLO.

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

Second Revised Restaurant Maximum Price Regulation No. 7-1 is amended in the following respects:

1. The second unnumbered paragraph in the preamble is amended to read as follows:

In the judgment of the Regional Administrator of Region VII, the prices of food and beverages sold for immediate consumption in the States of Colorado, Montana, New Mexico, Utah and Wyoming and all that portion of the State of Idaho lying south of the southern boundary of Idaho County, and all of Harney and Malheur Counties in the State of Oregon, and all that part of Mohave and Coconino Counties of the State of Arizona lying north of the Colorado River.

2. Section 15, *Geographical applicability,* is amended to read as follows:

SEC. 15. *Geographical applicability.* This Second Revised Restaurant Maximum Price Regulation No. 7-1 applies to the States of Colorado, Montana, New Mexico, Utah and Wyoming, and all that portion of the State of Idaho lying south of the southern boundary of Idaho County, and all of Harney and Malheur Counties in the State of Oregon and all that part of Mohave and Coconino Counties of the State of Arizona lying north of the Colorado River.

This amendment shall become effective as of August 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 9th day of October 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-17576; Filed, October 29, 1943; 4:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 1 under GMPR,[1] Amdt. 33]

EXCEPTIONS OF COMMODITY TRANSACTIONS FROM THE GENERAL MAXIMUM PRICE REGULATION

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 2.3 (p) (5) is added to read as follows:

(5) Wild rice.

This amendment shall become effective November 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 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17594; Filed, October 29, 1943; 4:36 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 46]

TRANSPORTATION OF PROPERTY

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

Section 7.11 of Revised Supplementary Regulation No. 14 is amended to read as follows:

---

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

[1] 8 F.R. 3036, 3349, 4347, 4486, 4724, 4973, 4848, 6047.

SEC. 7.11 *Adjustment of maximum rates for the transportation of property by carriers performing pick-up and delivery or local transfer service for rail, motor, and water line haul carriers*—(a) *Maximum rates.* The maximum rates for the transportation of property by carriers, other than common carriers, performing pick-up and delivery or local transfer service for rail, motor, and water line haul carriers shall be either (1) the maximum rate established for such service by § 1499.2 of the General Maximum Price Regulation, or (2) a rate agreed upon between the seller and purchaser of the service and approved by the Office of Price Administration pursuant to an application filed in the manner hereinafter stated and containing a certification by the seller and the purchaser of the service that the following facts exist:

(i) The actual cost of materials and labor used in supplying the service exceeds the cost on the "applicable base date" as defined in this section, by an amount so large that the continued supply of the service is threatened; and

(ii) The requested increase in the rate will not produce additional revenue in excess of the amount by which the cost of the material and labor used in supplying the service exceeds such cost on the "applicable base date" as defined in this section;

and the purchaser of the service certifies that:

(*a*) It cannot procure satisfactory performance of the service from applicant or any other pick-up and delivery carrier at rates lower than the rates requested; and a discontinuance of such service will result in increased transportation cost to shippers and consignees; and

(*b*) It agrees to pay and absorb the increase in the pick-up and delivery or local transfer rates requested in the application and will not increase its own charges on account of such increase in the pick-up and delivery or local transfer rates. (This statement may be made without prejudice to the line haul carrier's right to present for consideration by any regulatory authority, the increased cost resulting from the new pick-up and delivery or local transfer rates, together with any other cost increases, in any future application for a general rate increase based on revenue needs.)

(b) *Filing of application.* The application required in paragraph (a) (2) above shall be set forth on Form OPA 383.8, as revised from time to time, and filed by either the seller or the purchaser of the service with the Office of Price Administration, Transportation and Public Utilities Division, Washington, D. C., at least 30 days before the date on which the new rates are proposed to be made effective.

(c) *Approval, adjustment, or modification of rates.* The requested increase in maximum rates for pick-up and delivery service set forth in an application filed with the Office of Price Administration pursuant to this Section shall be deemed approved by the Office of Price Administration, subject to subsequent adjustment or modification thereof, if a notice of disapproval of such rates or a request for additional information is not mailed by the Office of Price Administration to the seller and purchaser of the service within 30 days after the filing of such application.

(d) *Definitions.* (1) "Pick-up service" means the transportation of property to a terminal of a line haul carrier from the point of origin from which the line haul rate applies.

(2) "Delivery service" means the transportation of property from a terminal of a line haul carrier to the point of destination to which the line haul rate applies.

(3) "Local transfer service" means the local transfer of property from one terminal of a line haul carrier to another terminal of such line haul carrier or to that of a connecting line haul carrier.

(4) "Pick-up and delivery carrier" means a carrier who performs pick-up and delivery or local transfer service for a line haul carrier.

(5) "Applicable base date" refers to services performed during March 1942 and means October 1, 1941, or the date prior to March 31, 1942 upon which the present maximum rate became effective, whichever is closer to March 31, 1942; except that if the present maximum rate became effective after March 31, 1942 pursuant to approval of the Office of Price Administration, the date upon which such approved rate became effective is the "applicable base date".

This amendment shall become effective November 4, 1943.

NOTE: The reporting provision of this amendment has 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 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17593; Filed, October 29, 1943; 4:37 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3[1] incl. Amdt. 98]

SUGAR RATIONING REGULATIONS

Sections 1407.21 (c) (3), (17), 1407.69, 1407.71 (a), (d), 1407.73, 1407.167, 1407.243 are amended; and §§ 1407.62, 1407.63, 1407.64, 1407.65, 1407.66, 1407.67, 1407.68, 1407.70, 1407.72, 1407.181 (a) are revoked by Amendment 98, effective November 1, 1943; so that Ration Order No. 3 shall read as follows:

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board issued January 24, 1942, and by Supplementary Directive No. 1E of the War Production Board issued April 21, 1942, *It is hereby ordered,* That:

[1] 8 F.R. 5908.

SCOPE OF RATIONING ORDER NO. 3

Sec.
1407.1 Territorial limitation.

DEFINITIONS

1407.21 Meaning of terms used in Rationing Order No. 3.

ADMINISTRATION AND PERSONNEL

1407.41 Personnel.
1407.42 Powers and duties.
1407.43 Jurisdiction of Board; transfers.
1407.44 Records confidential.

CONSUMERS

1407.61 Prohibited deliveries.
1407.62 [Revoked]
1407.63 [Revoked]
1407.64 [Revoked]
1407.65 [Revoked]
1407.66 [Revoked]
1407.67 [Revoked]
1407.68 [Revoked]
1407.69 Issuance of books to certain consumers who have surrendered their books.
1407.70 [Revoked]
1407.71 Home processing and preserving for use.
1407.71a Home processing for sale.
1407.72 [Revoked]
1407.73 Consumer handicapped by transportation difficulties.
1407.74 Growers of sugarcane and sugar beets.
1407.75 Illness of consumer.
1407.76 [Revoked.]

INSTITUTIONAL AND INDUSTRIAL USERS

1407.81 Registering unit.
1407.82 Prohibited deliveries.
1407.83 Registration.
1407.84 Present inventory.
1407.85 Sugar base.
1407.86 Allotment.
1407.86a Increases in allotments based on increases in population.
1407.86b Temporary increases in allotments due to military maneuvers.
1407.86c Increased allotments for certain bakery and other cereal products for the September 1, 1943, period.
1407.86d Increased allotments for jams, jellies, preserves, and fruit butters for the September 1, 1943, period.
1407.86e Increased allotments for drugs, medicines, and cough drops for the September 1, 1943, period.
1407.86f Increased allotments for certain bakery and other cereal products for the the period commencing November 1, 1943.
1407.86g Increased allotments for jams, jellies, preserves, and fruit butters for the period commencing November 1, 1943.
1407.86h Increased allotments for drugs, medicines, and cough drops for the period commencing November 1, 1943.
1407.86i Time of application for certain increased allotments.
1407.87 Provisional allowance.
1407.88 Application for certificate.
1407.89 Use of provisional allowance.
1407.90 Amount for which certificate is to be issued.
1407.91 Adjustments.
1407.92 Use of allotment.
1407.93 Late registrations.
1407.93a Ration banking by industrial users.
1407.94 Reports and records.
1407.95 Institutional users.

RETAILERS AND WHOLESALERS

1407.101 Registering unit.
1407.102 Prohibited deliveries.

Sec.
1407.103 Registration and application: Eligibility.
1407.104 Present inventory.
1407.105 Allowable inventory.
1407.106 Issuance of certificates at registration.
1407.107 Excess inventory.
1407.108 Deliveries to registering units after registration.
1407.109 Late registrations.
1407.109a Ration banking by retailers and wholesalers.
1407.110 Records.
1407.111 Replacement of sugar lost in repackaging.
1407.112 Surrender of certain expired stamps and certificates in exchange for certificates or reduction of excess inventory.

PRIMARY DISTRIBUTORS

1407.120 Ration banking by primary distributors.
1407.121 Deliveries by primary distributors.
1407.122 Records of primary distributors.
1407.123 Orders or commitments for future deliveries.
1407.124 Restrictions on primary distributors.

SUGAR PURCHASE CERTIFICATES, WAR RATION BOOKS, WAR RATION STAMPS AND SUGAR RATION CHECKS

1407.140 Use of checks by depositors and non-depositors.
1407.141 Nature and validity of certificates and stamps.
1407.142 Surrender of certificates and stamps.
1407.142a Use of coupons.
1407.143 Type of sugar authorized.
1407.144 Transfer of establishments.
1407.145 Judicial seizure of certificates, stamps, and sugar.
1407.146 Acquisition of sugar for carriage, storage, or security; disposal.
1407.147 Disposal of damaged sugar and undamaged sugar mingled therewith, or sugar in a package, bag, or other container damaged while in transit by common carrier.
1407.147a Replacement of damaged, destroyed, lost or stolen sugar or sugar in a package, bag, or other container damaged while in transit.
1407.147b Recovery of lost or stolen sugar.
1407.147c Miscellaneous records.
1407.148 Destroyed, mutilated, or stolen certificates, stamps, and coupons.
1407.149 Drop shipments.
1407.150 [Revoked]
1407.151 Duty to ascertain validity of certificates and stamps.
1407.152 Notification to Office of Price Administration of legal proceedings.
1407.153 Issuance of certificates.

PETITIONS FOR ADJUSTMENT: APPEALS: NEW BUSINESS: MISCELLANEOUS

1407.161 Petitions for adjustment of base, allotment, provisional allowance, or allowable inventory.
1407.162 Appeals.
1407.163 New establishments and ineligible establishments desiring sugar.
1407.164 Correction of registration: Composition of registering unit.
1407.165 Finality of findings.
1407.166 Exchange of sugar, tolling agreements and borrowing of sugar by primary distributors.
1407.167 Investigatory agencies.
1407.168 Deliveries, transfers or shipments outside a zone.
1407.169 Deliveries of sugar by consumers and institutional and industrial users.
1407.170 Imports.
1407.171 Imports of sugar by certain persons.

ARMED FORCES OF THE UNITED STATES: CERTAIN OTHER PERSONS AND AGENCIES

1407.181 Armed forces personnel.
1407.182 Deliveries of sugar to exempt agencies.
1407.182a Ships' and planes' stores.
1407.183 Deliveries of sugar to certain persons and agencies.
1407.183a Products containing sugar delivered to certain persons on or after July 1, 1943.
1407.183b Ration banking by certain airplane operators.
1407.184 Products containing sugar delivered to Army or Navy or certain other persons or agencies.
1407.184a Deliveries of sugar to Army exchanges, post exchanges, ships' service departments ashore and similar agencies.
1407.185 Products containing sugar delivered to Army exchanges and similar agencies.
1407.185a Deliveries of sugar by Army exchanges, post exchanges, ships' service departments ashore.
1407.186 Products containing sugar manufactured for delivery to Army or Navy.
1407.187 Adjustment of inventory instead of issuance of certificate.
1407.188 Restriction on replacement of sugar in products listed in Schedule A.

ENFORCEMENT

1407.201 Prohibited sale.
1407.202 Unlawful use or possession.
1407.202a Certificates are property of the Office of Price Administration.
1407.203 Criminal penalties.
1407.204 Cancellation of privileges and reallocation of sugar.
1407.204a Saving clause.
1407.205 Prohibited deliveries.

EFFECTIVE DATE

1407.221 Effective date of Rationing Order No. 3.
1407.222 Effective dates of amendments.

SCHEDULES

1407.241 Schedule A: Tables of sugar allowance per unit of product for determination of provisional allowance.
1407.242 Schedule B: Allotment percentages for industrial users.
1407.243 Schedule C: Designation of ration periods and weight value of stamps valid therein.
1407.244 Schedule D: Counties which have had a substantial increase in population and the percentage for each such county.

SUGAR RATION BANK ACCOUNTS

1407.260 Termination of Temporary Ration Banking plan.
1407.261 Meaning of terms used in §§ 1407.261 through 1407.275.
1407.265a Closing accounts.
1407.274 Records and duties of depositors.
1407.275 Bank records and accounts confidential.

AUTHORITY: §§ 1407.1 to 1407.275, issued under Pub. Law 421, 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005.

Scope of Rationing Order No. 3

§ 1407.1 *Territorial limitation.* Rationing Order No. 3 shall apply within the forty-eight states of the United States and within the District of Columbia.

Definitions

§ 1407.21 *Meaning of terms used in Rationing Order No. 3.* (a) Whenever the provisions of this order impose or confer duties, obligations, rights or privileges upon an establishment or registering unit, such duties, obligations, rights and privileges shall be considered as being conferred or imposed upon the person owning such establishment or registering unit with respect thereto. Whenever reference is made to an act done or to be done, or to property owned, by an establishment or a registering unit, it shall be deemed to refer to an act done or to be done, or to property owned, by the person owning such establishment or unit in its behalf.

[Paragraph (a) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(b) Words importing the masculine gender include the feminine and neuter genders; and words importing the singular include the plural and vice versa.

(c) Definitions:

(1) "Adult" means any married person, or any person who is at least eighteen (18) years of age.

(2) "The Board" means a local rationing board, or the local rationing board with which the consumer or registering unit is registered, as the context indicates.

(3) "Book" or "war ration book" means a war ration book which contains or contained stamps designated by the Office of Price Administration as authorization to take delivery of sugar.

[Paragraph (3) as amended by Amendment 93, effective 11-1-43]

(4) "Certificate" means a sugar purchase certificate (OPA Form R-306) or a food ration certificate (OPA Form R-1201) issued for the delivery of sugar.

[Paragraph (4) as amended by Amendment 54, 8 F.R. 4977, effective 4-22-43]

(5) "Consumer" means any individual who receives sugar for personal use.

(6) "Delivery" means the transfer of physical possession or the transfer of a document of title.

(7) "Establishment" means the business or operation subject to Rationing Order No. 3, conducted at or from a particular location.

(8) "Family unit" means a group of two or more individuals, consisting of all persons customarily living together in the same household (including persons temporarily absent therefrom) who are related by blood, marriage, or adoption.

(9) "Industrial user" means an establishment which uses sugar in the production, manufacture, or processing of any product other than sugar if the product is not to be used in the preparation or service of food or beverages which the establishment or its owner serves to consumers. It includes an establishment which uses sugar for educational, experimental, testing, or demonstration purposes, whether or not a product resulting from such uses is to be used in the preparation or service of food or beverages

which the establishment or its owner serves to consumers.

[Paragraph (9) amended by Amendment 44, 8 F.R. 2675, effective 3-1-43 and Amendment 64, 8 F.R. 7351, effective 6-5-43]

(10) "Institutional use", "institutional user", "institutional user establishment" and "opening inventory" have the respective meanings given to such terms by General Ration Order 5;[2] *Provided*, That, for the purpose of this order, the term "institutional user establishment" shall be deemed to include any place where an institutional use of sugar is authorized by General Ration Order 5.

[Paragraph (10) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(11) "Person" means any individual, partnership, corporation, association, or other organized group of persons, and includes the United States, or any agency thereof, and the States or any political subdivisions or agencies thereof.

(12) "Primary distributor" means any person who manufactures sugar or the agent of any such person; or any person who, for the purposes of sale, takes delivery from the Collector of Customs of sugar brought to the continental United States from a place, other than Canada or Mexico, not subject to Rationing Order No. 3, or the agent of any such person. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

[Paragraph (12) as amended by Amendment 23, 7 F.R. 9042, effective 11-10-42]

(13) "Ration period" means the space of time designated by the Office of Price Administration for which a Stamp shall be valid.

(14) "Registering unit" means the establishment or group of establishments selected by the owner thereof to be treated as a single unit for the purpose of Rationing Order No. 3 and which is so registered by him.

(15) "Retailer" means an establishment which makes over 50 percent of its sales of all merchandise to consumers.

(16) "Shipping unit" means the quantity of sugar customarily contained in the carload or truckload by which a registering unit takes delivery of sugar from a primary distributor.

(17) "Stamp" means a War Ration Stamp originally contained in a War Ration Book and designated by the Office of Price Administration as an authorization to take delivery of sugar. All references to stamps 1 to 16, inclusive, are to stamps contained in War Ration Book One.

[Paragraph (17) as amended by Amendment 98, effective 11-1-43]

(18) "Sale at retail" means a sale to a consumer.

(19) "Sale at wholesale" means a sale to a person other than a consumer.

[2] 8 F.R. 10002, 11676, 11480, 11479.

(20) "State Director" means the person holding the Office of District Director in a District Office.

[Paragraph (20) added by Amendment 37, 8 F.R. 1204, effective 2-1-43 and amended by Amendment 95, 8 F.R. 14138, effective 10-20-43. Former (20), (21), and (22) redesignated 21), (22), and (23), respectively]

(21) "Sugar" means any saccharine product derived from sugar beets or sugarcane, which is not to be further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than six per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States. "Sugar", within the meaning of this definition, shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, brown sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar, invert sugar mush, raw sugar, liquid sugar, sirups, and sugar mixtures. Liquid sugar shall be computed on the basis of the weight of sugar solids.

(22) "Weight value" means the amount of sugar authorized to be delivered by a stamp, certificate or check.

[Paragraph (22) as amended by Amendment 38, 8 F.R. 1288, effective 1-27-43]

(23) "Wholesaler" means an establishment which makes over 50 percent of its sales of all merchandise to persons other than consumers. The term "wholesaler" does not include a primary distributor.

(24) "Account" means a sugar ration bank account carried by a bank, in which the bank keeps a record of deposits of stamps, certificates and checks and of transfers of sugar ration credits.

(25) "Bank" means a bank or bank branch which participates in ration banking by opening an account in accordance with General Ration Order No. 3.[3]

(26) "Check" means a sugar ration check, in the form prescribed by the Office of Price Administration, drawn by a depositor against his account and made payable to the account of a named person.

(27) "Depositor" means a person who has a ration bank account. A person shall be deemed a separate depositor with respect to each of his accounts, but shall be deemed a depositor only with respect to establishments served by such accounts.

[Paragraph (27) as amended by Amendment 42, 8 F.R. 2432, effective 3-2-43]

(28) "District Office" means the District Office of the Office of Price Administration having jurisdiction over the area in which the bank carrying the account for a depositor is located or, if there is no such District Office, the State Office of the Office of Price Administration having jurisdiction over that area.

[3] 8 F.R. 865, 2858, 4627, 9456.

(29) "Issue", when used with respect to a check, means the delivery of a completed check to the person to whose account the check is made payable.

(30) "Ration credits" means the credits in an account reflecting deposits of stamps, certificate or checks.

[Paragraphs (24) through (30) added by Amendment 38, 8 F.R. 1288, effective 1-27-43]

(31) "Coupon" means a sugar allowance coupon on OPA Form No. R-324, OPA Form No. R-325, OPA Form No. R-326, or OPA Form No. R-327.

[Paragraph (31) added by Amendment 59, 8 F.R. 6135, effective 5-15-43]

Administration and Personnel

1407.41 *Personnel.* (a) Rationing Order No. 3 shall be administered by the Office of Price Administration through its Local Rationing Administrators, and its Local Rationing Boards, and such other administrative personnel as it may designate.

(b) The persons referred to in paragraph (a) hereof may be assisted during the registration periods by the chief school officials of the several states, the city and county superintendents of schools, and by the persons who may be appointed to act as School Site Administrators, Registrars, and Trade Rationing Advisors. The School Site Administrators shall be appointed by the city or county school superintendents and the Registrars shall be appointed by the School Site Administrators. The Trade Rationing Advisors shall be appointed by the Local Rationing Boards. The persons enumerated in this paragraph shall serve without compensation and shall be under the supervision of the persons enumerated in paragraph (a) and of the persons who appointed them.

(c) No person participating in the administration of Rationing Order No. 3 shall act officially in connection with any matter arising under Rationing Order No. 3 wherein, by reason of business interests or relationship by blood or marriage, he is unable to act without bias.

§ 1407.42 *Powers and duties.* The persons appointed to administer Rationing Order No. 3 or to assist therein shall have such powers and duties as are provided in Rationing Order No. 3 and any subsequent orders issued by the Office of Price Administration.

§ 1407.43 *Jurisdiction of Board; transfers.* (a) The jurisdiction of each local rationing board shall extend to every consumer, registering unit and establishment registered or required to be registered with it.

[Paragraph (a) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(b) If a consumer does not reside in the area assigned to the Board with

which he is registered, a written application may be filed with the Board having jurisdiction over the area in which the consumer resides for the transfer to it of his registration file. Such application may be made by the consumer or by his authorized agent. The Board with which such application is filed, after ascertaining that the consumer is residing within the area assigned to it, shall notify the Board with which the consumer is registered. The latter Board shall thereupon transfer the registration file of the consumer to the Board to which such application has been made.

(c) If the owner of a registering unit moves his principal business office from the area in which the registering unit is registered, such owner, at his option, may apply in writing to the Board having jurisdiction over the area to which his principal business office has been moved, for the transfer to it of the registration file of the registering unit.

(d) If a registering unit is not registered with the Board having jurisdiction over the area in which is located the office from which the operation of the registering unit is immediately controlled, the owner, at his option, may apply to such Board in writing for the transfer to it of the registration file of the registering unit.

(e) Whenever an application for the transfer of the registration file of a registering unit is made in accordance with the foregoing provisions the Board to which such application is made shall notify the Board with which the registering unit is registered of the fact that such application has been made. Thereupon the latter Board shall transmit the registration file of the registering unit to the Board to which such application was made, and it shall retain a record of the name and address of the registering unit, the name of the owner, and of the address of his principal business office, and of the designation of the Board to which the registration file is transmitted.

(f) Upon the transfer of the registration file of a consumer or a registering unit in accordance with the foregoing provisions the consumer or registering unit shall thereafter be deemed to be registered with the Board to which such file is transmitted.

§ 1407.44 *Records confidential.* All records of the Office of Price Administration and of the Board relating to sugar rationing shall be confidential and shall be subject to inspection, removal, or other disposition only as provided herein or as the Office of Price Administration may from time to time order. The records shall at all times be available for inspection and use by the Department of Justice of the United States in or out of court. Any person filing a record, or his agent, may examine the record so filed by him if to do so does not interfere with the administration of Rationing Order No. 3. Records may be subpoenaed in any criminal proceeding in which the defendant is the person named in said records or is a person alleged to be in collusion with the person named therein. Records may be subpoenaed in any other action or proceeding if the subpoena is served at least ten (10) days before the return date and if the Price Administrator deems the production of the records in answer to such subpoena is in the interest of national defense and security. Notwithstanding any of the foregoing there may be posted at the office of each Board a list of all consumers who have made application for and received permission to obtain amounts of sugar in addition to sugar authorized by Stamps, except that the names of Intelligence Officers of the armed forces of the United States, or members of law enforcement agencies of the United States, or of any State or political subdivision thereof, whose work requires secrecy shall not be included in any such list.

Consumers

§ 1407.61 *Prohibited deliveries.* On and after April 28, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall make delivery of sugar to any consumer,[4] and no consumer shall accept delivery of sugar from any person except upon the surrender to such person by the consumer, pursuant to Rationing Order No. 3, of a stamp or certificate having a total weight value equal to the quantity of sugar delivered: *Provided, however,* That loans of sugar owned for personal use which are repaid in kind in equal quantity may be made between consumers without the surrender of stamps or certificates.

§ 1407.62 [Revoked.]

§ 1407.63 [Revoked.]

§ 1407.64 [Revoked.]

§ 1407.65 [Revoked.]

§ 1407.66 [Revoked.]

§ 1407.67 [Revoked.]

§ 1407.68 [Revoked.]

[§ 1407.62 through § 1407.68 revoked by Amendment 93, effective 11-1-43]

§ 1407.69 *Issuance of books to certain consumers who have surrendered their books.* (a) A consumer whose book has been surrendered pursuant to §§ 1407.73 or 1407.74 shall, by application to the board in the way provided by General Ration Order 14, be entitled to receive a book containing, however, no "sugar stamps." If such book has been issued, it shall be surrendered to the board as a condition precedent to the return of the consumer's book pursuant to §§ 1407.73 or 1407.74.

(b) Before returning a book which has been surrendered to the board, the board shall detach therefrom stamps applicable to expired ration periods and all "stamps" required to be detached by any other ration order of the Office of Price Administration.

§ 1407.70 [Revoked.]

[§ 1407.69 amended and § 1407.70 revoked by Amendment 93, effective 11-1-43]

SEC. 1407.71 *Home processing and preserving for use.* (a) A person registered as a consumer may obtain sugar for the purpose of producing processed foods from fresh fruits for use, in accordance with sections 26.2, 26.5, and 26.6 of Ration Order 13[5] (or for making the gifts permitted by those sections) or for making jams, jellies, preserves, or fruit butters.

(b) Sugar for the purpose of producing processed foods from fresh fruits, for such use, may be obtained and used at the rate of not more than one pound of sugar per four quarts (or eight pounds) of finished processed foods. Sugar for the purpose of making jams, jellies, preserves, or fruit butters may be obtained and used by a consumer in an amount not to exceed five pounds. However, the total amount of sugar which may be obtained by a consumer for both these purposes, for the period from March 1, 1943, to February 29, 1944, inclusive, shall not exceed 25 pounds.

(c) Notwithstanding anything to the contrary contained in Rationing Order No. 3, Stamps Nos. 15 and 16 each authorizes a consumer to obtain sugar on or before October 31, 1943, to be used solely for the purposes stated in paragraphs (a) and (b) of this section in an amount not to exceed five pounds. However, in no event shall a consumer use either such stamp to obtain sugar in an amount which, when added to the amount of sugar otherwise obtained by such consumer for such purposes between March 1, 1943, and February 29, 1944, inclusive, would exceed 25 pounds. The use of such stamps by a consumer to obtain sugar shall constitute a representation by the consumer to the Office of Price Administration that he is entitled to obtain such sugar under the provisions of this section.

(d) Applications for sugar needed for the purposes covered by this section, in addition to that which may be obtained on or before October 31, 1943, under paragraph (c) of this section, shall be made, in writing, to the board for the place where he lives, by one adult member of a family unit for all members of the unit (or, if there is no adult member, by the oldest member or by a responsible person) or by a consumer not a member of a family unit for himself (or, if a minor, not self-supporting, by his parent or guardian or by a responsible adult) The applicant shall either in person or by mail present to the board the War Ration Books One issued to the persons on whose behalf the application is made.

[4] "Consumer" means any individual who receives sugar for personal use.

[5] 8 F.R. 11048, 11383, 11483, 11563, 11513, 11753, 11812, 12026.

In addition, the applicant shall in his application state (1) the number of quarts (or pounds) of processed foods the applicant, and the members of the family unit of which he is a member for whom application is made, has produced since March 1, 1943, or intends to produce from fresh fruits, for use; (2) the amount of sugar obtained pursuant to this section used or to be used in the making of jams, jellies, preserves, and fruit butters; (3) that he has used or will use any sugar obtained pursuant to paragraph (c) of this section in accordance with this section; and (4) such other information as the board may require. The board shall determine the total requirements of sugar of the applicant, for the period from March 1, 1943, to February 29, 1944, for the purposes covered by this section, and shall, to the extent permitted under the provisions of paragraph (b) of this section, issue coupons or a certificate to the consumer in weight value equal to such requirements less ten pounds (since the consumer will be able to obtain ten pounds of sugar for the purposes covered by this section by the use of stamps 15 and 16, as set forth in paragraph (c) of this section). The weight value of the coupons or certificate issued by the board, however, shall in no event exceed 15 pounds. However, if the board acts on the application after October 31, 1943, the board shall determine the total requirements of sugar of the applicant, for the period from March 1, 1943, to February 29, 1944, for the purposes covered by this section, and shall, to the extent permitted under the provisions of paragraph (b) of this section, issue coupons or a certificate to the consumer in weight value equal to such requirements, less five pounds for each stamp 15 or 16 that is not attached to the consumer's War Ration Book One. The weight value of the coupons or certificates issued, however, shall in no event exceed 25 pounds. The board shall note on the cover of the War Ration Book One of each person for whom application is made the weight value of the coupons or certificate issued to such person under this paragraph and the date of issuance. However, a person who has not been issued a War Ration Book One may submit, instead of such a book, his War Ration Book Four together with a statement in writing that he has not been issued a War Ration Book One. If the board finds that the statement is true, it may issue coupons or a certificate to him in the amounts and in the manner set forth in this paragraph after noting on the cover of the War Ration Book Four of such person the weight value of the coupons or certificates so issued and the date of issuance.

(e) Notwithstanding anything to the contrary contained in this section, a consumer whose total requirements of sugar for the purposes covered by this section are from one to four pounds, inclusive, or from six to nine pounds, inclusive, shall apply to the board pursuant to paragraph (d) of this section. If the total requirements of the applicant, determined by the board, are from one to four pounds, inclusive, the board shall detach from the book of the applicant Stamps Nos. 15 and 16; if they are from six to nine pounds, inclusive, the board shall so detach Stamp No. 15 or 16. The board shall issue coupons or a certificate for the amount of such requirements less the weight value of any such stamp not so detached. Such issuance shall be noted on the cover of the book, in accordance with paragraph (d) of this section. This paragraph shall not apply to applications acted on by the board after October 31, 1943.

(f) Sugar obtained pursuant to this section shall be used only in the quantities and for the purposes permitted by this section and the processed foods produced therewith shall be used only as permitted by sections 26.2, 26.5, and 26.6 of Ration Order 13.

[§ 1407.71 amended by Amendment 1, 7 F.R. 3783, effective 5-20-42, Amendment 7, 7 F.R. 6084, effective 8-8-42, Amendment 59, 8 F.R. 6135, effective 5-15-43, Amendment 63, 8 F.R. 6961, effective 5-24-43 and Amendment 98, effective 11-1-43]

§ 1407.71a *Home processing for sale.* (a) The board may permit a person registered as a consumer to obtain sugar to be used for the purpose of producing from fresh fruits home processed foods which he intends to transfer for points in accordance with section 26.3 of Ration Order 13. Such sugar may be obtained at the rate of not more than one pound of sugar per four quarts (or eight pounds) of finished home processed foods. However, the total amount of sugar obtained for such purposes, for the period from March 1, 1943 to February 29, 1944 inclusive, shall not exceed 250 pounds and no more than one such allowance shall be granted to a family unit.

(b) Applications for sugar in accordance with this section shall be made on OPA Form R-315. The applicant shall state (1) the number of quarts (or pounds) of home processed foods he intends to produce from fresh fruits; (2) the amount of sugar applied for; (3) the address at which the processing will be done; (4) the type of facilities to be used; (5) whether any member of the family unit of which he is a member has received an allowance under this section; and (6) such other information as the board may require.

(c) The board shall grant the application to the extent permitted under the provisions of this section and shall issue a certificate in weight value equal to the amount of sugar allowed.

(d) The applicant shall make the reports and keep the records required of him by Ration Order 13.

(e) Sugar obtained pursuant to this section shall be used only in the quantities, during the period, and for the purposes for which it was allowed and the home processed foods produced with such sugar shall be delivered, sold, or transferred by the applicant only in accordance with the provisions of Ration Order 13.

[§ 1407.71a added by Amendment 59, 8 F.R. 6135, effective 5-15-43]

§ 1407.72 [Revoked.]

[§ 1407.72 revoked by Amendment 98, effective 11-1-43]

§ 1407.73 *Consumer handicapped by transportation difficulties.* (a) A registered consumer to whom a War Ration Book has been issued who, because of transportation difficulties, finds it a hardship to take delivery of sugar at the times and in the amounts specified in § 1407.243, may apply for a certificate authorizing him to take delivery of a quantity of sugar not in excess of fifteen (15) pounds. The application therefor shall be made to the Board on OPA Form No. R-315 by the consumer personally, by an adult member of his family unit, by an authorized agent, or by any other person authorized to register for him. The applicant may apply by mail or in person. The Board, in its discretion, may grant the application: *Provided,* That the amount allowed such consumer shall not exceed fifteen (15) pounds of sugar. Before issuing a certificate in such case, the Board shall detach from the War Ration Book of the consumer stamps having a weight value equal to the amount for which the certificate is issued; if the amount so allowed is greater than the weight value of the unexpired stamps in his War Ration Book to which a weight value has been assigned in § 1407.243 the War Ration Book shall be surrendered to the Board and held until stamps may be detached having a weight value equal to such amount.

[§ 1407.73 amended by Amendment 5, 7 F.R. 5361, effective 7-11-42, Amendment 81, 8 F.R. 12026, effective 9-4-43, and Amendment 98, effective 11-1-43]

§ 1407.74 *Growers of sugarcane and sugar beets.* A consumer who has delivered sugarcane or sugar beets produced by him to a primary distributor for processing into sugar may apply for a certificate authorizing him to take delivery from that primary distributor of a quantity of sugar not in excess of 25 pounds for himself and 25 pounds for each member of his family unit. The application therefor shall be made to the Board upon OPA Form No. R-315 by the consumer personally or by an adult member of his family unit or by an authorized agent. The Board, in a proper case, shall grant the application: *Provided,* That such

consumer shall surrender to the Board his War Ration Book and the War Ration Books of the members of his family unit for whom such application is made.

§ 1407.75 *Illness of consumer.* Any person who, by reason of his illness, requires amounts of sugar in addition to that otherwise allowed him may apply for a certificate authorizing him to take delivery of such additional amounts. The application therefor shall be made to the Board upon OPA Form No. R-315 by the consumer personally or by an adult member of his family unit, or by an authorized agent, and shall be accompanied by a doctor's certificate explaining why additional sugar is needed and stating the amount required. The Board in a proper case shall grant the application.

§ 1407.76 [Revoked.]

[§ 1407.76 revoked by Amendment 44, 8 F.R. 2675, effective 3-1-43].

Institutional and Industrial Users

§ 1407.81 *Registering unit.* As used in §§ 1407.81 to 1407.94, the term "registering unit" refers only to the industrial users which are included within such registering unit.

[§ 1407.81 as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.82 *Prohibited deliveries.* (a) On and after April 23, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall make delivery of sugar to any registering unit or any institutional user and no registering unit or institutional user shall accept delivery of sugar from any person except upon the surrender to such person by the registering unit or institutional user pursuant to this order of a certificate having a total weight value equal to the quantity of sugar so delivered; except that any sugar which at the time of registration of the registering unit has been included in its present inventory pursuant to § 1407.84 or any sugar which has been included, or was required to be included, in the opening inventory of an institutional user establishment pursuant to General Ration Order 5, may be received without the surrender of certificates.

(b) Deliveries of sugar from one institutional user establishment to another institutional user establishment of the same owner are governed by General Ration Order 5.

[§ 1407.82 as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.83 *Registration.* (a) Except as the Office of Price Administration may otherwise authorize, registration shall be made on April 28 or 29, 1942, for each registering unit on OPA Form R-310 (Registration of Industrial and Institutional Users) at a registration site designated for the area in which the principal business office of the owner is located.

[Paragraph (a) as amended by Amendment 7, 7 F.R. 6084, effective 8-8-42]

(b) The Form shall be presented for filing, and signed in the presence of a Registrar, by the owner, a partner (if the owner is a partnership), an officer (if the owner is a corporation, association, or similar organization), or manager of the owner. The Registrar in whose presence the Form is signed shall witness the signature and certify to the execution thereof.

(c) If the registering unit is composed of more than one establishment there shall be attached to the Registration Form a list of the establishments included, with the address of each: *Provided, however,* That a registering unit composed of establishments located on mobile conveyances, including vessels and airplanes, need not list such mobile conveyances.

(d) The Registrar shall also insert on the Form the designation of the Local Rationing Board having jurisdiction over the registration site and at the close of the registration period the completed Form shall be filed with such Board.

(e) The registration on OPA Form No. R-310 of any establishment whose sugar base has been established solely on an institutional use of sugar by the registering unit or its owner and that part of a sugar base which has been established on an institutional use of sugar by the registering unit or its owner shall be deemed cancelled as of March 1, 1943. A registering unit whose sugar base has been established in part on an institutional use of sugar by the registering unit or its owner shall before making application for an allotment, amend its registration by filing a new OPA Form R-310, excluding from its sugar base all sugar so used.

[Paragraph (e) added by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.84 *Present inventory.* (a) The present inventory of a registering unit is the aggregate of all sugar in the possession of, or intended to be used by, the registering unit, to which, at the time of registration, the owner of the registering unit has title or holds documents of title, or which was in transit or stored for delivery to the registering unit and out of the possession of the vendor, prior to April 28, 1942. The owner shall be deemed to have title to sugar regardless of the fact that it may have been mortgaged, pledged, or otherwise used as security in a credit transaction, or that its use may have been prohibited by any order of the War Production Board. Every person who owns one or more registering units must include all sugar to which he has title (except sugar held for personal use and sugar in the possession of his vendor) in the present inventories of such registering units, allocating such sugar among those of his registering units as he selects.

(b) The present inventory, as adjusted, of a registering unit shall be reduced by the amount of sugar declared or required to be declared by the owner as a part of the opening inventory of an institutional user establishment pursuant to General Ration Order 5.

[Paragraph (b) added by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.85 *Sugar base.* (a) The sugar base for a registering unit proposing to use sugar for any product or purpose other than the products or purposes set forth in § 1407.241, Schedule A of Rationing Order No. 3, is, for any month, the amount of sugar used by the registering unit for such product or purpose during the corresponding month of 1941.

(b) If a registering unit proposes to use sugar for any product or purpose other than those listed in § 1407.241, Schedule A of Rationing Order No. 3, but did not use sugar for such product or purpose in each month of 1941, its sugar base for such product or purpose for each month may be, at the option of the registering unit, the amount arrived at by dividing the total quantity of sugar used for such purpose during the period from January 1, 1941, to April 28, 1942, by the number of months the registering unit was in business during that period. In making this computation any period in excess of 15 days shall be deemed a month.

(c) There shall not be included in the computation of the sugar base any sugar used in products which were delivered to the Army or Navy or to any of the persons or agencies enumerated on April 21, 1942, in paragraph (b) of § 1407.183.

[Paragraph (c) as amended by Amendment 45, 8 F.R. 2753, effective 3-2-43. Former (c) revoked, and (d), (e), and (f) redesignated (c), (d), and (e), respectively, by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(d) The information necessary to compute the sugar base of the registering unit in accordance with the provisions of this section shall be entered on Schedule I of OPA Form No. R-310 (Registration of Institutional and Industrial Users).

(e) For each period commencing on or after November 1, 1942, there shall not be included in the sugar base of a registering unit, any sugar used in the manufacture of condensed milk packaged in containers holding more than one gallon.

[Paragraph (e) added by Amendment 14, 7 F.R. 7510, effective 11-1-42]

(f) For each period commencing on or after March 1, 1943, there shall not be included in the sugar base of a registering unit any sugar of which the registering unit or its owner made an institutional use.

[Paragraph (f) added by Amendment 44]

§ 1407.86 *Allotment.* (a) A registering unit which uses sugar for any purpose or product not enumerated in § 1407.241, Schedule A, and which has established a sugar base by registration on OPA Form R-310, is eligible for an amount of sugar for each of such products or purposes which is known as an allotment. The amount of an allotment for each period for which application is made shall be the applicable percentage specified in § 1407.242, Schedule B, of the sugar base.

(b) Application for an allotment made during the registration period shall be for the period from the date of registration to June 30, 1942. All subsequent applications shall be for consecutive two

month periods, the first of which shall commence on July 1, 1942. Applications shall be made not later than the 5th day of the first month of the period for which the application is being made and not earlier than the 15th day of the month preceding the period. The board, however, to prevent loss of fresh fruits, vegetables, eggs, or dairy products, or for other purposes authorized by the Office of Price Administration, may permit the application to be made at any time during the month preceding such period and in such cases may permit the application to be made for a period not to exceed one additional month. The board, in its discretion, may permit an application to be made at any time after the time specified herein, but in such case the board shall reduce the allotment by the amount allocable to the expired portion of the period, in the proportion which the number of days which have elapsed bears to the total number of days in the period: *Provided, however,* That the board shall not reduce the March-April, 1943, allotment of a registering unit which is required under the provisions of paragraph (e) of § 1407.83, to amend its registration if the application for such allotment is made not later than the 20th day of March, 1943.

[Paragraphs (a) and (b) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(c) A registering unit shall be entitled to the following additional allotments, but only for the two month periods commencing July 1, 1942 and September 1, 1942: twenty-five per cent of each sugar base of its institutional users and ten per cent of each sugar base of its industrial users. The Board shall grant these allotments to the registering unit without further application therefor at the same time that such registering unit applies for its allotment for the period which commences on September 1, 1942.

[Paragraph (c) added by Amendment 6, 7 F.R. 6057, effective 8-7-42]

(d) A registering unit may apply in any month for an allotment for the manufacture during the following month of condensed milk to be packaged in containers holding more than one gallon. Application shall be made on OPA Form No. R-315 (Special Purpose Application). The registering unit shall send the original of the application to the Office of Price Administration in Washington and shall file a duplicate with the Board. The application shall set forth the amount of milk the registering unit will receive during the month for which the allotment is requested, its plant capacity, the amount of such milk which cannot be processed into non-sugar-containing products other than evaporated milk, or into condensed milk to be packaged by it in containers holding one gallon or less and such other information as the Office of Price Administration may require. The Office of Price Administration may grant such allotment for each month commencing with November 1942 in an amount which it considers necessary to prevent the spoilage of such milk. Each registering unit receiving an allotment pursuant to this paragraph shall file with the Office of Price Administration such reports of the amount of milk received by it and its disposition of such milk and of the sugar allotted as the Office of Price Administration may require.

[Paragraph (d) added by Amendment 14, 7 F.R. 7510, effective 11-1-42]

(e) A registering unit may, but shall not be required to, make on OPA Form No. R-314, the application for an allotment specified in § 1407.88 of Rationing Order No. 3. A registering unit not making such application for any period commencing on or after April 28, 1942, shall be deemed to have been granted for that period the full allotment to which it would have been entitled if it had made such application within the time specified in paragraph (b) of this section. A registering unit which made such application for any period expiring on or before December 31, 1942, after the time specified therefor in paragraph (b), shall be deemed to have been granted an increase in its allotment for that period equal to the amount of the reduction made pursuant to paragraph (b). No certificate shall be issued for any allotment or increase in allotment granted pursuant to this paragraph (e).

[Paragraph (e) added by Amendment 24, 7 F.R. 9396, effective 11-19-42]

(f) Notwithstanding the provisions of paragraph (b), no registering unit may apply for an allotment for the period beginning March 1, 1943, to be used by the registering unit in the preparation or service of food or beverages which the registering unit or the owner of the registering unit will serve to consumers or for an allotment on that part of a base which was established on the basis of such a use: *Provided, however,* That a registering unit that applies on or before February 27, 1943, may obtain an allotment not in excess of one-fourth of the amount which it obtained on the basis of such use pursuant to this section for the January-February period. Any allotment granted pursuant to this paragraph shall be deducted from future allotments for such use (institutional user allotments).

[Paragraph (f) added by Amendment 39, 8 F.R. 2026, effective 2-12-43]

(g) A registering unit shall be entitled to the following additional allotments: for the period beginning July 1, 1943, 10 percent of its sugar base for the month of August 1943, and for the period beginning September 1, 1943, 10 percent of its sugar base for the months of September and October. The board shall grant these additional allotments to the registering unit, without further application therefor, at the same time that such registering unit applies for its allotment for the period which commences on September 1, 1943.

[Paragraph (g) added by Amendment 80, 8 F.R. 11252, effective 8-14-43]

§ 1407.86a *Increases in allotments based on increases in population.* (a) A registering unit which in 1941 delivered, to a county designated in § 1407.244, Schedule D, of Rationing Order No. 3, products with respect to which it has a sugar base for industrial use, shall be entitled to have the allotment on that sugar base increased by the percentage shown for such county in Schedule D, multiplied by the percentage which the amount of sugar it used in such products, delivered in 1941 to such county, represents of the total amount of sugar it used in such products delivered in 1941. Deliveries, as used in this section, refer to final deliveries, directly or by independent carrier, but do not include deliveries to the Army or Navy of the United States or to persons specified in § 1407.183 (b). The registering unit shall include as its 1941 deliveries to a designated county: (1) deliveries of such products in 1941 by the registering unit to all places in such county not listed in paragraph (b), and (2) deliveries of such products in 1941, with or without further processing, by persons referred to in paragraph (b) from places listed in paragraph (b), wherever located, to all places in such county not so listed.

(b) The places referred to in paragraph (a) are as follows:

(1) An industrial user establishment or warehouse included within the registering unit, or

(2) A plant or warehouse of the owner of the registering unit, or

(3) A plant or warehouse of a person having an exclusive contract to process and distribute, or distribute without processing, in more than one country products of the registering unit, or

(4) A plant or warehouse of a person owning more than 50 per cent of the stock of the owner of the registering unit, or a plant or warehouse of a corporation or other organization more than 50 per cent of the stock of which is owned by such person or by the owner of the registering unit.

(c) The allotments to be increased by this section shall be the allotments for industrial use provided by § 1407.86 (a), (c) and (g) of Rationing Order No. 3. A registering unit shall be entitled to such increase for each period commencing on or after September 1, 1942.

[Paragraph (c) as amended by Amendment 83, 8 F.R. 12181, effective 9-7-43]

(d) Application for the increase in allotment provided by this section shall be made for each period at the times and under the conditions specified in § 1407.86 (b) of Rationing Order No. 3, except that application for the full increase in allotment for the period commencing September 1, 1942 may be made at any time before November 6, 1942, and for the full increase in allotment for the periods commencing July 1, and September 1, 1943, at any time before September 6, 1943. The first application for such increase in allotment shall be made on OPA Form No. R-315 (Special Purpose Application). It shall state facts showing that the registering unit is entitled to the increase applied for and shall include such other information as the Office of Price Administration may require. Subsequent applications for such increase shall be made in the manner specified for applications for the allotment provided by § 1407.86 (a) of Ra-

tioning Order No. 3. A registering unit which applies for the increase in allotment provided by this section shall preserve for not less than two years the journals, ledgers, and other records and reports which it used in determining such increase. They shall be kept in the office of the registering unit and shall be made available for inspection by the Office of Price Administration and the Board.

[Paragraph (d) as amended by Amendment 79, 8 F.R. 11292, effective 8-14-43]

(e) If an amendment of Rationing Order No. 3 changes the increase in allotment to which a registering unit is otherwise entitled pursuant to this section, the registering unit shall apply on OPA Form No. R-315 for the increase in allotment as so changed, for the first period to which such amendment applies. It shall state facts showing that the registering unit is entitled to the increase in allotment as so changed, and shall include such other information as the Office of Price Administration may require.

[§ 1407.86a added by Amendment 10, 7 F.R. 6937, effective 9-5-42. Paragraph (e) added by Amendment 31, 7 F.R. 10845, effective 12-15-42]

§ 1407.86b *Temporary increases in allotments due to military maneuvers.* Whenever the Director of the Food Rationing Division of the Office of Price Administration finds that military maneuvers of the armed forces of the United States will cause temporary abnormal demands for sugar-containing products in the area in which such maneuvers are to be held, he may, upon defining such area, authorize such temporary increases in the allotments of registering units delivering such products within the affected area as he shall deem necessary.

[§ 1407.86b added by Amendment 53, 8 F.R. 4930, effective 4-15-43]

§ 1407.86c *Increased allotments for certain bakery and other cereal products for the September 1, 1943, period.*

(a) A registering unit may apply to the board for an increase in its allotment for the period beginning September 1, 1943, for the production (for human consumption) of each of the following two classes of products:

(1) Bread or other bakery products containing sugar and flour (including flour and meal of any kind) in a ratio of not more than 10 pounds of sugar for each 100 pounds of flour.

(2) Other cereal products containing sugar and processed grain in a ratio of not more than 10 pounds of sugar for each 100 pounds of processed grain; batters and mixes containing sugar and flour (including flour and meal of any kind) in a ratio of not more than 10 pounds of sugar for each 100 pounds of flour.

(b) Application shall be made by the registering unit on OPA Form R-315 and shall show separately for each class of products:

(1) The amount of the increase requested for each class of products;

(2) The higher of the two following percentages:

(i) The percentage of all sugar used by it during 1941 which it used in the production of such class of products; or

(ii) The percentage of all sugar used by it during May and June 1943 which it used in the production of such class of products.

(The application shall also show the figures from which the percentage was computed.);

(3) The total of all its sugar bases for the months of August, September, and October 1943; and

(4) A statement that it has the facilities to produce an additional quantity of the products in such class.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit for each class of products must not exceed 20 per cent of the percentage figure shown in (2) times the total of all its sugar bases for the months of August, September, and October 1943.

(c) A registering unit may use an increase in allotment provided by this section only in the production of the class of products for which it was granted. Moreover, it must, out of the rest of its allotment for September and October 1943 (not counting increases provided by §§ 1407.86d and 1407.86e of this order), use an amount at least equal to the percentage referred to in paragraph (b) (2) times that allotment, only in the production of that class of products.

[§ 1407.86c added by Amendment 77, 8 F.R. 11291, effective 8-14-43. Section heading as amended by Amendment 94, 8 F.R. 14010, effective 10-14-43.]

§ 1407.86d *Increased allotments for jams, jellies, preserves, and fruit butters for the September 1, 1943, period.* (a) A registering unit may apply to the board for an increase in allotment for the period beginning September 1, 1943, for the production of jams, jellies, preserves, and fruit butters.

(b) Application shall be made by the registering unit on OPA Form R-315 and shall show:

(1) The amount of the increase requested;

(2) The total amount of its sugar bases for the months of August, September, and October 1943 as shown on OPA Form R-310, Schedule I, line h; and

(3) A statement that it has the facilities and has or is able to obtain the ingredients (other than sugar) to produce an additional quantity of such products.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit must not exceed 40 per cent of the total amount of its sugar bases for the months of August, September, and October 1943 as shown on OPA Form R-310, Schedule I, line h.

(c) A registering unit may use an increase in allotment provided by this section only in the production of jams, jellies, preserves, or fruit butters. Moreover, it must use at least its full allotment for jams, jellies, preserves, and fruit butters for September and October 1943, only in the production of those products.

[§ 1407.86d added by Amendment 77, 8 F.R. 11291, effective 8-14-43. Section heading as amended by Amendment 94, 8 F.R. 14010, effective 10-14-43.]

§ 1407.86e *Increased allotments for drugs, medicines, and cough drops for the September 1, 1943 period.* (a) A registering unit may apply to the board for an increase in allotment for the period beginning September 1, 1943, for the production of drugs, medicines, and cough drops.

(b) Application shall be made by the registering unit on OPA Form R-315 and shall show:

(1) The amount of the increase requested;

(2) The percentage of all sugar used by it during 1941 which it used in the production of drugs, medicines, and cough drops. (The application shall also show the figures from which the percentage was computed);

(3) The total of all its sugar bases for the months of August, September, and October 1943; and

(4) A statement that it has the facilities and has or is able to obtain the ingredients (other than sugar) to produce an additional quantity of such products.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit must not exceed 20 per cent of the percentage figure shown in (2) times the total of all its sugar bases for the months of August, September, and October 1943.

(c) A registering unit may use an increase in allotment provided by this section only in the production of drugs, medicines, and cough drops. Moreover, it must, out of the rest of its allotment for September and October 1943 (not counting increases provided by §§ 1407.86c and 1407.86d of this order), use an amount at least equal to the percentage referred to in paragraph (b) (2) times that allotment, only in the production of drugs, medicines, and cough drops.

[§ 1407.86e added by Amendment 77, 8 F.R. 11291, effective 8-14-43 and amended by Amendment 83, 8 F.R. 12560, effective 9-16-43. Section heading as amended by Amendment 94, 8 F.R. 14010, effective 10-14-43.]

§ 1407.86f *Increased allotments for certain bakery and other cereal products for the period commencing November 1, 1943.* (a) A registering unit may apply to the board for an increase in its allotment for the period beginning November 1, 1943, for the production (for human consumption) of each of the following two classes of products:

(1) Bread or other bakery products containing sugar and flour (including flour and meal of any kind) in a ratio of not more than 10 pounds of sugar for each 100 pounds of flour.

(2) Other cereal products containing sugar and processed grain in a ratio of not more than 10 pounds of sugar for each 100 pounds of processed grain; batters and mixes containing sugar and flour

(including flour and meal of any kind) in a ratio of not more than 10 pounds of sugar for each 100 pounds of flour.

(b) Application shall be made by the registering unit on OPA Form R-315 and shall show separately for each class of products:

(1) The amount of the increase requested for each class of products;

(2) The higher of the two following percentages:

(i) the percentage of all sugar used by it during 1941 which it used in the production of such class of products; or

(ii) the percentage of all sugar used by it during May and June 1943 which it used in the production of such class of products (The application shall also show the figures from which the percentage was computed.);

(3) The total of all its sugar bases for the months of November and December 1943; and

(4) A statement that it has the facilities to produce an additional quantity of the products in such class.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit for each class of products must not exceed 20 percent of the percentage figure shown in (2) times the total of all its sugar bases for the months of November and December 1943.

(c) A registering unit may use an increase in allotment provided by this section only in the production of the class of products for which it was granted. Moreover, it must, out of the rest of its allotment for November and December 1943 (not counting increases provided by §§ 1407.86g and 1407.86h of this order), use an amount at least equal to the percentage referred to in paragraph (b) (2) times that allotment, only in the production of that class of products.

[§ 1407.86f added by Amendment 94, 8 F.R. 14010 effective 10-14-43.]

§ 1407.86g *Increased allotments for jams, jellies, preserves, and fruit butters for the period commencing November 1, 1943.* (a) A registering unit may apply to the board for an increase in allotment for the period beginning November 1, 1943, for the production of jams, jellies, preserves, and fruit butters.

(b) Application shall be made by the registering unit on OPA Form R-315 and shall show:

(1) The amount of the increase requested;

(2) The total amount of its sugar bases for the months of November and December 1943 as shown on OPA Form R-310, Schedule I, line h; and

(3) A statement that it has the facilities and has or is able to obtain the ingredients (other than sugar) to produce an additional quantity of such products.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit must not exceed 40 percent of the total amount of its sugar bases for the months of November and December 1943 as shown on OPA Form R-310, Schedule I, line h.

(c) A registering unit may use an increase in allotment provided by this section only in the production of jams, jellies, preserves, or fruit butters. Moreover, it must use at least its full allotment for jams, jellies, preserves, and fruit butters for November and December 1943, only in the production of those products.

[§ 1407.86g added by Amendment 94, 8 F.R. 14010, effective 10-14-43]

§ 1407.86h *Increased allotments for drugs, medicines, and cough drops for the period commencing November 1, 1943.* (a) A registering unit may apply to the board for an increase in allotment for the period beginning November 1, 1943, for the production of drugs, medicines, and cough drops.

(b) Application shall be made by the registering unit on OPA Form R-315 and shall show:

(1) The amount of the increase requested;

(2) The percentage of all sugar used by it during 1941 in the production of drugs, medicines, and cough drops (The application shall also show the figures from which the percentage was computed.);

(3) The total of all its sugar bases for the months of November and December 1943; and

(4) A statement that it has the facilities and has or is able to obtain the ingredients (other than sugar) to produce an additional quantity of such products.

If the board finds that the facts stated in the application are true, it shall grant the application. The increase in allotment granted to the registering unit must not exceed 20 per cent of the percentage figure shown in (2) times the total of all its sugar bases for the months of November and December 1943.

(c) A registering unit may use an increase in allotment provided by this section only in the production of drugs, medicines, or cough drops. Moreover, it must, out of the rest of its allotment for November and December 1943 (not counting increases provided by §§ 1407.86f and 1407.86g of this order), use an amount at least equal to the percentage referred to in paragraph (b) (2) times that allotment, only in the production of drugs, medicines, or cough drops.

[§ 1407.86h added by Amendment 94, 8 F.R. 14010, effective 10-14-43]

§ 1407.86i *Time of application for certain increased allotments.* Application for the increases in allotments provided by §§ 1407.86f, 1407.86g and 1407.86h shall be made at the time and under the conditions specified in § 1407.86 (b) of Rationing Order No. 3.

[§ 1407.86i added by Amendment 94, 8 F.R. 14010, effective 10-14-43]

§ 1407.87 *Provisional allowance.* (a) A registering unit proposing to use sugar for the production of any of the products listed in § 1407.241, Schedule A of Rationing Order No. 3, is eligible for an amount of sugar which is determined by multiplying the number of units of such product which the owner estimates will be produced by the registering unit during the period for which the application is being made, by the quantity of sugar which is permitted in § 1407.241, Schedule A, as the maximum amount per unit of the product. The amount of sugar thus allowed is known as a provisional allowance.

(b) A registered unit proposing to use sugar for the feeding of bees is entitled to a provisional allowance for such purpose. The amount of such provisional allowance is to be determined pursuant to Table VI of Schedule A, § 1407.241.

(c) Application for a provisional allowance made during the registration period shall be for the period from the date of registration to June 30, 1942; application made subsequently shall be for the period from the first day of the month in which the application is filed to the last day of the succeeding month.

(d) Notwithstanding the terms of paragraph (c) of this section, a registering unit entitled to a provisional allowance for a calendar year for feeding bees may, at any time during such calendar year, make application for such provisional allowance or any part thereof.

(e) A registering unit may, during the year 1942, obtain an advance on future provisional allowances for feeding bees if: (1) it has obtained its full 1942 provisional allowance for such purpose; and (2) the unused part of such provisional allowance, in addition to the honey in each colony, will be insufficient to feed the bees in that colony until they begin to produce honey in 1943. The total amount of the advances which may be obtained by a registering unit pursuant to this paragraph shall not exceed 15 pounds for each colony. The amounts advanced shall be deducted from the registering unit's 1943 provisional allowance for feeding bees; provided, that if an amount in excess of 10 pounds per colony is advanced, such excess shall be deducted from the registering unit's 1944 provisional allowance for feeding bees. Application for an advance shall be made to the Board on OPA Form No. R-315. The application shall establish compliance with the requirements of this paragraph, state that if the application is granted with respect to any colony, the registering unit will not remove honey from that colony until the bees in that colony begin to produce honey in 1943, and include such other information as the Board may require.

[Paragraphs (d) and (e) added by Amendment 26, 7 F.R. 9899, effective 12-2-42]

(f) If a registering unit has obtained a provisional allowance for the canning of a fruit it shall be entitled to an addition, thereto in an amount which will give to the registering unit a total maximum allowance per unit of that fruit not in excess of the average number of pounds of sugar it used per unit of all grades of such fruit (converted into 24/2½'s) during 1941. However, this paragraph does not apply to packing seasons ended prior to July 21, 1943.

[Paragraph (f) added by Amendment 78, 8 F.R. 11292, effective 8-14-43]

(g) A registering unit which, pursuant to paragraph (b) of this section

and Table VI of Schedule A, § 1407.241, obtains a provisional allowance of sugar for feeding bees, may in each calendar year obtain an additional provisional allowance for such purpose. Application for such additional provisional allowance shall be made to the Board on OPA Form R-315 and shall state:

(1) The amount of the additional provisional allowance requested;

(2) The number of colonies of bees for which the additional provisional allowance is requested;

(3) That the registering unit has obtained and used its full provisional allowance for the calendar year for feeding bees; and

(4) That the additional sugar requested is required in order to prevent the loss of the registering unit's bees.

The application shall also contain the certification of the local United States Department of Agriculture War Board that the additional sugar requested is required in order to prevent the loss of the registering unit's bees. If the Board finds that the facts stated in the application are true, it shall grant the application. The additional provisional allowance granted to the registering unit pursuant to this paragraph must not exceed 15 pounds per colony of bees per calendar year. For the purposes of this paragraph, the period from September 14 to December 31, 1943, shall be deemed to be a full calendar year.

[Paragraph (g) added by Amendment 87, 8 F.R. 12484, effective 9-14-43]

§ 1407.88 *Application for certificate.* Registering units which have properly registered on OPA Form No. R-310 (Registration of Institutional and Industrial Users) may apply for a provisional allowance or allotment on OPA Form No. R-314 (Application for Sugar Purchase Certificates by Institutional and Industrial Users). The application shall be signed by one of the persons authorized to file and sign OPA Form No. R-310 or by an agent designated by the owner by a written authorization filed with the Board. The application shall be presented at or mailed to the office of the Board having jurisdiction over the registering unit.

[§ 1407.88 as amended by Amendment 3, 7 F.R. 4618, effective 6-20-42]

§ 1407.89 *Use of provisional allowance.* (a) No registering unit may use more sugar in any packing season for packing or processing any product listed in Table I or Table II of Schedule A, § 1407.241, than the amount determined by multiplying the number of units of such product actually packed in such season by the allowance per unit of such product specified in Schedule A.

[Paragraph (a) amended by Amendment 73, 8 F.R. 10304, effective 7-21-43 and Amendment 78, 8 F.R. 11292, effective 8-14-43]

(b) No registering unit may use more sugar for packing or otherwise processing any unit of any product listed in Table IV or Table V of Schedule A than the amount specified therein as the allowance per unit of such product.

(c) In determining the quantity of sugar used for the packing or processing of any product listed in § 1407.241, Schedule A there shall be included all dextrose and corn syrup used for such product on the basis of 1.2 pounds of dextrose or 1.4 pounds of corn syrup as the equivalent of 1 pound of sugar.

§ 1407.90 *Amount for which certificate is to be issued.* A certificate shall be issued to the registering unit, after proper application, for the total of the provisional allowance and the allotment or allotments applied for, less any adjustments required to be made by Rationing Order No. 3 and less any part of the provisional allowance for the preceding period which was not used for the purposes for which the provisional allowance was made.

§ 1407.91 *Adjustments.* (a) In the first application for a certificate the adjustment shall be the deduction of the amount of the present inventory, as defined in § 1407.84; in all subsequent applications the adjustments shall take into account any excess of such present inventory over the total of all prior allotments and provisional allowances, and corrections for any errors, omissions, or mistakes on prior applications, or for changes required by actions taken pursuant to Rationing Order No. 3.

[Paragraph (a) as amended by Amendment 5, 7 F.R. 5361, effective 7-11-42]

(b) Any registering unit which uses sugar obtained by it (other than sugar which was included as a part of its present inventory, as defined in § 1407.84) without the surrender of certificates shall include the amount of such sugar as an adjustment to be deducted from the amount for which a certificate may be issued upon the next application for the registering unit.

[Paragraph (b) as amended by Amendment 89, 8 F.R. 12693, effective 9-20-43]

(c) A registering unit which includes any establishment which after April 28, 1942 and prior to registration used any sugar (other than sugar which was included as a part of its present inventory, as defined in § 1407.84) shall include the amount of such sugar as an adjustment to be deducted from the amount for which a certificate may be issued upon the next application for the registering unit.

[Paragraph (c) added by Amendment 89, 8 F.R. 12693, effective 9-20-43]

§ 1407.92 *Use of allotment.* (a) Except as may be authorized by the Office of Price Administration, a registering unit which obtains an allotment pursuant to § 1407.86 may use sugar allotted on a sugar base only for the purpose or for the production of the product upon the basis of which such sugar base has been established or for a purpose or for the production of a product included within the same class according to the classes hereinafter set forth, to-wit:

Class 1—[Revoked by Amendment 44].

Class 2—Bread and bakery products.

Class 3—Cereal products, batters, mixes, desserts, and puddings.

Class 4—Ice cream, frozen custards, cheese, frozen eggs, sugared egg yolks, and other dairy products except condensed milk.

Class 5—Ices, sherbets, bottled beverages, flavoring extracts, syrups, and drink mixes.

Class 6—Pickles, mince meat, catsup, chili sauces, salad dressings, soups, tomato sauces, preserves, jams, jellies, fruit butters, glace fruits, fruit nectars, maraschino cherries, and fountain fruits.

Class 7—Drugs, medicines, cough drops, and insecticides.

Class 8—Confectionery, candy, chocolate, chewing gum, and cocoa.

(Exceptions to this paragraph are set forth in §§ 1407.86c (c), 1407.86d (c), and 1407.86e (c) 1407.86f (c), 1407.86g (c), and 1407.86h (c) of this order.)

[Parenthetical statement as amended by Amendment 94, 8 F.R. 14010, effective 10-14-43]

(b) Except as may be authorized by the Office of Price Administration, or by Rationing Order No. 3, no person shall use more sugar in any allotment period for purposes for which allotments may be obtained pursuant to Rationing Order No. 3 than the total amount of the allotment of such person for such period, plus the unused portion of any allotment granted for prior periods. Sugar used under an allotment before the beginning of the allotment period for which that allotment was granted shall, for the purposes of this paragraph, be deemed used within the allotment period for which it was granted.

[§ 1407.92 amended by Amendment 5, 7 F.R. 5361, effective 7-11-42; Amendment 44, 8 F.R. 2675, effective 3-1-43; Amendment 75, 8 F.R. 10337, effective 8-10-43; Amendment 77, 8 F.R. 11291, effective 8-14-43; Amendment 84, 8 F.R. 12236, effective 9-3-43; and Amendment 88, 8 F.R. 12560, effective 9-16-43]

§ 1407.93 *Late registrations.* A registering unit which is not registered on April 28 or 29, 1942, may thereafter be registered at the office of the Board. The present inventory of the registering unit shall, under such circumstances, be computed as of April 28, 1942, and the registering unit shall not be permitted any provisional allowance or allotment for any periods that may have elapsed.

§ 1407.93a *Ration banking by industrial users.* (a) The owner of a registering unit may open an account for that registering unit. If such registering unit is composed of more than one establishment, the owner may, at his option, open a separate account for each establishment, or for any group of establishments, in such registering unit. However, if an account is opened for any establishment in a registering unit, all other establishments in the registering unit must be served by an account or accounts.

(b) Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with General Ration Order No. 3A.[6]

[6] 8 F.R. 1130, 1449, 1963, 3520, 4627, 5843, 11669.

(c) An owner of a registering unit may transfer ration credits from one account to another by the issuance of a check without the delivery of sugar, if these accounts are carried for establishments in the same registering unit.

[§ 1407.93a added by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.94 *Reports and records.* (a) At the time of registration a registering unit using sugar in packing or processing any of the products listed in Table II of Schedule A, § 1407.241, shall file a written report setting forth the total number of cases, by sizes, of each fruit, and the total number of gallons of each fruit juice packed during 1941, the total quantity of sugar used in connection with each, and in the case of each fruit the total number of cases processed in terms of cases of 24/2½'s on the basis of the conversion table set forth in Table III of Schedule A, and the average quantity of sugar used per case on the converted basis.

(b) At the time of registration a registering unit using sugar in connection with the processing of pickled or cured fish, shellfish, or poultry products shall file a written report of the quantity of each of such products processed during 1941, the total quantity of sugar used in connection with each and the average quantity of sugar used per hundredweight (unprocessed).

(c) A registering unit using sugar during any month for packing or processing any of the products listed in § 1407.241, Schedule A, or for feeding bees, shall, on or before the 15th day of the following month, file with the Board a written report of the use of sugar for each of such products during the past month, except that the report made during June 1942 shall be for the period from the time of registration to May 31, 1942. The report shall set forth the number of units by sizes of each product packed or processed (and the number of bee colonies fed by weeks), and the quantity of sugar used in connection therewith. In the case of the products listed in Tables I and II of Schedule A, § 1407.241, except fruit juices, there shall be included as a separate item the number of cases of each product packed or processed in terms of cases of 24/2's and 24/2½'s, respectively, on the basis of the conversion table set forth in Table III of Schedule A. In the case of fruit juices the quantity packed or processed shall be expressed in terms of gallons.

(d) Each registering unit shall preserve for a period of two years at its office records showing by months the amounts of sugar received by the registering unit and the person from whom received, the use made of such sugar for each product and purpose listed in § 1407.241, Schedule A, and § 1407.242, Schedule B, and the amount of each product processed.

[Paragraph (d) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.95 *Institutional users.* An institutional user shall get allotments of sugar and use sugar only as provided in General Ration Order 5.

[§ 1407.95 added by Amendment 44]

Retailers and Wholesalers

§ 1407.101 *Registering unit.* As used in §§ 1407.102–1407.112, such registering unit refers to the retailer [7] or wholesaler [8] establishments which are included within such registering unit.

§ 1407.102 *Prohibited deliveries.* On and after April 28, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall make delivery of sugar to any registering unit and no registering unit shall accept delivery of sugar from any person except upon the surrender to such person by the registering unit, pursuant to Rationing Order No. 3, of certificates or stamps having a total weight value equal to the quantity of sugar so delivered; except that any sugar which at the time of registration has been included in present inventory pursuant to § 1407.104, may be received without the surrender of certificates or stamps.

[§ 1407.102 as amended by Amendment 2, 7 F.R. 4545, effective 6-19-42]

§ 1407.103 *Registration and application: Eligibility.* (a) Registration and application for certificates shall be made on April 28 or 29, 1942, for each registering unit upon OPA Form No. R-305 (Registration of Retailers and Wholesalers), at a registration site designated for the area in which the principal business office of the owner is located: *Provided,* That in order to be eligible for registration all of the component establishments selling at retail must have made deliveries of sugar at any time during the period from January 1, 1941, to April 20, 1942, or have commenced operations subsequent to April 20, 1942, and that component establishments selling at wholesale must have handled sugar at any time during the period from January 1, 1941, to December 1, 1941: Retail establishments which did not handle sugar during the period from January 1, 1941, to April 20, 1942, or which commenced operations subsequent to April 28, 1942, and wholesale establishments which did not make deliveries of sugar during the period from January 1, 1941, to December 1, 1941, may petition for registration pursuant to the provisions of § 1407.163 of Rationing Order No. 3.

(b) The Form shall be presented for filing, and signed in the presence of a Registrar, by the owner, a partner (if the owner is a partnership), an officer (if the owner is a corporation, association, or similar organization), or manager of the owner. The Registrar in whose presence the Form is signed shall witness the signature and certify to the execution thereof.

(c) If the registering unit is composed of more than one establishment there shall be attached to the Registration Form a list of the establishments included, with the address of each: *Provided, however,* That a registering unit composed of establishments located on mobile conveyances, including vessels, need not list such mobile conveyances.

(d) The Registrar shall also insert on the Form the designation of the Local Rationing Board having jurisdiction over the registration site and at the close of the registration period the completed Form shall be filed with such Board.

§ 1407.104 *Present inventory.* The present inventory of a registering unit is the aggregate of all sugar in the possession of or intended to be used by, the registering unit, to which, at the time of registration, the owner of the registering unit has title or holds documents of title, or which was in transit or stored for delivery to the registering unit and out of the possession of the vendor of the registering unit prior to April 28, 1942. The owner shall be deemed to have title to sugar regardless of the fact that it may have been mortgaged, pledged, or otherwise used as security in a credit transaction, or that its use may have been prohibited by any order of the War Production Board. Every person who owns one or more registering units must include all sugar to which he has title (except sugar held for personal use and sugar in the possession of his vendor) in the present inventories of such registering units allocating such sugar among those of his registering units as he selects.

§ 1407.105 *Allowable inventory.* (a) A registering unit is permitted to obtain a working inventory of sugar which shall be known as the allowable inventory.

(b) The amount of the allowable inventory for a registering unit registering as a retailer is the quantity equal to one pound for each dollar of gross sales of all meats, groceries, fruits, vegetables, and similar products made during the week ending April 25, 1942 (or, if the component establishment began operations after April 20, 1942, the estimated sales for the first complete calendar week of operations), or one-quarter of the sugar delivered to and accepted by the registering unit during the month of November 1941, whichever is smaller: *Provided,* That if the component establishment was not in operation during the full month of November 1941, or if the information concerning the quantity delivered to and accepted by the registering unit during November 1941 cannot be ascertained, the allowable inventory shall be computed solely on the basis of the aforementioned gross sales.

(c) The allowable inventory of a registering unit registered as a wholesaler is the quantity of sugar equal to the total

[7] "Retailer" means an establishment which makes over 50 percent of its sales of all merchandise to consumers.

[8] "Wholesaler" means an establishment which makes over 50 percent of its sales of all merchandise to persons other than consumers, exclusive of sales made by a primary distributor. The term "wholesaler" does not include a primary distributor.

obtained by taking the quotient arrived at by dividing the amount of sugar delivered to the registering unit in 1941 by twice the number of months it made deliveries of sugar during 1941 and adding thereto the quantity of sugar equal to the shipping unit by which the registering unit customarily took delivery of sugar on or about December 1, 1941.

(d) A registering unit may apply for a temporary increase in its allowable inventory in an amount not to exceed fifty percent of the allowable inventory permitted such registering unit pursuant to paragraph (b) or (c). If it is registered as retailer, it may also apply for a temporary increase not to exceed fifty percent of any permanent increase in its allowable inventory authorized by the Office of Price Administration. Application for the increase shall be made by the registering unit to the Board on OPA Form No. R-315. The board shall issue a certificate to the registering unit in weight value equal to the increase applied for if it is not in excess of the amount permitted pursuant to this paragraph; *Provided, however,* That if the registering unit has not surrendered stamps or certificates to the board for cancellation in weight value equal to its excess inventory, as described in § 1407.107, and in weight value equal to any temporary increase in its allowable inventory previously authorized by the Office of Price Administration, the board shall grant the application and reduce the excess inventory and any previously authorized temporary increase, and, if the increase granted pursuant to this paragraph exceeds the weight value of such stamps and certificates required to be surrendered a certificate shall be issued to the registering unit in weight value equal to the difference. Increases granted pursuant to this paragraph may be cancelled by the Office of Price Administration. If such increases are cancelled, registering units to which they have been granted shall, before accepting any deliveries of sugar, surrender to the board for cancellation stamps or certificates in weight value equal to such increases. Thirty days notice of any such cancellation will be given.

[Paragraph (d) added by Amendment 46, 8 F.R. 3176, effective 3-18-43]

(e) A registering unit may, prior to September 30, 1943, apply for a temporary increase in its allowable inventory, in addition to the temporary increase it may obtain pursuant to paragraph (d) of this section, in an amount equal to the temporary increase permitted such registering unit under paragraph (d) of this section. Application for the increase shall be made by the registering unit to the Board on OPA Form No. R-315. The Board shall issue a certificate to the registering unit in weight value equal to the increase applied for if it is not in excess of the amount permitted pursuant to this paragraph: *Provided, however,* That if the registering unit has not surrendered stamps or certificates to the Board for cancellation in total weight value equal to its excess inventory as described in § 1407.107, and in weight value of any temporary increase in its allowable inventory previously authorized by the Office of Price Administration, except those temporary increases authorized pursuant to paragraph (d) of this section, the Board shall grant the application and reduce the excess inventory and any previously authorized temporary increases, except those temporary increases authorized pursuant to paragraph (d) of this section, the Board shall grant the application and reduce the excess inventory and any previously authorized temporary increases, except those temporary increases authorized pursuant to paragraph (d) of this section, and, if the increase granted pursuant to this paragraph exceeds the weight value of the stamps and certificates required to be surrendered, a certificate shall be issued to the registering unit in weight value equal to the difference. Any temporary increase granted pursuant to this paragraph shall be cancelled on November 15, 1943, and the registering unit to which such temporary increase was granted pursuant to this paragraph shall thereupon, before accepting any deliveries of sugar, surrender to the Board for cancellation stamps or certificates equal in weight value to the increase granted under this paragraph.

[Paragraph (e) added by Amendment 67, 8 F.R. 8010, effective 6-16-43; amended by Amendment 82, 8 F.R. 12623, effective 8-30-43 and Amendment 92, 8 F.R. 13390, effective 9-30-43]

§ 1407.106 *Issuance of certificates at registration.* If the present inventory of the registering unit is less than the allowable inventory, a certificate shall be issued by the Registrar to the registering unit in the amount applied for; in no event, however, shall the amount applied for be greater than the difference between the allowable inventory and the present inventory. If application is made for a certificate in weight value less than the maximum for which such application may be made, the allowable inventory shall be reduced by the amount by which the maximum weight value for which application could be made exceeded the weight value of the certificate applied for.

§ 1407.107 *Excess inventory.* The amount by which the present inventory exceeds the allowable inventory shall be known as the "excess inventory." The registration of a registering unit which has an excess inventory shall be completed, but such registering unit shall not be entitled to any certificates at the time of registration. Before it may accept any deliveries of sugar such registering unit must surrender to the Board for cancellation stamps or certificates in weight value equal to the amount of the excess inventory.

§ 1407.108 *Deliveries to registering units after registration.* After registration, the allowable inventory of a registering unit may be replenished upon the surrender, pursuant to Rationing Order No. 3, of stamps and certificates received by the registering unit from the persons to whom its component establishments delivered sugar.

§ 1407.109 *Late registrations.* A registering unit which was not registered on April 28 or 29, 1942, may be registered thereafter at the office of the Board. In applying for late registration, the present inventory and the allowable inventory shall be computed and declared as of April 28, 1942.

§ 1407.109a *Ration banking by retailers and wholesalers.* (a) Each owner of a registering unit which includes or is composed of one or more wholesale establishments, more than one retail establishment, or a single retail establishment whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than $2500.00, shall open at least one account for all the component establishments of such registering unit.

[Paragraph (a) amended by Amendment 55, 8 F.R. 5318, effective 4-27-43 and Amendment 71, 8 F.R. 9304, effective 7-12-43]

(b) The owner of any other registering unit composed of only one retail establishment may open an account for such establishment if such establishment had an account on April 27, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts, but if it does so, it must open or maintain them for any such retail establishment which applies.)

[Paragraph (b) added by Amendment 71, 8 F.R. 9304, effective 7-12-43. Former (b) revoked by Amendment 55]

(c) The owner of a registering unit described in paragraph (a) of this section may, at his option, open a separate account for each establishment, or for any group of establishments, in such registering unit.

(d) Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with General Ration Order No. 3A.

(e) An owner of a registering unit may transfer ration credits from one account to another by the issuance of a check without the delivery of sugar, if these accounts are carried for establishments in the same registering unit.

(f) [Revoked]

[Paragraph (f) added by Amendment 55, 8 F.R. 5318, effective 4-27-43 and revoked by Amendment 71, 8 F.R. 9304, effective 7-12-43]

[§ 1407.109a added by Amendment 38, 8 F.R. 1239, effective 1-27-43]

§ 1407.110 *Records.* Establishments selling at retail or at wholesale shall keep records of all sugar received by them. An establishment operating as a wholesaler shall also keep a record of the names and addresses of all persons to whom sugar was delivered at wholesale and the quantities and dates of such deliveries. These

records shall be kept at the office of the registering unit of which the establishment is a part and shall be made available for inspection by the Office of Price Administration and the Board. Such records shall be retained for a period of not less than 2 years.

§ 1407.111 *Replacement of sugar lost in repackaging.* (a) A registering unit may obtain certificates in weight value equal to the amount of sugar lost by the retail and wholesale establishments included in the registering unit in packaging sugar: *Provided,* That the weight value of such certificates shall not exceed one per cent of the amount of sugar thus packaged.

(b) Application for such certificates shall be made by the registering unit for each six-month period ending October 31 or April 30. It shall be made to the Board on OPA Form No. R-315, in the month following the close of each such period, and shall establish compliance with the requirements of paragraph (a) of this section and include such other information as the Board may require.

[§ 1407.111 added by Amendment 21, 7 F.R. 8830, effective 11-4-42]

§ 1407.112 *Surrender of certain expired stamps and certificates in exchange for certificates or reduction of excess inventory.* (a) A registered retailer or wholesaler may surrender to the board any stamps numbered 1 through 9 or any expired certificates in exchange for which he delivered before March 19, 1943, and within the periods specified in § 1407.141, the quantity of sugar authorized to be delivered by such stamps and certificates. If his excess inventory as adjusted pursuant to § 1407.107 is equal to or greater than the weight value of such surrendered stamps and certificates, the board shall reduce the excess inventory by the weight value of such stamps and certificates. However, if the weight value of such stamps and certificates is greater than his excess inventory as adjusted pursuant to § 1407.107, the board shall cancel the excess inventory and issue to him a certificate in weight value equal to the difference.

(b) Application for such reduction of excess inventory or a certificate shall be made on OPA Form No. R-315 on or before April 9, 1943. The application shall state facts establishing compliance with the requirements of paragraph (a) of this section and such other information as the board may require. The application shall be accompanied by the stamps and certificates to be surrendered and such stamps shall be pasted on cards as prescribed by § 1407.142.

[§ 1407.112 added by Amendment 48, 8 F.R. 3522, effective 3-25-43]

Primary Distributors

§ 1407.120 *Ration banking by primary distributors.* (a) On or before February 8, 1943, each primary distributor shall open at least one account for all his establishments, other than institutional or industrial user establishments. If the primary distributor has more than one establishment he may, at his option, open a separate account for each establishment or group of establishments. Each account shall be opened in the name of the owner, who shall designate the establishment or establishments to be served. All accounts shall be opened in accordance with General Ration Order No. 3A. The primary distributor shall notify the Washington Office of the Office of Price Administration of the opening of such account or accounts and the name and address of the establishment or establishments to be served by each such account. If a person becomes a primary distributor on or after February 8, 1943, he shall, within one week thereafter, open such account or accounts and shall notify the Washington Office of the Office of Price Administration of the opening of such account or accounts, and the name and address of each establishment to be served by each such account.

(b) Each primary distributor shall deposit all stamps and certificates received by him within the periods specified in § 1407.141, each check transferred to him by endorsement within 20 days of its receipt by him, and each check issued to him within twenty (20) days of the date appearing on its face. Stamps numbered one (1) through nine (9) and certificates received by him in accordance with Rationing Order No. 3, prior to February 8, 1943, which are dated before December 10, 1942, and which bear no endorsement later than January 9, 1943, may not be deposited, but shall be sent by the primary distributor to the State Director having jurisdiction over the area in which the principal office of such primary distributor is located.

[Paragraph (b) amended by Amendment 66, 8 F.R. 8010, effective 6-16-43 and Amendment 95, 8 F.R. 14138, effective 10-20-43]

(c) A primary distributor may issue checks against ration credits in his account only as provided in § 1407.140 (e) or paragraph (d) of this section.

[Paragraph (c) as amended by Amendment 62, 8 F.R. 6626, effective 5-18-43]

(d) On or before May 25, 1943, each primary distributor shall issue to the Washington Office of the Office of Price Administration a check in weight value equal to the total weight value of the stamps, certificates, and checks deposited by him on or before April 30, 1943, minus the weight value of any checks issued by him on or before April 30, 1943, pursuant to § 1407.140 (e). On or before the 10th day of each month subsequent to May 1943 each primary distributor shall issue to the Washington Office of the Office of Price Administration a check equal in weight value to the total weight value of the stamps, certificates, coupons, and checks deposited by him during the preceding calendar month, minus the weight value of any checks issued by him during such preceding calendar month pursuant to § 1407.140 (e).

[§ 1407.120 added by Amendment 38, 8 F.R. 1288, effective 1-27-43. Paragraph (d) added by Amendment 62, 8 F.R. 6626, effective 5-18-43]

§ 1407.121 *Deliveries by primary distributors.* Except as is otherwise provided herein, a primary distributor may deliver sugar to persons not primary distributors, on and after April 28, 1942, only upon receipt of stamps or certificates in the manner set forth in Rationing Order No. 3.

[§ 1407.121 as amended by Amendment 38]

§ 1407.122 *Records of primary distributors.* The primary distributor shall preserve for a period of 2 years at his principal business office records of all sugar delivered by him, the persons to whom such deliveries were made and the amounts thereof, the serial numbers of all certificates received therefor, the weight value of such certificates, and the amount of sugar delivered against them. The primary distributor shall, in each month, send to the State Director a report of all deliveries made to the Army or Navy or any of the persons or agencies listed in paragraph (b) of § 1407.183.

§ 1407.123 *Orders or commitments for future deliveries.* (a) No primary distributor shall deliver sugar pursuant to a contract, agreement or commitment, regardless of when made, providing for delivery more than three days after the making thereof, directly or to a carrier for delivery. No primary distributor shall deliver sugar to fill any order, regardless of when received, calling for delivery more than three days after the receipt thereof, directly or to a carrier for delivery.

(b) This section shall not apply to deliveries to the Army or Navy of the United States or to any of the persons or agencies listed in § 1407.183 (b) of Rationing Order No. 3, or to deliveries of raw sugar which is not to be further refined or otherwise improved in quality.

[§ 1407.123 added by Amendment 13, 7 F.R. 7321, effective 9-16-42 and amended by Amendment 96, 8 F.R. 14314, effective 10-25-43. Former § 1407.123 revoked by Amendment 13, 7 F.R. 7321, effective 9-16-42]

§ 1407.124 *Restrictions on primary distributors.* (a) Primary distributors of beet sugar shall retain for delivery as the Office of Price Administration may order, the undelivered balance of the sugar derived from sugar beets, set aside by such primary distributors pursuant to Supplementary Order M-55-c issued by the War Production Board.

(b) Commencing with June 19, 1942, primary distributors of beet sugar shall set aside at the end of each month for delivery as the Office of Price Administration may order, fifteen percent (15%) of their production during such month.

[§ 1407.124 added by Amendment 2, 7 F.R. 4545, effective 6-19-42]

(c) The provisions of paragraph (b) of this section do not apply to beet sugar produced from sugar beets of the 1943 crop. Any beet sugar produced from sugar beets of the 1943 crop and set aside, pursuant to paragraph (b) of this section, prior to November 1, 1943, is released from the provisions of paragraph (b) of this section and need not

be held for delivery as the Office of Price Administration may order. "Sugar beets of the 1943 crop" include all sugar beets planted for harvest in the calendar year 1943, except that with respect to sugar beets grown in Yuma County, Arizona, in Imperial County, California, and in those parts of the Imperial and Coachella Valleys which are included in Riverside County, California, "sugar beets of the 1943 crop" do not include sugar beets planted for harvest in the calendar year 1943 but include sugar beets planted for harvest in the calendar year 1944.

[Paragraph (c) added by Amendment 97, effective 11-1-43]

Sugar Purchase Certificates, War Ration Books, War Ration Stamps and Sugar Ration Checks

§ 1407.140 *Use of checks by depositors and non-depositors.* Notwithstanding anything to the contrary contained in Rationing Order No. 3:

(a) No depositor, and, on and after February 8, 1943, no person required to be a depositor, shall, except in accordance with General Ration Order No. 3A, surrender or transfer stamps or certificates which are valid for deposit.

(b) Whenever Rationing Order No. 3 requires or authorizes the surrender or transfer of stamps or certificates to a person, other than a bank for deposit, and such stamps or certificates are valid for deposit, a depositor shall not surrender or transfer such stamps or certificates but shall instead, under the same circumstances and with the same effect, issue to such person a check, valid for deposit, in weight value equal to such stamps or certificates.

(c) Whenever Rationing Order No. 3 authorizes the delivery of sugar upon the surrender or transfer of stamps or certificates, such delivery may be made to a depositor upon receipt, by the person making the delivery, of a check valid for deposit issued to him by the depositor and equal in weight value to such stamps or certificates.

[Paragraph (c) as amended by Amendment 42, 8 F.R. 2432, effective 3-2-43]

(d) A person who neither is nor is required to be a depositor to whom a check is issued by a depositor or to whom a check is transferred by endorsement may transfer such check by endorsement to any person to whom and for any purpose for which stamps or certificates are authorized to be surrendered by Rationing Order No. 3.

[Paragraph (d) as amended by Amendment 58, 8 F.R. 5846, effective 5-10-43]

(e) A depositor who has received stamps, certificates or checks from a registering unit or institutional user establishment may issue to it a check in weight value equal to the sugar which he has not delivered against such stamps, certificates or checks, but which he is then authorized to deliver to such registering unit or institutional user establishment against such stamps, certificates or checks.

[Paragraph (e) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(f) A depositor who has received stamps, certificates or checks as authorization for the delivery of sugar by him may not, except as provided in paragraph (e), issue a check against any part of the credit created by their deposit except to the extent that he has delivered sugar against them.

(g) Whenever Rationing Order No. 3 refers to the delivery or acquisition of sugar (including the replenishment of inventory), upon or without the receipt or surrender of stamps or certificates, the issuance of checks by a depositor or, in the case of a person who neither is nor is required to be a depositor, the transfer of checks by endorsement shall be deemed to be included in such reference, unless the context shall otherwise require.

[Paragraph (g) as amended by Amendment 58, 8 F.R. 5846, effective 5-10-43]

(h) No person may accept stamps, certificates, or checks which he knows or has reason to believe are transferred or surrendered in violation of this section.

[§ 1407.140 added by Amendment 38, 8 F.R. 1288, effective 1-27-43. Paragraph (h) added by Amendment 42, 8 F.R. 2432, effective 3-2-43]

§ 1407.141 *Nature and validity of certificates and stamps.* (a) A certificate or stamp may be transferred only for the purpose of authorizing the consumer or registering unit to whom the certificate or stamp was issued to take delivery of the amount of sugar specified on the certificate or assigned to the stamp in § 1407.243, Schedule C of Rationing Order No. 3, and to permit the registering unit to which the certificate or stamp has been surrendered to take delivery of sugar in order to replenish its sugar inventory. Stamps in the hands of a consumer are valid only if attached to a War Ration Book.

(b) Each stamp authorizes delivery of sugar to a consumer only during the ration period assigned to such stamp in § 1407.243. A stamp received in accordance with Rationing Order No. 3 by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar in an amount equal to the weight value of the stamp if such stamp is surrendered to another registering unit or a primary distributor within a month of the close of the ration period assigned to such stamp. A stamp surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after the close of the ration period assigned to such stamp: *Provided, however,* That, notwithstanding anything to the contrary contained in Rationing Order No. 3, Stamp No. 12 may, on or before July 31, 1943, be surrendered by a registering unit which is not and is not required to be a depositor to authorize the registering unit to take delivery of sugar and may be deposited on or before August 10, 1943. Except as provided in paragraph (f) of § 1407.140, a depositor may issue checks at any time, against credits created by the deposit of a stamp. Stamps numbered one through eleven shall not be valid for deposit. If the ration period assigned to a stamp ends on a day which is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day of the ration period to and including the corresponding day of the next calendar month; otherwise it is the period from the last day of the ration period to and including the last day of the next calendar month.

[Paragraph (b) amended by Amendment 38, 8 F.R. 1288, effective 1-27-43, Amendment 69, 8 F.R. 8678, effective 6-22-43, and Amendment 72, 8 F.R. 9453, effective 7-14-43]

(c) (1) A certificate issued on OPA Form R-306 authorizes the person to whom it is issued, if he is not a depositor nor required to be one, to take delivery of sugar if such certificate is surrendered within 60 days from the valid date of the certificate. Such certificate duly transferred by endorsement to a registering unit that is neither a depositor nor required to be one, authorizes the delivery of sugar to such registering unit if such certificate is surrendered within 80 days from the valid date of the certificate. Such certificate duly transferred or issued to a depositor shall be valid for deposit in the account of such depositor for a period of 80 days from the valid date of the certificate. Such certificate issued before January 27, 1943, which is duly transferred to a registering unit by endorsement authorizes the delivery of sugar and may be deposited within 60 days from the valid date of the certificate or within 30 days from the date contained in the endorsement to such registering unit, whichever is later.

(2) A certificate issued on OPA Form R-1201 authorizes the person to whom it is issued, if he is not a depositor nor required to be one, to take delivery of sugar if such certificate is surrendered not later than the date appearing on the face thereof. Such certificate duly transferred by endorsement to a registering unit that is neither a depositor nor required to be one, authorizes the delivery of sugar to such registering unit if such certificate is surrendered within 20 days from the date appearing on the face thereof. Such certificate duly transferred or issued to a depositor shall be valid for deposit in the account of such depositor for a period of 20 days from the date appearing on the face thereof.

(3) A depositor may, except as provided in paragraph (f) of § 1407.140, issue checks at any time, against credits created by the deposit of a certificate. Certificates which before January 27, 1943, ceased to authorize the delivery of sugar shall not be valid for deposit.

[Paragraph (c) amended by Amendment 54, 8 F.R. 4977, effective 4-22-43, and Amendment 69, 8 F.R. 8678, effective 6-22-43]

(d) A primary distributor receiving certificates, or a registered wholesaler

receiving stamps or certificates, from a registering unit upon request may deliver to such registering unit a quantity of sugar equal to the weight value of the stamps and certificates so received, plus an additional quantity equal to either: (1) an amount, not in excess of 10% of the weight value of the stamps or certificates so received, required to make a total quantity equal to that contained in a Shipping Unit; or (2) an amount not in excess of ninety-nine (99) pounds, required to permit delivery in shipping packages customarily used by the person making the delivery.

If the amount of sugar delivered is greater than the weight value of the certificates and stamps received the person accepting the delivery shall be charged with such excess and shall surrender stamps or certificates of weight value equal to such excess before accepting delivery of any additional sugar from any person.

[Paragraph (d) added by Amendment 5, 7 F.R. 5361, effective 7-11-42]

(e) As used in this section the term "registering unit" includes establishments registered under General Ration Order 5 as Group II and III institutional user establishments.

[Paragraph (e) added by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.142 *Surrender of certificates and stamps.* (a) Certificates or stamps must be surrendered by the consumer or registering unit receiving the sugar to the primary distributor or registering unit delivering the sugar at or before the time of delivery. A stamp must be detached by the consumer or the person acting on his behalf from the War Ration Book of the consumer only in the presence of the person making delivery of the sugar. Before a certificate is surrendered, the proper endorsement on the reverse side shall be completed by the holder of the certificate.

(b) A registering unit or primary distributor to which stamps are surrendered by a consumer must paste the stamps on OPA Form No. R-304 (War Ration Stamp Card), or upon a similar card; only stamps bearing the same number may be affixed to the card. When a registering unit surrenders a card for the purpose of authorizing a delivery of sugar to it, the name and address of the registering unit surrendering the card and the name and address of the registering unit, Collector of Customs, or primary distributor to whom the card is being surrendered shall be written on the face or back of the card by the one surrendering the card. Before a card may be surrendered for the purpose of deposit, the person surrendering the card shall, if he affixed the stamps to the card, endorse it by writing his name and address on its face or shall, if he received the card with stamps affixed, endorse it by writing his name on its back.

[Paragraph (b) as amended by Amendment 47, 8 F.R. 3180, effective 3-18-43]

(c) As used in this section the term "registering unit" includes establishments registered under General Ration Order 5 as Group II and III institutional user establishments.

[Paragraph (c) added by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.142a *Use of coupons.* Notwithstanding anything to the contrary contained in Rationing Order No. 3:

(a) Whenever Rationing Order No. 3 authorizes the delivery of sugar to a consumer upon the surrender of stamps or certificates, such delivery may be made upon the surrender by the consumer of coupons equal in weight value to the amount of sugar delivered and bearing the serial number of the consumer's book. The consumer's book shall be presented to the person making the delivery at the time the coupons are surrendered and such person shall make delivery only if the coupons bear the same serial numbers as the book.

(b) A coupon authorizes the delivery of sugar to a consumer in an amount equal to the weight value of such coupon, until February 29, 1944. A coupon received in accordance with Rationing Order No. 3 by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar in an amount equal to the weight value of the coupon until March 31, 1944. A coupon surrendered to a depositor shall be valid for deposit in the account of such depositor until April 10, 1944.

(c) Whenever a registering unit, primary distributor, or Collector of Customs receives a coupon in accordance with Rationing Order No. 3 it may deliver sugar against such coupon and surrender or deposit such coupon for the same purposes and with the same effect as if such coupon were a stamp, subject, however, to the provisions of this section.

(d) A registering unit, primary distributor, or Collector of Customs to whom coupons are surrendered by a consumer shall enclose such coupons in an envelope and shall surrender or deposit them in accordance with the procedure prescribed for stamps or coupons by General Ration Order 7.* Such coupons shall be received, surrendered, or deposited, and sugar may be delivered against them, by a registering unit, primary distributor, or Collector of Customs, only in the same manner, for the same purpose and with the same effect as such registering unit, primary distributor, or Collector of Customs could receive, surrender, deposit, or deliver sugar against, stamps of equal weight value.

[§ 1407.142a added by Amendment 59, 8 F.R. 6135, effective 5-15-43]

§ 1407.143 *Type of sugar authorized.* A certificate or stamp shall authorize delivery and receipt of any kind, type, or grade of sugar.

§ 1407.144 *Transfer of establishments.* (a) If an entire establishment including the good will is transferred to a person the sugar inventory of the establishment may be transferred to such person without the surrender of certificates or stamps.

(b) An establishment acquired by transfer which is continued in substantially the same manner as prior to the transfer shall be entitled to receive certificates at the time of registration and thereafter, and to take deliveries of sugar to the same extent as prior to the transfer. All certificates and stamps held by the establishment at the time of transfer shall be surrendered by the person acquiring the establishment to the Board having jurisdiction over the establishment. At the time of such surrender, if the establishment is being continued, such person may apply for replacement certificates authorizing deliveries of an amount of sugar equal to that authorized by the surrendered certificates and stamps. The application therefor shall be made to the Board upon OPA Form No. R-315 by such person or his authorized agent. Replacement certificates shall be issued, after transfer, only if the establishment is to be continued in substantially the same form.

(c) Registration and application as a new establishment may be made for any establishment denied replacement certificates with the Board having jurisdiction over it.

(d) Upon the liquidation of an establishment, sugar in its possession may be delivered only to persons surrendering certificates or stamps in weight values equivalent to the sugar delivered to them. All certificates or stamps thus received, as well as stamps and certificates otherwise in its possession, shall be surrendered for cancellation by the person in charge of the liquidation to the Board having jurisdiction over the establishment.

(e) In the event of transfer, liquidation, or cessation of operation of an establishment operating as an industrial user and constituting part of a registering unit, any sugar allotment made thereafter to the registering unit shall be reduced by the amount applicable to such establishment.

[Paragraph (e) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(f) Transfers referred to in this section include disposal or acquisition by way of mergers, consolidations, purchases and sales, devise or bequest and inheritance, gift, and transfers involved in bankruptcies, receiverships, reorganizations, and assignments for the benefit of creditors.

(g) This section shall not apply to the transfer of an institutional user establishment. Transfers of institutional user establishments are governed by General Ration Order 5.

[Paragraph (g) added by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.145 *Judicial seizure of certificates, stamps, and sugar.* (a) No certificate or stamp nor any interest therein may be seized by execution, levy, attachment, or other judicial process or acquired through devise or bequest or inheritance other than is provided in § 1407.144 with regard to the transfer

*8 F.R. 2858, 2997, 4840, 6965, 11738.

of an establishment holding certificates or stamps.

(b) Sugar in the possession of any person may be seized pursuant to judicial process or order issued by a court of competent jurisdiction without the surrender of certificates or stamps. Delivery of such sugar may be made to a person other than the one from whom it was taken only upon receipt of certificates or stamps in weight value equal to the amount of sugar delivered. The certificates or stamps thus received shall be surrendered for cancellation to the Board with which the person from whom the sugar was seized is registered.

[Paragraph (b) as amended by Amendment 44]

§ 1407.146 *Acquisition of sugar for carriage, storage; or security; disposal.* (a) Any person lawfully in possession of or entitled to receive sugar may deliver such sugar to any other person for carriage, storage, or security purposes without the receipt of stamps or certificates. The sugar may thereafter be delivered by such other person, without the receipt of stamps or certificates, either to the person from whom the sugar was received, or to a person to whom the right to receive such sugar has been transferred pursuant to Rationing Order No. 3.

[Paragraph (a) as amended by Amendment 5, 7 F.R. 5361, effective 7-11-42]

(b) Any person in possession of sugar which he holds as bailee or on which he has a lien or to which he has title for security purposes only, shall, upon acquiring title to such sugar or upon foreclosing his lien or the interest of the debtor therein, report such fact in writing to the State Director having jurisdiction over the area in which his principal business office is located. The report shall also state the manner in which possession of the sugar was acquired, the amount thereof, and the disposition proposed to be made of it. Such sugar may thereafter be disposed of by such person but only as follows: (1) It may be delivered in the manner provided by paragraph (a) of this section. (2) It may be delivered to a primary distributor without the receipt of stamps or certificates. (3) It may be delivered to a consumer, registering unit or institutional user establishment upon receipt of stamps or certificates as prescribed by Rationing Order No. 3 and the stamps or certificates thus received shall be surrendered to the State Director for cancellation within five days of receipt. (4) A registering unit owned by such person may use such sugar subject to the provisions of paragraph (b) of § 1407.91. An institutional user may use such sugar only upon the surrender of stamps or certificates equal in weight value to such sugar to the State Director having jurisdiction over the area in which his principal business office is located.

(c) If a person in possession of sugar which he holds as bailee or on which he has a lien or to which he has title for security purposes only, acquires title to such sugar or forecloses his lien or the interest of the debtor therein, the debtor or other person whose title or other interest was so acquired or foreclosed, or a person to whom the right to such sugar had been transferred pursuant to Rationing Order No. 3 may obtain certificates in weight value equal to the amount of such sugar: *Provided*, That such certificates may be obtained only by an institutional user establishment registered under General Ration Order 5, a registering unit or a registered consumer. Applications shall be made by the institutional user establishment, registering unit or registered consumer to the State Director having jurisdiction over the area in which the establishment, unit or consumer is registered on OPA Form No. R-315. The application shall state facts which establish compliance with the requirements of this paragraph and include such other information as the State Director may require. If the State Director determines that the applicant is entitled to certificates pursuant to this paragraph, the State Director shall instruct the Board with which the applicant is registered to issue such certificates.

[Paragraphs (b) and (c) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.147 *Disposal of damaged sugar and undamaged sugar mingled therewith, or sugar in a package, bag, or other container damaged while in transit by common carrier.* (a) Sugar which is damaged and undamaged sugar mingled therewith, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be delivered by any person in possession thereof without the surrender of stamps or certificates to: (1) primary distributors; (2) any person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business; (3) common or contract carriers in connection with the right of subrogation or by virtue of the payment by them of a claim for damage to such sugar or container; and (4) persons engaged principally and primarily in the business of adjusting losses or selling or re-conditioning and selling damaged commodities, who take possession of or receive such commodities on the occurrence or imminence of casualties or in direct connection with the adjustment of losses resulting from casualties.

(b) A person described in subparagraph (2), (3), or (4) of paragraph (a) of this section, accepting a delivery of sugar pursuant to paragraph (a), shall report such fact in writing to the State Director having jurisdiction over the area in which his principal business office is located. The report shall also state the disposition proposed to be made of such sugar.

[Paragraph (b) as amended by Amendment 95, 8 F.R. 14138, effective 10-20-43]

(c) Following such report, undamaged sugar which has been mingled with, but which can be and is separated from damaged sugar, or sugar which is in a package, bag, or other container damaged while in transit by common carrier, may be disposed of by such person, but only in the manner provided by subparagraphs (1), (2), (3) and (4) of paragraph (b) of § 1407.146. Damaged sugar and undamaged sugar mingled therewith which cannot be separated therefrom may be disposed of but only as follows: (1) by delivery, directly or by carrier, without the receipt of stamps or certificates, to a primary distributor or (2) by delivery, directly or by carrier, without the receipt of stamps or certificates, to any person for storage purposes. Sugar delivered in accordance with this subparagraph (2) may thereafter be delivered, without receipt of stamps or certificates, to the person who delivered it for storage, or to a primary distributor.

[§ 1407.147 as amended by Amendment 32, 8 F.R. 166, effective 1-8-43]

§ 1407.147a *Replacement of damaged, destroyed, lost or stolen sugar or sugar in a package, bag, or other container damaged while in transit.* (a) A registering unit delivering damaged sugar and undamaged sugar mingled therewith pursuant to paragraph (a) of § 1407.147, or whose sugar is destroyed, lost, or stolen, may obtain certificates in weight value equal to the original weight of such sugar. A registering unit which, pursuant to paragraph (a) of § 1407.147, delivers sugar in a package, bag, or other container damaged while in transit by common carrier, may obtain certificates in weight value equal to the amount of sugar in such package, bag, or other container before it was damaged. A registering unit whose sugar, although in a package, bag, or other container damaged while in transit by common carrier, was not delivered pursuant to paragraph (a) of § 1407.147, or was in a package, bag, or other container damaged in any other manner may obtain certificates in weight value equal to the amount of sugar lost from the package, bag, or other container because of such damage.

(b) Application shall be made by the registering unit to the State Director having jurisdiction over the area in which the unit is registered on OPA Form No. R-315. The applicant shall state facts which establish compliance with the requirements of paragraph (a) of this section and include such other information as the State Director may require. If the State Director determines that the applicant is entitled to certificates pursuant to this section, the State Director shall instruct the Board with which the applicant is registered to issue such certificates.

[Paragraph (b) as amended by Amendment 95, 8 F.R. 14138, effective 10-20-43]

(c) "Registering unit" as used in this section includes all institutional user establishments registered under General Ration Order 5.

[§ 1407.147a added by Amendment 32, 8 F.R. 166, effective 1-8-43. Paragraph (c) added by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.147b *Recovery of lost or stolen sugar.* (a) Sugar which has been lost or stolen may be recovered without the surrender of stamps or certificates by the person rightfully in possession thereof when it was lost or stolen, or by a person who has insured such sugar against loss or damage and is duly authorized by law to engage in the insurance business or by a common or contract carrier in connection with the right of subrogation or by virtue of the payment by it of a claim for such loss or theft. Such recovery may be made directly or through a government agency or other person authorized to secure such recovery.

(b) A registering unit or institutional user establishment recovering lost or stolen sugar for which it has obtained a certificate pursuant to § 1407.147a shall report such fact in writing to the State Director having jurisdiction over the area in which the registering unit or institutional user establishment is registered. The report shall also state the amount of such sugar and the disposition proposed to be made of it. Such sugar may thereafter be disposed of by such registering unit or institutional user establishment but only in the manner provided by subparagraphs (1), (2), (3) and (4) of paragraph (b) of § 1407.146.

(c) An insurer or carrier recovering lost or stolen sugar shall report such fact in writing to the State Director having jurisdiction over the area in which its principal office is located. The report shall also state the amount of such sugar and the disposition proposed to be made of it. Such sugar may thereafter be disposed of by such person but only in the manner provided by subparagraphs (1), (2), (3) and (4) of paragraph (b) of § 1407.146.

[§ 1407.147b added by Amendment 32, 8 F.R. 166, effective 1-8-43. Paragraphs (b) and (c) amended by Amendment 44, 8 F.R. 2576, effective 3-1-43]

§ 1407.147c *Miscellaneous records.* Any person required to make a report to the State Director, pursuant to §§ 1407.146, 1407.147, or 1407.147b, shall preserve for a period of two years at his principal business office records of all sugar received or delivered by him, the person by whom or to whom such deliveries were made and the amounts thereof, the weight value of all stamps and certificates received by him for such deliveries, the serial numbers of such certificates, and the amount of sugar delivered against such stamps and certificates. Such records shall be made available for inspection by the Office of Price Administration and the State Director.

[§ 1407.147c added by Amendment 32, 8 F.R. 166, effective 1-8-43]

§ 1407.148 *Destroyed, mutilated, or stolen certificates, stamps, and coupons.* (a) A certificate that is torn or mutilated shall be valid only if more than one-half thereof remains legible, and such remaining portion clearly evidences the date of the certificate, its weight value, and the name of the holder. A coupon that is torn or mutilated shall be valid only if more than one-half thereof remains legible and such remaining portion clearly evidences its weight value and the serial number of the book of the consumer to whom it was issued. A stamp that has been torn or mutilated is valid in the hands of the consumer only if more than one-half remains undetached in the book.

(b) If a certificate, stamp, or coupon held by a registering unit or institutional user establishment is lost, destroyed, or stolen, or becomes invalid because of mutilation, the person entitled to such stamp, coupon, or certificate may apply for a new coupon or certificate in the weight value equal to that of the replaced stamp, coupon, or certificate. The application therefor shall be made to the board upon OPA Form No. R-315 by such person or his authorized agent. The board, in a proper case, shall grant the application.

(c) If a certificate or coupon held by a consumer is lost, destroyed, or stolen, the consumer may apply for a replacement certificate or coupon. The application therefor shall be made to the board upon OPA Form No. R-315 by the consumer personally or by an adult member of his family unit or by an authorized agent. The board, in a proper case, shall grant the application.

[§ 1407.148 amended by Amendment 44, 8 F.R. 2675, effective 3-1-43, Amendment 51, 8 F.R. 4644, effective 4-13-43 and Amendment 59, 8 F.R. 6135, effective 5-15-43]

§ 1407.149 *Drop shipments.* Any registering unit from which delivery of sugar is requested, if the parties so agree, may direct the registering unit or the institutional user requesting delivery to take the sugar from the premises of a third party or may direct the third party to deliver the sugar. In such event the registering unit from which delivery of sugar was requested shall surrender to the third party as authority for the delivery any stamps or certificates received from the registering unit or the institutional user to which the sugar is delivered.

[§ 1407.149 as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.150 [Revoked]

[§ 1407.150 revoked by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.151 *Duty to ascertain validity of certificates and stamps.* No person shall make delivery of sugar if he knows or has reason to know that the certificate or stamp involved was not acquired by the person surrendering it in accordance with Rationing Order No. 3.

§ 1407.152 *Notification to Office of Price Administration of legal proceedings.* It shall be the duty of every person holding a certificate or stamp to notify the Regional or Field Office of the Office of Price Administration immediately upon the commencement of any legal action or proceeding involving a certificate or stamp.

§ 1407.153 *Issuance of Certificates.* Certificates may be signed and issued by a Registrar, a member of the Local Rationing Board, or by such other persons as the Office of Price Administration may designate.

Petitions for Adjustment: Appeals: New Business: Miscellaneous

§ 1407.161 *Petitions for adjustment of base, allotment, provisional allowance, or allowable inventory.* Petition may be made by an owner for adjustment in the sugar base, allotment, provisional allowance, or allowable inventory of a registering unit. The petition shall be made upon OPA Form No. R-315 (Special Purpose Application). The petition shall be filed with the Board with which the unit is registered. The Board may request such additional information as it may deem pertinent, and shall, within ten days after the receipt of the petition, send it, together with all substantiating evidence and information received by the Board, to the Office of the State Director, or take such other action as the Office of Price Administration may direct. The Board shall attach to the Form its recommendation concerning the action to be taken thereon. The petitioner may thereafter be requested to furnish further information and to appear personally.

[§ 1407.161 as amended by Amendment 7, 7 F.R. 6084, effective 8-8-42]

§ 1407.162 *Appeals.* (a) A person may appeal from any action of the Board, State Director, or Regional Administrator adverse to such person. Such appeal shall be brought in accordance with the terms and provisions of Procedural Regulation No. 9.

(b) This section shall not apply to any action taken with respect to petitions made pursuant to §§ 1407.161 or 1407.163, except action taken with respect to such a petition by the Board, State Director, or Regional Administrator in cases where the Board or official taking the action has been authorized by the Office of Price Administration to grant or deny such petition.

[§ 1407.162 as amended by Amendment 19, 7 F.R. 8809, effective 11-9-42]

§ 1407.163 *New establishments and ineligible establishments desiring sugar.* (a) Any person desiring to obtain sugar for an establishment (other than an institutional user establishment) not eligible for registration pursuant to Rationing Order No. 3 may petition the Board having jurisdiction over the area in which the principal business office of the owner is, or will be, located, for registration and assignment to such establishment of a sugar base, allotment, provisional allowance or allowable inventory, as the case may be. The petition shall be made on OPA Form No. R-315. The Board may not grant or deny the petition but shall follow the procedure set forth in § 1407.161 with regard to petitions for adjustment.

(b) Establishments referred to in this section include those which commenced operations using sugar subsequent to April 20, 1942.

[§ 1407.163 as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.164 *Correction of registration: Composition of registering unit.* A registration made upon OPA Form No. R-305 (Registration of Retailers and Wholesalers) or upon OPA Form No. R-310 (Registration of Institutional and Industrial Users) may be corrected so as to eliminate clerical errors. The composition of a registering unit, however, may be changed only pursuant to authorization of the Office of Price Administration. A petition for change of composition of a registering unit shall be in writing and filed with the Board: *Provided, however,* That the owner of a registering unit may add to the registering unit an establishment owned by him which commenced operation subsequent to April 29, 1942, without obtaining such authorization, but notification thereof shall be sent to the Board and the State Director. If the owner desires to obtain a new allowable inventory, provisional allowance, or allotment for the registering unit because of the addition of such establishment he shall make application pursuant to the provisions of § 1407.163.

§ 1407.165 *Finality of findings.* All findings made by any Local Rationing Board, or the Office of Price Administration shall be final, except as may otherwise be provided in Rationing Order No. 3.

§ 1407.166 *Exchange of sugar, tolling agreements, and borrowing of sugar by primary distributors.* (a) Any person may exchange sugar of different types with any other person if the weights of the sugars exchanged are equal. No stamps or certificates shall be necessary to authorize deliveries of sugars involved in such exchanges.

[Paragraph (a) as amended by Amendment 5, 7 F.R. 5361, effective 7-11-42]

(b) A registered industrial user, or other person authorized by the Office of Price Administration, hereinafter in this paragraph referred to as transferor, may surrender a check or certificate without obtaining sugar or may deliver sugar without obtaining stamps, certificates, or checks to a registered industrial user, hereinafter referred to as transferee, for the production of a product to be delivered to the transferor and for which the sugar so delivered, or the sugar authorized to be delivered by such check or certificate, could have been used by the transferor pursuant to Rationing Order No. 3. Except as the Office of Price Administration may otherwise authorize, the provisions of this paragraph shall apply only if the transferor is not one of the persons or agencies named in section 1.2 of General Ration Order 11 [10] and only if: (1) the transferor delivered sugar between January 1, 1941, and December 31, 1941, to another industrial user to be used for the manufacture of the same product, or (2) the means of production of the transferor have been temporarily so disrupted that production is impracticable.

[Paragraph (b) amended by Amendment 5, 7 F.R. 5361, effective 7-11-42 and Amendment 70, 8 F.R. 9011, effective 7-1-43]

[10] 8 F. R. 9008, 9625, 10419, 11671.

(c) Upon authorization by the Office of Price Administration, a primary distributor may receive delivery of sugar from any person as a loan and thereafter deliver to such person an amount of sugar not exceeding the amount thus received. Such deliveries may be made without the receipt of stamps or certificates.

[Paragraph (c) added by Amendment 22, 7 F.R. 8831, effective 11-4-42]

§ 1407.167 *Investigatory agencies.* Any investigatory or enforcement agency of the United States or of a State or local government which requires deliveries of sugar for the performance of its functions may receive certificates from the district office for the place where the agency's principal business office is located. Sugar acquired by such an agency with such certificates or with books shall be delivered by such agency to any Federal, State, or local institution, which shall acknowledge receipt of the sugar and the amount thereof to the district office which issued the certificates or books.

[§ 1407.167 as amended by Amendment 93, effective 11-1-43]

§ 1407.168 *Deliveries, transfers or shipments outside a zone.* (a) The Director of the Food Rationing Division of the Office of Price Administration may, from time to time, issue orders establishing zones for the purposes of this section.

(b) Except as otherwise authorized by the Director, no person shall deliver, ship or transfer sugar from a zone to a point outside such zone, and no person shall accept such delivery, shipment or transfer.

(c) Paragraph (b) shall not apply to a delivery, shipment or transfer from a wholesale or retail establishment to a point within the established trading area of such establishment, if the person to whom delivery, shipment or transfer is made has customarily received sugar from a wholesaler or retailer.

(d) Unless otherwise specified by the Director, paragraph (b) shall not apply to raw sugar, turbinado sugar, plantation white sugar, high-washed sugar, Louisiana seconds sugar, invert sugar, liquid sugar, or soft sugar in bulk; or to confectioner's, brown, loaf, tablet, and other specialty sugars in one and two pound packages, except fine granulated sugar; or to sugar refined or processed outside the continental United States.

(e) Paragraph (b) shall not apply to deliveries, shipments or transfers by or to the Army or Navy of the United States or by or to any of the persons or agencies specified in § 1407.183 (b) of Rationing Order No. 3.

(f) Paragraph (b) shall not apply to deliveries, shipments or transfers of sugar by or to carriers for the purpose of making deliveries, shipments or transfers thereof exempted from paragraph (b) by paragraph (c), (d) or (e) or by the Director.

[§ 1407.168 added by Amendment 13, 7 F.R. 7321, effective 9-16-42]

§ 1407.169 *Deliveries of sugar by consumers and institutional and industrial users.* (a) A registered consumer may, with the prior approval of the Board, deliver, in original unopened packages of a primary distributor, sugar which has been in his possession without interruption since May 4, 1942.

(b) A registering unit which has received a provisional allowance may, with the prior approval of the Board, deliver sugar in original unopened packages of a primary distributor; provided, that the registering unit does not, at the time it makes application for such approval, expect to use any sugar in the next four months and the amount to be delivered does not exceed the unused part of its provisional allowance for the preceding period.

(c) Application for the Board's approval shall be made by the registered consumer or registering unit on OPA Form No. R-315 or such other form of application as shall be approved by the Board. It shall establish compliance with the requirements of paragraph (a) or paragraph (b) and include such other information as the Board may require. If the requirements of paragraph (a) or paragraph (b) are met, the Board shall grant its approval; provided, that the Board shall approve not more than one such application of a consumer, if not a member of a family unit, and not more than one such application for all the members of a family unit.

(d) Such sugar may be delivered upon receipt of stamps or certificates as prescribed by Rationing Order No. 3 and the stamps or certificates thus received shall be surrendered to the Board for cancellation. Upon surrender of stamps or certificates by a consumer, the Board shall reduce the excess sugar supply owned on May 4, 1942, by the consumer, if not a member of a family unit, or by all the members of the family unit if the consumer was a member of the family unit on such date, by an amount equal to the weight value of such stamps and certificates. Following surrender of stamps or certificates by a registering unit, the Board, when it next issues a certificate to the registering unit pursuant to § 1407.90 of Rationing Order No. 3, shall reduce the deductions required by that section by the weight value of the stamps and certificates thus surrendered.

(e) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, and except as otherwise authorized by the Office of Price Administration or provided in Rationing Order No. 3, or General Ration Order 5, no consumer, institutional user or industrial user shall deliver sugar.

[§ 1407.169 added by Amendment 17, 7 F.R. 8655, effective 10-30-42. Paragraph (e) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(f) If any provision of Rationing Order No. 3 is inconsistent with the provisions of General Ration Order 5, the provisions of General Ration Order 5 shall govern and shall supersede the provisions of Rationing Order No. 3 to the

extent that they are inconsistent, except that the provisions of § 1407.168 of Rationing Order No. 3 and the orders issued by the Director of the Food Rationing Division of the Office of Price Administration pursuant to that Section shall govern in the event of any inconsistency with the provisions of General Ration Order 5 and shall not be superseded by any provision of General Ration Order 5.

[Paragraph (f) added by Amendment 68, 8 F.R. 8184, effective 6-19-43]

§ 1407.170 *Imports.* (a) Sugar may be brought to a place subject to Rationing Order No. 3 from a place not subject to Rationing Order No. 3, if it is delivered to the Collector of Customs at the point of entry into the United States. Such sugar may be delivered to the Collector without the receipt of stamps or certificates.

(b) The Collector of Customs may deliver sugar received by him to a consumer, registering unit or an institutional user establishment upon receipt of stamps or certificates in weight value equal to the sugar delivered or an authorization by the Office of Price Administration to such registering unit or institutional user establishment authorizing it to take delivery of such sugar. Stamps or certificates received by the Collector of Customs shall be delivered, at least once each calendar month, to the State Director having jurisdiction over the area in which such point of entry is located. Authorizations received by the Collector of Customs shall be delivered, at least once each calendar month, to the Office of Price Administration.

[Paragraph (b) as amended by Amendment 47, 8 F.R. 3180, effective 3-18-43]

(c) The Collector of Customs may deliver sugar, received by him and brought from a place other than Canada or Mexico, to a primary distributor without the receipt of stamps or certificates.

(d) Applications for authorization to take sugar from the Collector of Customs shall be made to the Office of Price Administration by the registering unit or institutional user on OPA Form No. R-315 or such other form of application as shall be approved by the Office of Price Administration and shall include such information as the Office of Price Administration may require. Such authorization shall not be deemed to increase the allotment of the registering unit or institutional user.

[Paragraph (d) as amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

(e) Except as otherwise permitted in Rationing Order No. 3 or as authorized by the Office of Price Administration, no person shall bring sugar into a place subject to Rationing Order No. 3 from a place not subject to Rationing Order No. 3, or receive sugar from the Collector of Customs.

[§ 1407.170 added by Amendment 23, 7 F.R. 9042, effective 11-10-42]

§ 1407.171 *Imports of sugar by certain persons.* Notwithstanding any provision to the contrary contained in Rationing Order No. 3, the following persons may receive sugar from the Collector of Customs and the Collector of Customs may deliver sugar to them without the surrender of stamps or certificates:

(a) Upon request by the Department of State, representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937.

(b) Members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the sugar is consigned or addressed to them and is intended for their personal or official use.

(c) Enemy prisoners of war and enemy civilian internees and detainees in the United States, where the sugar is consigned or addressed to them.

[§ 1407.171 added by Amendment 49, 8 F.R. 4484, effective 4-10-43]

Armed Forces of the United States: Certain Other Persons and Agencies

§ 1407.181 *Armed forces personnel.* (a) [Revoked.]

[Paragraph (a) revoked by Amendment 98, effective 11-1-43]

(b) Members of the armed forces of the United States and Allied Nations who do not have a War Ration Book and are not entitled to have it, may obtain Certificates to obtain sugar under the circumstances and in accordance with the procedure set forth in General Ration Order 9.[11]

[§ 1407.181 amended by Amendment 18, 7 F.R. 8739, effective 11-2-42 and Amendment 65, 8 F.R. 7380, effective 6-7-43]

§ 1407.182 *Deliveries of sugar to exempt agencies.* (a) The Army, Navy, Marine Corps, or Coast Guard of the United States and the Food Distribution Administration, Maritime Commission, War Shipping Administration and Office of Lend-Lease Administration are known as exempt agencies for the purpose of General Ration Order 3B[12] and are authorized to open one or more exempt accounts under the provisions of General Ration Order 3B. In addition, the Army Exchange Service, to the extent it acquires sugar for export to a foreign country or a territory or possession of the United States other than the District of Columbia, and Ships' Service Departments Afloat, are exempt agencies under this order and General Ration Order 3B. Sugar may be delivered to and accepted by these agencies only in exchange for a check of weight value equal to the amount of sugar delivered except that sugar may be delivered by one exempt agency to another exempt agency without the exchange of stamps, certificates, or checks.

(b) An exempt agency or an agency listed in § 1407.184a (a), shall issue a check in the proper amount to the person making delivery by the time of delivery or as soon as practicable thereafter.

[Paragraph (b) as amended by Amendment 91, 8 F.R. 13394, effective 10-6-43]

(c) If, for any reason, a check cannot be used when sugar is delivered to an agency listed in paragraph (a), an emergency acknowledgment shall be given to the person making the delivery at the time of delivery instead of a check. This acknowledgment may be in any form but shall set forth the name of the agency, the name and address of the activity within the agency to which the sugar is to be delivered, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a check, the weight value of the check to be issued for the delivery, and date of delivery. The acknowledgment must be signed by an authorized officer or employee of the agency, and must state his official title or rank. A person to whom such an acknowledgment is given may not change it at a Board or use it to acquire sugar but shall send it to the agency activity designated thereon, and the agency shall issue to him a check equal in weight value to the sugar delivered in exchange for the acknowledgment.

[§ 1407.182 as amended by Amendment 45, 8 F.R. 2758, effective 3-2-43]

§ 1407.182a *Ships' and planes' stores.* (a) Sugar may be acquired for use as ships' and planes' stores under the provisions of General Ration Order 5.

(b) An operator of a vessel or plane to whom a statement has been issued by a Collector of Customs (or military officer) under the provisions of General Ration Order 5 may acquire sugar up to the amount authorized thereon without the surrender of stamps or certificates. A registering unit may, in exchange for the statement, deliver sugar to such operator up to the amount specified on the statement without receiving stamps or certificates therefor.

(c) A registering unit may exchange such statement for a certificate at its board. It must attach to the statement a signed receipt, invoice, bills of lading, or such other evidence as substantiates the delivery of the sugar. If the board is satisfied that the sugar was delivered for ships' or planes' stores it shall issue a certificate to the registering unit equal in weight value to the amount so delivered.

(d) An airplane operator who has been allowed an operating inventory under General Ration Order 5 may exchange a statement issued by a Collector of Customs (or military officer) under the provisions of General Ration Order 5 for a certificate at a board having jurisdiction over any area where the operator maintains an office.

[§ 1407.182a added by Amendment 86, 8 F.R. 12484, effective 9-14-43]

§ 1407.183 *Deliveries of sugar to certain persons and agencies.* (a) A registering unit which at any time after registration delivers sugar to any of the persons or agencies enumerated in paragraph (b) or (c) of this section except those agencies which are also listed in § 1407.182 (a) as exempt agencies, or delivers sugar to and for con-

[11] 8 F.R. 7107, 10079.

[12] 8 F.R. 2665, 9457.

sumption in any territory or possession of the United States other than the District of Columbia may deliver such sugar without receiving stamps or certificates therefor. If certificates, stamps, or emergency acknowledgments were not received, the registering unit may apply to the board for a certificate in weight value equal to the amount of sugar delivered. The application shall be made on OPA Form No. R-315 which shall be accompanied by receipts, bills of lading, and such other detailed evidence including affidavits as substantiates such deliveries. In a proper case the board shall grant the application.

[Paragraph (a) as amended by Amendment 86, 8 F.R. 12484, effective 9-14-43]

(b) The persons and agencies included within the provisions of this section are the Army, Navy, Marine Corps, or Coast Guard of the United States, and the Food Distribution Administration, Maritime Commission, War Shipping Administration and any government agency or other person when such government agency or person, in one transaction, acquires sugar or products containing sugar for export to and consumption or use in any foreign country, or in any territory or possession of the United States, other than the District of Columbia, and when such sugar or products containing sugar so acquired in such transaction exceeds the value of $25.00.

(c) The following persons and agencies are also included within the provisions of this section: Panama Canal, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, and Office of Scientific Research and Development.

[§ 1407.183 amended by Amendment 45, 8 F.R. 2758, effective 3-2-43, Amendment 50, 8 F.R. 4519, effective 4-12-43 and Amendment 56, effective 5-4-43]

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

[Paragraph (d) added by Amendment 56, effective 5-4-43]

§ 1407.183a *Products containing sugar delivered to certain persons on or after July 1, 1943.* (a) Notwithstanding anything to the contrary contained in §§ 1407.183, 1407.184, 1407.185, and 1407.186:

(1) No certificate or check shall be issued pursuant to Rationing Order No. 3, for the replacement of sugar contained in products delivered to any person or agency on or after July 1, 1943;

(2) No replacement, pursuant to §§ 1407.183, 1407.184, or 1407.186, shall be made of sugar contained in products delivered prior to July 1, 1943, unless application for such replacement is made on or before August 1, 1943.

(3) No checks shall be issued pursuant to § 1407.185 for the replacement of sugar contained in products delivered prior to July 1, 1943, unless application for such replacement is made on or before September 1, 1943.

(b) Sugar contained in products delivered on or after July 1, 1943, shall be replaced only in accordance with the provisions of General Ration Order 11.

[§ 1407.183a added by Amendment 70, 8 F.R. 9011, effective 7-1-43]

§ 1407.183b *Ration banking by certain airplane operators.* An airplane operator who has been allowed an operating inventory under General Ration Order 5 may open an account for each of his offices at which he regularly purchases sugar for use as planes' stores.

[§ 1407.183b added by Amendment 86, 8 F.R. 12484, effective 9-14-43]

§ 1407.184 *Products containing sugar delivered to Army or Navy or certain other persons or agencies.* Any registering unit which has delivered products manufactured by it, in the manufacture of which it used sugar, to the Army or Navy of the United States, or to any of the persons or agencies listed in paragraph (b) of § 1407.183, may apply to and obtain from the Board a Certificate in weight value equal to the amount of sugar used by it in such products. The application shall be made on OPA Form No. R-315 (Special Purpose Application) and shall set forth the nature and amount of the products, the period during which the products were manufactured, the dates when such products were delivered and the amount of sugar used by it in such products and shall be accompanied by such evidence of delivery to the Army, Navy, or other such person or agency as the Board may require.

[§ 1407.184 as amended by Amendment 7, 7 F.R. 6084, 6087, effective 8-8-42]

§ 1407.184a *Deliveries of sugar to Army Exchanges, Post Exchanges, Ships' Service Departments Ashore and similar agencies.* (a) Sugar may be delivered to and accepted by Army Exchanges, Post Exchanges of the Marine Corps, Ships' Service Departments Ashore of the Navy and Coast Guard, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for checks equal in weight value to the sugar delivered. Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration, and similar designated activities are authorized to open accounts, but may not open exempt accounts of the type described in General Ration Order 3B. Certificates to be deposited by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Program of the War Shipping Administration, and similar designated activities to establish ration credits shall be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Marine Corps, the Coast Guard, and the Training Organization of the War Shipping Administration. (The issuance of certificates to establish ration credits for Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration and similar designated activities for the delivery of sugar for institutional use is governed by General Ration Order 5.

(b) Ration credits may be transferred by check without the delivery of sugar between accounts maintained for Army Exchanges, between accounts maintained for Post Exchanges of the Marine Corps, between accounts maintained for Ships' Service Departments Ashore of the Navy, between accounts maintained for Ships' Service Departments Ashore of the Coast Guard, and between accounts maintained for commissary stores and Ships' Service Departments of the Training Organization of the War Shipping Administration.

[Paragraphs (a) and (b) as amended by Amendment 76, 8 F.R. 11382, effective 8-19-43]

(c) During March 1943, Army Exchanges, Post Exchanges, Ships' Service Departments Ashore and similar designated activities, may, if checks are unavailable, use emergency acknowledgments to acquire sugar, in the way described in § 1407.182 (c). An emergency acknowledgment given under this section may not be used by the person to whom it was given to acquire sugar, but must be exchanged for a check at the agency activity designated thereon.

[§ 1407.184a added by Amendment 45, 8 F.R. 2759, effective 3-2-43]

§ 1407.185 *Products containing sugar delivered to Army Exchanges and similar agencies.* (a) The Army Exchange Service of the United States War Department is authorized to issue checks to replace sugar in products delivered to Army Exchanges on or after July 15, 1942. Each check shall be issued to the registering unit which used sugar in the production, manufacture or processing of the products thus delivered or of materials used therein. The weight value of the check thus issued to a registering unit shall not exceed the amount of sugar used by such registering unit in such products or materials.

(b) The Bureau of Naval Personnel of the Navy Department is authorized to issue checks to replace sugar in products delivered to Ships' Service Departments Ashore at Navy or Coast Guard stations. The United States Marine Corps is authorized to issue checks to replace sugar in products delivered to Post Exchanges at Marine Corps barracks or Marine Corps bases. Such authorizations shall apply with respect to products delivered on or after December 7, 1942. Each check shall be issued to the registering unit which used sugar in the production, manufacture or processing of the products thus delivered or of materials used

therein. The weight value of a check thus issued to a registering unit shall not exceed the amount of sugar used by such registering unit in such products or materials.

(c) The total weight value of checks issued by any agency pursuant to this section, in any period specified by the Office of Price Administration, shall not exceed the amount allocated, for the purposes of this section, by the Office of Price Administration to such agency for such period.

[§ 1407.185 as amended by Amendment 45, 8 F.R. 2758, effective 3-2-43]

§ 1407.185a *Deliveries of sugar by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore.* (a) Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, Sales Commissaries, Commissary Stores, and any other activity of the Army, Navy, Marine Corps or Coast Guard and the Food Distribution Administration may deliver sugar only upon the receipt of stamps, certificates or checks in the same way that retailers or wholesalers are permitted to make deliveries of sugar under this order. However, they are not required to register as retailers or wholesalers.

(b) All stamps, certificates or checks so received by Army Exchanges, Post Exchanges, Ships' Service Departments Ashore, Sales Commissaries, Commissary Stores or any other activity of the Army, Navy, Marine Corps or Coast Guard or by the Food Distribution Administration, shall be deposited in the accounts maintained for such agencies.

[§ 1407.185a added by Amendment 45, 8 F.R. 2758, effective 3-2-43]

§ 1407.186 *Products containing sugar manufactured for delivery to Army or Navy.* (a) A registering unit which, subsequent to April 28, 1942, manufactured products delivered by another person on or after July 1, 1942, to the Army or Navy of the United States may obtain certificates in weight value equal to the amount of sugar used by it in such products: *Provided,* That; (1) it manufactured such products pursuant to a contract between it and the person who delivered such products to the Army or Navy or between it and a person who delivered such products to the person who delivered them to the Army or Navy; (2) such products were manufactured in accordance with specifications prescribed by a contract between the person who delivered such products to the Army or Navy and the Army or Navy; and (3) such products were not further processed, except for packaging, after delivery by the registering unit.

(b) Application shall be made by the registering unit to the Board on OPA Form No. R-315 (Special Purpose Application). It shall establish compliance with the requirements of paragraph (a) and include such other information as the Board may require.

[§ 1407.186 added by Amendment 12, 7 F.R. 7406, 7557, effective 9-23-42]

§ 1407.187 *Adjustment of inventory instead of issuance of certificate.* (a) If the present inventory, as adjusted, of a registering unit otherwise entitled to a certificate pursuant to §§ 1407.184 or 1407.186, exceeds the total of all its prior allotments and provisional allowances, the Board shall, instead of issuing such certificate, adjust such inventory by an amount equal to the weight value of such certificate: *Provided,* That if the excess is less than the weight value of such certificate, the Board shall issue a certificate in weight value equal to the difference and cancel such inventory.

(b) If the present inventory, as adjusted, of a registering unit obtaining a certificate pursuant to § 1407.185 exceeds the total of all its prior allotments and provisional allowances, the registering unit shall surrender the certificate to the Board for cancellation and the Board shall adjust such inventory by an amount equal to the weight value of such certificate: *Provided,* That if the excess is less than the weight value of such certificate, the Board shall issue a certificate in weight value equal to the difference and cancel such inventory.

[§ 1407.187 added by Amendment 16, 7 F.R. 8655, effective 10-30-42]

§ 1407.188 *Restriction on replacement of sugar in products listed in Schedule A.* The provisions of §§ 1407.184, 1407.185, and 1407.186 shall not be deemed to apply to products listed in § 1407.241, Schedule A.

[§ 1407.188 added by Amendment 33, 8 F.R. 262, effective 1-11-43]

Enforcement

§ 1407.201 *Prohibited sale.* (a) No person shall sell or otherwise dispose of any sugar with knowledge, or under circumstances from which it might reasonably appear to such person, that it is the intention of the person to whom the sugar is sold or otherwise disposed of, to use it, or to resell it or otherwise dispose of it to another person for use in violation of the laws of the United States, including use in the manufacture of distilled spirits, wines, or fermented malt liquors in violation of the Internal Revenue Laws of the United States.

(b) A sale or other disposition of sugar by a person (hereinafter called the transferor) to any other person, following receipt by the transferor of written notice from the Office of Price Administration that such other person has used sugar in the manufacture of distilled spirits, wines, or fermented malt liquors in violation of the Internal Revenue Laws of the United States, shall be *prima facie* evidence of a willful violation of this section by the transferor.

§ 1407.202 *Unlawful use or possession.* No person shall at any time either use or have in his possession or under his control or take delivery of any sugar, certificates, stamps or War Ration Books, where such possession, control, or acquisition is in violation of Rationing Order No. 3.

§ 1407.202a *Certificates are property of the Office of Price Administration.* All certificates remain the property of the Office of Price Administration, whether or not they have been issued, and the Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

[§ 1407.202a added by Amendment 54, 8 F.R. 4977, effective 4-22-43]

§ 1407.203 *Criminal penalties.* Any violation of Rationing Order No. 3 is a crime punishable by a fine of not more than $10,000.00 or imprisonment of not more than one year, or both.

§ 1407.204 *Cancellation of privileges and reallocation of sugar.* (a) Any person operating an establishment or establishments who violates Rationing Order No. 3 in the conduct of any of such establishments shall be required to surrender for cancellation to the Office of Price Administration all stamps or certificates held by him in conjunction with the operation of all such establishments. Any such person shall also be prohibited, either permanently or for such time as may be deemed appropriate, from receiving any other stamps or certificates, and from receiving any material which now or in the future may be subject to rationing or allocation, and from in any manner delivering or dealing in any such material.

(b) Any person may be prohibited, either permanently or for such time as may be deemed appropriate, from delivering or agreeing to deliver any material which now or in the future may be subject to rationing or reallocation to any person who violates Rationing Order No. 3, except material for the personal use of such person.

(c) Sugar transferred in violation of Rationing Order No. 3 shall be subject to requisition and reallocation and distribution by the appropriate Officers or Agents of the United States.

§ 1407.204a *Saving clause.* No provision of any amendment to Rationing Order No. 3 (unless such amendment otherwise expressly provides) effecting the dissolution of registering units, resulting in the amendment or cancellation of registrations, placing persons or establishments once subject to Rationing Order No. 3 under another order, or removing limitations or restrictions theretofore imposed by Rationing Order No. 3 from persons, establishments, or registering units shall be deemed to (1) excuse the failure to discharge or perform any duty or obligation or (2) condone any acts or omissions to act, by any person, establishing, or registering unit prior to the effective date of such amendment.

[§ 1407.204a added by Amendment 44, 8 F.R. 2675, effective 3-1-43]

§ 1407.205 *Prohibited deliveries.* Notwithstanding the terms of any contract,

agreement or commitment, regardless of when made, on and after June 19, 1942, except as otherwise expressly permitted in Rationing Order No. 3, deliveries of sugar shall be made only by and to, and accepted only by and from institutional user establishments registered under General Ration Order 5, registered consumers, registering units and primary distributors.

[§ 1407.205 added by Amendment 2, 7 F.R. 4545, effective 6-19-42; amended by Amendment 44, 8 F.R. 2675, effective 3-1-43]

Effective Date

§ 1407.221 *Effective date of Rationing Order No. 3.* Rationing Order No. 3 (§§ 1407.1 to 1407.243, inclusive) shall become effective April 20, 1942.

[Issued April 21, 1942]

§ 1407.222 *Effective dates of amendments.* [The effective dates of amendments are shown in notes following the parts affected]

Schedules

§ 1407.241 *Schedule A: Tables of sugar allowance per unit of product for determination of provisional allowance.*

TABLE I—CANNED VEGETABLES

Product	Size of unit	Maximum sugar allowance per unit in pounds
Beets	21/2's	0.32
Carrots	21/2's	.16
Carrots and peas	21/2's	.49
Corn—cream	21/2's	1.25
Corn—whole kernel	21/2's	.89
Corn—vacuum pack	24/12 oz.	.50
Peas	21/2's	.60
Succotash	21/2's	1.10
All other vegetables		No sugar
Sweet potatoes	21/2's	2.00

[Table I as amended by Amendment 85, 8 F.R. 12013, effective 8-23-43]

TABLE II—CANNED FRUITS AND FRUIT JUICES

Product	Size of unit	Maximum sugar allowance per unit in pounds for packing seasons ending prior to July 21, 1943	Maximum sugar allowance per unit in pounds for packing seasons not ending prior to July 21, 1943.
Each fruit	24/2½'s	90 percent of average quantity of sugar used per unit of all grades (converted into 24/2½'s) during 1941.	100 percent of average quantity of sugar used per unit of all grades (converted into 24/2½'s) during 1941.
Each fruit juice	Gallon	90 percent of average quantity of sugar used per unit of all grades during 1941.	90 percent of average quantity of sugar used per unit of all grades during 1941.

[Table II as amended by Amendment 78, 8 F.R. 11292, effective 8-14-43]

TABLE III—CONVERSION FACTORS FOR CASE EQUIVALENTS FOR USE IN TABLES I AND II OF THIS SCHEDULE

Size of case	Conversion factors to case of 24/2's	Conversion factors to case of 24/2½'s
Case of 48 No. 1 tall	1.63	1.12
Case of 24 No. 300	.74	.51
Case of 24 No. 12 oz. vacuum	.72	
Case of 24 No. 303	.82	.57
Case of 24 No. 2		.69
Case of 24 No. 2½	1.45	
Case of 6 No. 10	1.33	.92

[Table III as amended by Amendment 2, 7 F.R. 4545, effective 6-19-42]

TABLE IV—FROZEN FRUIT

Product	Unit (quantity of fruit)	Quantity of sugar allowed in pounds per unit of fruit: Packed in containers of 20-lb. weight or greater	Quantity of sugar allowed in pounds per unit of fruit: Packed in wrapped packages
	Pounds		
Apples and crabapples	5	1	None
Applesauce	9	None	1
Apricots	3	1	1
Cherries	4	1	1
Citrus pulp and citrus marmalade base	5	1	None
Loganberries	4	None	1
Nectarines	3	1	1
Peaches	3	1	1
Plums, all types	4	1	1
Raspberries	4	1	1
Rhubarb	6	1	None
Strawberries	6	2	1½
Blackberries	4	None	1
Boysenberries	4	None	1
Pineapples	4	1	1
Pears	3	1	None
All other fruits		None	None

No sugar may be allowed to pack any of the above fruits in puree form in containers of less than 30-pounds weight.

[Table IV amended by Amendment 2, 7 F.R. 4545, effective 6-19-42 and Amendment 85, 8 F.R. 12013, effective 8-23-43 and Amendment 90, 8 F.R. 13341, effective 10-4-43]

TABLE V—CANNED OR CURED MEATS, FISH AND POULTRY REGARDLESS OF HOW PACKAGED

Product	Size of unit	Quantity of sugar allowed, in pounds per unit of product
Pork Products, dry cured.	100 pounds (unprocessed).	1.30
Pork Products, sweet pickled.	100 pounds (unprocessed).	1.00
Beef, dried and corned and beef tongues.	100 pounds (unprocessed).	1.00
Canned luncheon meats and canned spiced ham.	100 pounds (unprocessed).	1.00
Dry sausage	100 pounds (unprocessed).	.75
Fresh sausage and baked loaves.	100 pounds (unprocessed).	.50
Lamb tongue and lunch tongue.	100 pounds (unprocessed).	.75
Each type of pickled or cured fish, shellfish, or poultry product.	100 pounds (unprocessed).	(1)
Mutton	100 pounds (unprocessed).	1.00

[1] 70 percent of amount used per unit of same product during 1941.

[Table V as amended by Amendment 60, 8 F.R. 6442, effective 5-21-43]

TABLE VI—BEE FEEDING

The provisional allowance for feeding bees shall be 10 pounds per calendar year for each colony of bees. For the purposes of this Table, the period from April 23 to December 31, 1942, shall be deemed to be a full calendar year.

[Table VI as amended by Amendment 26, 7 F.R. 9899, effective 12-2-42]

§ 1407.242 *Schedule B: Allotment percentages for industrial users.*

Use	Percentage of sugar base: For periods ending prior to Nov. 1, 1943	Percentage of sugar base: For periods commencing on or after Nov. 1, 1943
(a)	70	80
(b) Bread	70	80
(c) Other bakery products	70	80
(d) Cereal products, batters, mixes	70	80
(e) Confectionery, candy, chocolate, chewing gum, cocoa	70	80
(f) Ice cream, ices, sherbets, frozen custards	70	80
(g) Other dairy products, condensed milk, cheese, etc	70	80
(h) Preserves, jams, jellies, fruit butters	70	80
(i) Production of bottled beverages, flavoring extracts and syrups	70	80
(k) Specialties: Desserts, puddings, drink mixes, pickles, table syrups, mince meat, catsup, chili sauce, salad dressing, soups, tomato sauces	70	80
(m) Non-food products, drugs, medicines, and cough drops, soaps, tobacco, insecticides, adhesives, leather	70	80
(n) Other	70	80

[§ 1407.242 amended by Amendment 83, 8 F.R. 12569, effective 9-16-43 and Amendment 93, 8 F.R. 14010, effective 10-14-43]

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp value during ration period	Weight value of stamp
		Lb
No. 1 (May 5 to May 16, 1942)	Stamp No. 1	1
No. 2 (May 17 to May 30, 1942)	Stamp No. 2	1
No. 3 (May 31 to June 13, 1942)	Stamp No. 3	1
No. 4 (June 14 to June 27, 1942)	Stamp No. 4	1
No. 5 (June 28 to July 25, 1942)	Stamp No. 5	2
No. 6 (July 26 to Aug. 22, 1942)	Stamp No. 6	2
No. 7 (July 10 to Aug. 22, 1942)	Stamp No. 7	2
No. 8 (Aug. 23 to Oct. 31, 1942)	Stamp No. 8	3
No. 9 (Nov. 1 to Dec. 15, 1942)	Stamp No. 9	3
No. 10 (Dec. 16, 1942 to Jan. 31, 1943).	Stamp No. 10	5
No. 11 (Feb. 1, 1943 to Mar. 15, 1943).	Stamp No. 11	3
No. 12 (Mar. 16, 1943 to May 31, 1943).	Stamp No. 12	5
No. 13 (June 1, 1943 to August 15, 1943).	Stamp No. 13	5
No. 14 (August 16, 1943 to November 1, 1943)	Stamp No. 14	[illegible]
No. 15 (Nov. 1, 1943, to Jan. 15, 1944)	Book Four Sugar Stamp 29	5

[Items added by Amendments 3, 4, 8, 15, 29, 35, 43, 61, 74 and 93; 7 F.R. 4618, 5193, 6473, 4802, 10558, 8 F.R. 620, 2433, 6442 and 10512, respectively]

§ 1407.244 *Schedule D—Counties which have had a substantial increase in population and the percentage for each such county.*

State and county	Percentage: For the period commencing July 1, 1943	Percentage: For periods commencing on or after September 1, 1943
Alabama:		
Baldwin	20	20
Barbour	10	None
Calhoun	30	30
Chilton	40	None
Colbert	15	10
Dale	70	70
De Kalb	15	None
Elmore	20	None
Etowah	20	20
Jefferson	10	10
Lauderdale	10	None
Madison	10	10
Mobile	70	70
Montgomery	20	10
Russell	15	15
Shelby	10	None
Talladega	30	20
Arizona:		
Apache	50	None
Cochise	40	40
Coconino	20	None
Gila	20	20
Greenlee	80	80
Maricopa	20	20
Mohave	15	15
Navajo	10	10
Pima	30	30
Pinal	50	50
Yuma	60	60
Arkansas:		
Baxter	10	10
Desha	10	10
Jefferson	15	15
Lonoke	15	15
Miller	15	None
Pulaski	20	20
Sebastian	30	15
White	30	None
California:		
Alameda	20	20
Contra Costa	80	80
Inyo	50	50
Kern	10	10
Los Angeles	10	10
Marin	20	20
Monterey	20	20
Napa	15	15
Orange	20	20
Riverside	50	50
Sacramento	10	10
San Bernardino	20	20
San Diego	40	40
San Francisco	10	10
San Joaquin	10	10
San Luis Obispo	40	40
San Mateo	20	20
Santa Barbara	20	20
Shasta	10	None
Solano	100	100
Sutter	30	10
Ventura	10	10
Yuba	40	40
Colorado:		
Arapahoe	15	10
Denver	10	10
Eagle	90	40
El Paso	30	30
Jefferson	10	10
Otero	10	10
Prowers	15	15
Pueblo	10	10
Connecticut: Hartford	10	None
Delaware: Sussex	10	None
District of Columbia	20	20
Florida:		
Bay	90	90
Bradford	120	120
Brevard	20	20
Broward	30	30
Clay	30	30
Dade	20	20
Duval	30	30
Escambia	20	20
Franklin	140	140
Gulf	10	10
Hamilton	10	None
Highlands	90	90
Hillsborough	20	20
Indian River	15	15
Lee	40	40
Leon	20	15
Martin	40	40
Florida—Continued:		
Monroe	60	60
Okaloosa	50	50
Orange	20	20
Palm Beach	15	15
Pinellas	30	20
St. Lucie	20	20
Sarasota	30	30
Volusia	10	None
Georgia:		
Berrien	30	None
Bibb	40	40
Camden	10	10
Catoosa	30	30
Chatham	20	20
Chattahoochee	10	10
Chattooga	10	None
Clarke	15	15
Cobb	10	None
Columbia	15	15
Decatur	10	10
Dougherty	15	15
Fulton	20	20
Glynn	50	50
Houston	20	10
Liberty	100	100
Lowndes	10	10
McIntosh	10	10
Muscogee	50	50
Newton	10	10
Peach	10	None
Richmond	20	20
Stephens	30	20
Troup	10	None
Whitfield	10	10
Idaho:		
Adams	40	None
Bannock	15	15
Bonneville	30	None
Clark	30	None
Elmore	90	60
Jerome	20	20
Kootenai	30	20
Valley	10	None
Illinois:		
Champaign	10	10
Du Page	10	10
Fulton	50	None
Hardin	10	None
Lake	10	10
Lee	10	None
Madison	10	10
Rock Island	10	None
St. Clair	10	10
Winnebago	10	10
Indiana:		
Bartholomew	60	40
Clark	30	20
Floyd	15	15
Johnson	10	10
Lake	10	10
La Porte	10	None
Marion	10	10
Porter	10	10
Scott	10	10
Starke	20	20
Tippecanoe	10	10
Vanderburgh	10	10
Iowa:		
Clayton	15	15
Des Moines	20	20
Kansas:		
Douglas	30	30
Finney	20	20
Geary	50	20
Johnson	30	30
Labette	15	None
Riley	10	10
Saline	50	50
Sedgwick	40	30
Seward	30	20
Wyandotte	10	10
Kentucky:		
Christian	20	20
Hardin	30	30
Henderson	10	None
Jefferson	15	15
Madison	10	10
Union	70	40
Louisiana:		
Beauregard	20	20
Calcasieu	30	30
East Baton Rouge	30	30
Jefferson	20	20
La Salle	20	15
Orleans	15	15
Ouachita	10	10
Rapides	40	30
St. Mary	10	10
Vernon	80	80
Maine:		
Cumberland	15	15
York	10	10
Maryland:		
Anne Arundel	10	10
Baltimore City	15	15
Baltimore	20	20
Calvert	15	15
Cecil	20	15
Charles	20	20
Harford	30	20
Howard	10	10
Montgomery	30	30
Prince Georges	20	20
St. Marys	20	20
Massachusetts:		
Barnstable	30	30
Nantucket	20	20
Michigan:		
Calhoun	15	15
Chippewa	15	15
Macomb	30	30
Midland	10	None
Muskegon	10	10
Oakland	10	None
Ottawa	10	None
Washtenaw	20	20
Wayne	10	10
Mississippi:		
Amite	20	20
Forrest	70	70
Grenada	60	60
Harrison	50	50
Hinds	10	10
Jackson	60	60
Lowndes	10	None
Wilkinson	40	40
Missouri:		
Boone	10	None
Clay	10	10
Jackson	10	10
Newton	60	30
Phelps	20	20
Pulaski	80	50
St. Charles	10	None
St. Louis	15	15
St. Louis City	10	10
Montana:		
Cascade	15	None
Stillwater	20	20
Treasure	20	None
Nebraska:		
Adams	20	15
Box Butte	30	30
Deuel	30	None
Hall	10	10
Hooker	10	10
Lincoln	10	10
McPherson	15	None
Nevada:		
Clark	160	160
Lander	10	None
Mineral	230	230
Nye	40	40
Washoe	10	10
New Hampshire: Rockingham	10	10
New Jersey:		
Burlington	10	10
Gloucester	10	None
Middlesex	10	None
Monmouth	10	10
New Mexico:		
Bernalillo	30	30
Chaves	20	20
Curry	30	30
De Baca	20	20
Eddy	15	15
Grant	10	10
Hidalgo	30	None
Luna	50	50
McKinley	30	30
Otero	20	20
New York:		
Nassau	10	10
Seneca	20	20
Tompkins	15	15
North Carolina:		
Cabarrus	10	10
Cleveland	20	None
Craven	15	15
Cumberland	40	40
Durham	20	20
Graham	70	70
Hoke	10	10
Hyde	10	None
Moore	15	15
New Hanover	60	60
Onslow	100	100
Orange	10	None

State and county	Percentage: For the period commencing July 1, 1943	Percentage: For periods commencing on or after September 1, 1943
North Carolina—Con.		
Pasquotank	20	20
Richmond	20	15
Robeson	15	15
Union	15	None
Wayne	10	None
North Dakota: Mercer	10	None
Ohio:		
Franklin	10	10
Greene	20	20
Hamilton	10	10
Lake	10	10
Marion	10	None
Montgomery	15	15
Ottawa	10	10
Portage	10	10
Summit	10	10
Trumbull	10	10
Wood	30	30
Oklahoma:		
Cleveland	20	20
Comanche	70	70
Mayes	30	30
Muskogee	40	30
Oklahoma	15	15
Pittsburg	20	20
Tulsa	50	50
Oregon:		
Benton	50	40
Clatsop	30	30
Deschutes	30	10
Jackson	60	50
Linn	40	20
Multnomah	40	40
Tillamook	15	15
Umatilla	15	15
Pennsylvania:		
Beaver	10	None
Cambria	10	None
Delaware	10	10
Lebanon	10	10
Mercer	20	20
Rhode Island:		
Kent	15	15
Newport	40	40
Washington	30	30
South Carolina:		
Aiken	15	15
Beaufort	10	10
Charleston	40	40
Dorchester	10	10
Greenville	10	10
Richland	30	30
Spartanburg	10	10
South Dakota:		
Fall River	10	10
Minnehaha	10	10
Tennessee:		
Blount	15	15
Coffee	30	30
Davidson	30	15
Hamilton	10	None
Henry	15	15
Jefferson	15	None
Johnson	10	10
Loudon	10	10
Montgomery	40	30
Polk	50	50
Shelby	10	10
Sullivan	20	20
Unicoi	10	None
Texas:		
Bastrop	70	70
Bell	50	50
Bexar	30	30
Bowie	40	30
Brazoria	60	60
Brazos	20	20
Brewster	20	20
Brown	60	60
Callahan	10	10
Childress	20	20
Cochran	30	30
Comal	10	10
Cooke	70	70
Coryell	50	30
Dallam	30	30
Dallas	15	15
Deaf Smith	20	None
Denton	15	15
Dimmit	15	15
El Paso	20	20
Galveston	30	30
Gregg	10	10
Hall	15	None
Hansford	10	None
Harris	15	15
Hays	15	15
Hidalgo	10	10
Hockley	30	10
Texas—Continued.		
Howard	40	40
Hutchinson	20	20
Jackson	10	None
Jefferson	30	30
Kinney	60	60
Kleberg	20	20
Lamar	20	15
Lampasas	10	10
Lubbock	20	20
McLennan	15	15
Marion	15	None
Matagorda	40	40
Maverick	20	20
Medina	20	20
Midland	40	40
Moore	100	100
Nolan	50	50
Nueces	40	30
Oldham	15	10
Orange	120	120
Palo Pinto	60	60
Pecos	10	None
Potter	20	20
Randall	10	10
Reeves	30	30
Tarrant	20	20
Taylor	60	60
Terry	40	None
Tom Green	20	20
Travis	15	None
Val Verde	20	20
Victoria	20	20
Ward	30	30
Webb	15	15
Wichita	10	10
Zapata	10	None
Utah:		
Carbon	10	10
Davis	60	60
Millard	20	20
Salt Lake	20	20
Tooele	60	60
Utah	10	10
Weber	30	30
Vermont: Addison	10	None
Virginia:		
Arlington	40	40
Dinwiddie	40	40
Elizabeth City	30	30
Fairfax	40	40
Giles	10	10
Henry	10	10
James City	60	15
King George	20	20
Montgomery	60	60
Norfolk	100	100
Nottoway	60	60
Prince George	10	None
Prince William	30	30
Princess Anne	50	50
Pulaski	20	20
Rockbridge	15	None
Spotsylvania	20	None
Tazewell	10	None
Warwick	150	150
York	50	50
Independent cities:		
Alexandria	50	50
Bristol	50	50
Buena Vista	30	30
Charlottesville	10	10
Danville	80	80
Fredericksburg	30	30
Hampton	20	20
Hopewell	20	20
Martinsville	10	10
Newport News	80	80
Norfolk	40	40
Petersburg	20	10
Portsmouth	30	20
Radford	60	40
Richmond	20	20
South Norfolk	30	20
Suffolk	20	20
Williamsburg	60	60
Washington:		
Clark	70	70
Franklin	20	20
King	20	20
Kitsap	100	100
Mason	15	10
Pierce	20	20
Spokane	15	15
Thurston	15	15
West Virginia:		
Clay	15	15
Gilmer	10	None
Kanawha	10	10
Monongalia	10	None
Wisconsin:		
Dane	10	10
Door	10	10
Manitowoc	15	None
Monroe	40	40
Sauk	15	10
Wyoming:		
Laramie	20	20
Park	20	20

Percentages for periods commencing before July 1, 1943, shall remain unchanged.

[§ 1407.244 amended by Amendment 57, 8 F.R. 5308, effective 5-11-43 and Amendment 79, 8 F.R. 11292, effective 8-14-43]

Sugar Ration Bank Accounts

§ 1407.260 *Termination of Temporary Ration Banking Plan.* (a) Sections 1407.262 through 1407.265, inclusive, and §§ 1407.266 through 1407.273, inclusive, (Temporary Ration Banking Plan), are revoked as of 12.01 a. m., February 9, 1943; and §§ 1407.261, 1407.265a, 1407.274 and 1407.275 shall remain in full force and effect: *Provided,* That between January 27, 1943, and February 8, 1943, inclusive, the definitions contained in § 1407.261 shall apply only to this section and §§ 1407.261 through 1407.275, inclusive, and after February 8, 1943, shall apply only to this section and to §§ 1407.261, 1407.265a, 1407.274 and 1407.275: *And provided further,* That on and after January 27, 1943, no person may open an account pursuant to §§ 1407.261 through 1407.275, inclusive (Temporary Ration Banking Plan) and any person who opened an account pursuant to such sections before January 27, 1943, must close it on or before February 8, 1943. Vouchers may be drawn on an account maintained under §§ 1407.261 through 1407.275, inclusive, until the depositor closes such account, but in no event later than February 8, 1943. Such a voucher may be deposited only within fifteen (15) days of the date appearing on its face and only in an account maintained at a listed bank, pursuant either to §§ 1407.261 through 1407.275, inclusive, or to General Ration Order 3A, by the person to whom the voucher is issued.

(b) A person closing a temporary account as provided in paragraph (a) and opening a new account in the same bank shall do so by returning to the bank all his unused vouchers, requesting the bank to close the temporary account and opening his new account, at the same time, in the manner prescribed by General Ration Order No. 3A. The bank will credit the new account with any ration credits in the temporary account. Vouchers drawn by such person on the temporary account before it is closed and received by the bank after the new account is opened will be charged to the new account.

(c) A person closing a temporary account as provided in paragraph (a) with-

out opening a new account in the same bank shall do so in the manner provided in § 1407.265a.

[§ 1407.260 added by Amendment 38, 8 F.R. 1288, effective 1-27-43]

§ 1407.261 *Meaning of terms used in §§ 1407.261 through 1407.275.* When used in §§ 1407.261 through 1407.275:

(a) "Account" means sugar ration bank account.

(b) "Albany Ration Banking Office" means the Ration Banking Office of the Office of Price Administration, 76 State Street, Albany, New York.

(c) "Area" means introductory area.

(d) "Depositor" means a registering unit which is required by § 1407.265 to open a sugar ration bank account, or which is authorized by said section to open, and does open, a sugar ration bank account.

(e) "Introductory area" means the following area of New York State: the cities of Albany, Schenectady, Troy, Cohoes, Rensselaer, Mechanicville, and Watervliet; and the towns of Glenville, Rotterdam, Niskayuna, Guilderland, Colonie, Waterford, Schaghticoke, Brunswick, North Greenbush, East Greenbush, and Bethlehem.

(f) "Issue" when used with respect to a voucher, means the delivery of a completed voucher.

(g) "Listed bank" means one of the following banks or bank branches:

First Trust Company, Main Office, 31-37 State Street, Albany, New York.

First Trust Company, Branch, 135 South Pearl Street, Albany, New York.

First Trust Company, Branch, 252 Washington Avenue, Albany, New York.

Mechanics and Farmers Bank, 63 State Street, Albany, New York.

National Commercial Bank and Trust Company, Main Office 60 State Street, Albany, New York.

National Commercial Bank and Trust Company, Branch, 200 Washington Avenue, Albany, New York.

National Commercial Bank and Trust Company Branch, Broadway, Corner of Pleasant, Albany, New York.

National Commercial Bank and Trust Company, Altamont Branch, Altamont, New York.

National Commercial Bank and Trust Company, Delmar Branch, Delmar, New York.

State Bank of Albany, Main Office, 63 State Street, Albany, New York.

State Bank of Albany, Branch, 339 Central Avenue, Albany, New York.

State Bank of Albany, Mechanicville Branch, Mechanicville, New York.

Manufacturers Bank of Cohoes, Cohoes, New York.

National Bank of Cohoes, Cohoes, New York.

Rensselaer County Bank and Trust Company, Main Office, 810 Broadway, Rensselaer, New York.

Rensselaer County Bank and Trust Company, Branch Office, 156 Broadway, Rensselaer, New York.

Citizens Trust Company, Main Office, 436 State Street, Schenectady, New York.

Citizens Trust Company, Branch Office, Broadway, corner Westinghouse Place, Schenectady, New York.

Mohawk National Bank, Main Office, 216 State Street, Schenectady, New York.

Mohawk National Bank, Branch, Albany Street, Corner Hulett, Schenectady, New York.

Morris Plan Industrial Bank, 244 State Street, Schenectady, New York.

Schenectady Trust Company, Main Office, 320 State Street, Schenectady, New York.

Schenectady Trust Company, Branch, 959 Crane Street, Schenectady, New York.

Schenectady Trust Company, Branch, 1050 State Street, Schenectady, New York.

Union National Bank, 334 State Street, Schenectady, New York.

Glenville Bank, Scotia, New York.

National Bank of Watervliet, Watervliet, New York.

Bank of Waterford, Waterford, New York.

Manufacturers National Bank, Main Office, 4th and Grand Streets, Troy, New York.

Manufacturers National Bank, Branch, 604 2nd Street, Troy, New York.

Manufacturers National Bank, Branch, 31 3rd Street, Troy, New York.

National City Bank of Troy, 89 Third Street, Corner State Street, Troy, New York.

Union National Bank of Troy, 50 Fourth Street, Troy, New York.

(h) "Listed board" means any one of the following boards:

Local board name:	*Local Board No.*
Albany City and County Board	1-4-1
Cohoes City Board	1-1-2
Watervliet City Board	1-1-3
Rensselaer City Board	38-1-1
Rensselaer County Board	38-0-1
Troy City Board	38-1-2
Saratoga County Board	41-0-1
Mechanicville City Board	41-4-1
Schenectady City and County Board	42-4-1

(i) "Named transferee" means the depositor or listed board named in a voucher as the person to whom or to whose account the weight value specified thereon is to be transferred.

(j) "Person" shall have the meaning designated in § 1407.21 (c) (11) and shall also include board.

(k) "Voucher" means a sugar transfer voucher on OPA Form No. RB-20.

[§ 1407.261 added by Amendment 20, 7 F.R. 8710, effective 10-26-42]

[§§ 1407.262 through 1407.265, inclusive, and §§ 1407.266 through 1407.273, inclusive, were added by Amendment 20, 7 F.R. 8710, effective 10-26-42, and revoked, subject to the provisions of § 1407.260, by Amendment 38, 8 F.R. 1288, effective 1-27-43]

§ 1407.265a *Closing accounts.* A person closing a temporary account without opening a new account in the same bank shall do so by issuing to a Listed Board a voucher payable to the Board in an amount equal to any balance on hand in the temporary account to be closed, less the total amount of all vouchers outstanding. The Board shall, in exchange for the voucher issued to it, give the person who issued the voucher a certificate in an amount equal to the face amount of the voucher. The Board shall then write the word "closing" on the reverse side of the voucher, shall endorse it and shall send it to the drawee bank. After issuing such a voucher to a Board, a depositor may neither make a deposit in, nor draw a voucher on, the discontinued account, and must return to the bank all of his unused vouchers. The drawee bank will debit the voucher received from the Board to the account on which it is drawn and will close the account if no balance remains after the voucher has been debited. If a balance remains, the bank will debit to such account only vouchers which bear the same date as, or an earlier date than, the voucher received from the Board; and will close the account whenever no balance remains. If a balance remains in the account twenty (20) days after the bank has received the voucher from the Board, the bank shall close the account and notify the depositor, in writing, of the unused credit. The depositor may secure a certificate in the amount of the unused credit from a Listed Board in exchange for the written notification from the bank. The Board shall return the notification to the bank which wrote it. If the person closing the account has no balance on deposit in the account, he may close it by returning all his unused vouchers to the bank and requesting the bank, in writing, to close the account.

[§ 1407.265a added by Amendment 36, 8 F.R. 1029, effective 1-20-43, amended by Amendment 38, 8 F.R. 1288, effective 1-27-43]

§ 1407.274 *Records and duties of depositors.* (a) Each depositor shall retain, for a period of two years, all depositor's stubs, voucher stubs, and statements obtained pursuant to paragraph (b) of this section, all of which shall be made available for inspection by the Office of Price Administration or by a listed board.

(b) Each depositor shall obtain from his bank monthly a statement of his account. He shall check this statement against his records, and any errors or other discrepancies shall be reported to the bank within twenty (20) days after the date of issuance of the statement. Otherwise any errors shall be deemed to have been waived by the depositor. Each depositor shall be entitled to examine his cancelled vouchers at his bank on one day each month designated by the bank for that purpose.

(c) Any dispute between a depositor and his bank with respect to the amount of the balance in an account shall be referred to the Albany Ration Banking Office for decision by the Office of Price Administration.

§ 1407.275 *Bank records and accounts confidential.* All records kept by any bank with respect to an account shall be subject to the provisions of § 1407.44.

[§§ 1407.274 and 1407.275 added by Amendment 20, 7 F.R. 8710, effective 10-26-42]

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

Issued this 30th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17621; Filed, October 30, 1943; 4:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 83]

PROCESSED FOODS

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

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

[1] 8 F.R. 11028, 11383, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560.

Ration Order 13 is amended in the following respects:

1. Section 21.1 (a) (10) (i) is amended by deleting after the word "Fruits" the following words "(including pickled spiced or brandied)."

2. Section 21.1 (a) (10) (ii) is amended to read as follows:

(ii) The following frozen fruits, berries, juices, purees and vegetables:

FRUITS, BERRIES, JUICES, AND PUREES

Apples.	Grapes.
Apricots.	Peaches.
Cherries.	Plums.
Currants.	Rhubarb.

Mixed fruits (Containing over 20% by volume of fruits listed under this subdivision).

All berries.	All fruit juices.

VEGETABLES AND PUREES

Asparagus.	Cauliflower.
Beans, baked.	Cut corn.
Beans, lima.	Peas.
Beans, snap.	Spinach.
Beets.	Squash.
Broccoli.	Pumpkin.
Brussel sprouts.	All leafy greens.
Carrots.	

Mixed vegetables (containing over 20% by volume of vegetables listed under this subdivision).

3. Appendix A is amended by inserting in their alphabetical place in the list the following: "Brandied, spiced, or pickled fruits packed in hermetically sealed containers."

This amendment shall become effective at 12:01 a. m., October 31, 1943.

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

Issued this 30th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17622; Filed, October 30, 1943; 4:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 75]

MEAT, FATS, FISH AND CHEESES

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

Ration Order 16 is amended in the following respects:

1. Section 3.5 is added to read as follows:

SEC. 3.5. *Person may have fish caught by members of his family unit canned by a primary distributor for household consumption*—(a) *He may acquire such canned fish point-free.* Any person, other than an institutional user, may acquire from a "primary distributor", point-free, "canned fish" produced for him from fish caught by him or by members of his "family unit", if he supplies all the ingredients in an amount necessary to produce such canned fish. (A "family unit" consists of all persons related by blood, marriage, or adoption, who regularly reside in the same household.) Not more than 25 pounds of such canned fish per member may be acquired by or for any family unit under this section in any calendar year. He may consume such fish, and let the members of his household and others who eat at his table consume it, without giving up points. He may acquire such canned fish point-free only if he gives to the primary distributor a signed statement that the fish to be canned were caught by a member of his family unit, together with the names of each member of his family unit. The primary distributor shall retain this statement for one year.

(b) *He may sell only for points and must surrender points he gets to the board.* He may not sell or transfer any such canned fish unless he gets points equal to the point value of the canned fish so transferred. For this purpose, he need not register or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers during any month, he must give up to his board on or before the 10th day of the next month the points received for such transfers.

2. Section 17.7 (a) (9) and (10) are added to read as follows:

(9) Primary distributors who can fish for persons who caught them must retain the statement which those persons are required to furnish (section 3.5 (a)).

(10) Persons who have fish which they caught canned for them must keep records of the canned fish which they transfer (section 3.5 (b)).

This amendment shall become effective November 4, 1943.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 30th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17620; Filed, October 30, 1943; 4:32 p. m.]

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

[1] 8 F.R. 13128, 13980, 13394.

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

[RO 1F]

TIRE RATIONING REGULATIONS FOR THE TERRITORY OF ALASKA

Preamble: This ration order attempts to satisfy the need in the Territory of Alaska for a tire ration order tailored to the special circumstances existing in Alaska. It is impractical to adopt in Alaska the type of program in effect in the Continental United States because of the great distances and sparse population of Alaska. The order rations new tires and tubes to a stated list of eligibles. The lack of any civilian recapping facilities in the Territory, and the impracticability of obtaining recapping services from the mainland, render it undesirable to attempt any controls over recapping or camelback. Similarly, the lack of a used tire inventory in the Territory and the improbability of obtaining any used tires from the mainland makes it unfeasible to ration used tires. New tires and tubes will be rationed to those persons most essential to the war effort, public health or public safety, and it is expected that in this manner the essential transportation needs of the Territory will be fulfilled.

§ 1315.601 *Tire rationing regulations for the Territory of Alaska.* Under the authority vested in the Office of Price Administration and the Price Administrator of Executive Order 9125, issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive 1-Q of the War Production Board, issued January 24, 1942 and November 6, 1942 respectively, and under the authority vested in me by General Order No. 47 of the Price Administrator, issued March 5, 1943, this Ration Order 1F (Tire Rationing Regulations for the Territory of Alaska), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.1601 issued Under Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-Q, 7 F.R. 9121, Gen. Order No. 47, 8 F.R. 1832.

RATION ORDER 1F—TIRE RATIONING REGULATIONS FOR THE TERRITORY OF ALASKA

ARTICLE I—SCOPE OF RATION ORDER 1F

Sec.
1.1 Territorial limitations.
1.2 Effect on other ration orders.

ARTICLE II—DEFINITIONS

2.1 Definitions.

ARTICLE III—ADMINISTRATION, JURISDICTION AND QUOTA

3.1 Administration and personnel.
3.2 Jurisdiction of boards.
3.3 Quotas.

ARTICLE IV—PROOF OF NEED AND ELIGIBILITY

4.1 General proof of need.
4.2 Eligibility.
4.3 Emergency reserves.
4.4 Allotments to dealers.

ARTICLE V—APPLICATIONS AND CERTIFICATES

5.1 Applications.
5.2 Filing of applications.

Sec.
5.3 Certification by inspector prior to filing of application.
5.4 Investigation of facts by boards.
5.5 Notation of reasons for action.
5.6 Form of certificates to be issued.
5.7 Certificates non-transferable.
5.8 Execution and issuance of certificate.
5.9 Action by certificate holders.
5.10 Action by suppliers.
5.11 Splitting of certificates.
5.12 Revocation of certificates.
5.13 Refusal of certificate.

ARTICLE VII—PROHIBITED AND PERMITTED TRANSACTIONS

6.1 Prohibitions.
6.2 Mounting or use of new tires or tubes.
6.3 Transfer to consumers upon certificate.
6.4 Dealer transfers.
6.5 Acquisition for retransfer purposes.
6.6 Transfers without certificate, special authorization or notice.
6.7 Transfers to certain governmental agencies, manufacturers of vehicles or for export.

ARTICLE VII—RECORDS AND REPORTS

7.1 Posting names of successful applicants.
7.2 Disposition of parts of certificates and receipts.
7.3 Records and reports of transfers.
7.4 Inventories of sellers of tires, tubes and vehicles.
7.5 Preservation and filing of records.
7.6 Notice of legal proceedings.
7.7 Report of violations.

ARTICLE VIII—GENERAL PROVISIONS

8.1 Appeals.
8.2 Offenses.

ARTICLE I—SCOPE OF RATION ORDER NO. 1F

SECTION 1.1 *Territorial limitations.* This ration order shall apply to the Territory of Alaska.

SEC. 1.2 *Effect on other ration orders.* This ration order supersedes the Revised Tire Rationing Regulations[1] insofar as applicable to the Territory of Alaska, subject to section 5.1 of General Ration Order 8.[2]

ARTICLE II—DEFINITIONS

SEC. 2.1 *Definitions.* (a) For the purpose of this ration order:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(3) "Bus" means any motor vehicle, other than a station wagon or suburban carryall, built or rebuilt primarily for the purpose of carrying passengers and having a rated seating capacity of eight or more persons.

(4) "Certificate", unless the context requires otherwise, means a certificate issued by the Office of Price Administration authorizing the acquisition of any tire or tube.

(5) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(6) "Dealer" means any person, other than a manufacturer, engaged in the business of selling tires or tubes.

(7) "Director" means the person acting as Director of the Office of Price Administration for Alaska.

(8) "Implement tire" means a tire which has the word "Implement" or the name of a type of farm equipment, other than a tractor or combine, molded into the side wall of the tire by the manufacturer.

(9) "Manufacturer" means any person engaged in the business of manufacturing tires or tubes.

(10) "New", as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(11) "Passenger automobile" means motor vehicle designed to carry fewer than ten (10) persons on the highway.

(12) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(13) "Person" means any individual, partnership, corporation, association, government, government agency, or subdivision, or any other organized group or enterprise.

(14) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(15) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on a passenger automobile, bus, truck or farm implement.

(16) "Transfer" means any change in right, title, interest, possession or control, including but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment and hypothecation.

(17) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on a passenger automobile, bus, truck or farm implement.

(18) "Truck" means any vehicle, other than a motorcycle, built or rebuilt primarily for the purpose of transporting or hauling property or equipment, including earth-movers, road-graders, and similar off-the-road equipment.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

ARTICLE III—ADMINISTRATION, JURISDICTION AND QUOTA

SEC. 3.1 *Administration and personnel*—(a) *Personnel.* This ration order shall be administered by the Office of Price Administration through its boards and such other personnel as it may select. The persons appointed to administer this ration order shall have such powers and duties as are herein described and as the Office of Price Administration has delegated, and may from time to time delegate.

(b) *Self interest shall disqualify official.* No person participating in the administration of this ration order shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 3.2 *Jurisdiction of boards.* A board shall have jurisdiction to receive and act upon applications with respect to:

(a) A vehicle normally stationed or garaged within the area served by the board, unless such vehicle is subject to the jurisdiction of a different board as provided in paragraph (c);

(b) A vehicle temporarily located within the area served by the board, if such vehicle requires new tires or tubes immediately for its continued operation and application cannot practicably be made to the board normally having jurisdiction;

(c) The establishment, maintenance or increase of an emergency reserve of new tires and tubes, if the applicant has his principal place of business within the area served by the board.

SEC. 3.3 *Quotas*—(a) *Quota not to be exceeded by boards.* No board shall issue a certificate for the acquisition of new tires or tubes in excess of its quota established by the Office of Price Administration.

(b) *Basis for board consideration.* If a board has before it eligible applications in excess of its quota, the board shall, in determining which of the competing applications are to be granted, be governed by the relative importance of each applicant to the war effort, public health and public safety. The board shall base its determination upon the application for a certificate and all other information which comes to its knowledge. The board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

ARTICLE IV—PROOF OF NEED AND ELIGIBILITY

SEC. 4.1 *General proof of need.* No board shall grant a certificate authorizing any consumer to acquire a new tire or tube, and no consumer shall accept such a certificate, unless the applicant is eligible under either section 4.2 or 4.3 and in addition meets each of the following conditions:

(a) *Immediate need.* That the new tire or tube for which application is made is to equip a vehicle held for use and not for resale and is:

(1) To replace a tire or tube which cannot be repaired for further use, but not as a result of applicant's abuse; or

(2) To replace a lost or stolen tire or tube; or

(3) To equip a vehicle which requires tires or tubes because of alteration or reconstruction; or

(4) To replace a tire or tube delivered as original equipment upon a vehicle, if the tire or tube is not serviceable for the use to which the vehicle is to be put.

(b) *No abuse or neglect.* That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace. The board may consider among other things, as evidence of tire abuse, that the vehicle for which a certificate is sought has been operated in excess of the applicable speed limit or for unnecessary purposes or when other means of transportation are available.

(c) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to

[1] 7 F.R. 1027.
[2] 8 F.R. 3783.

be put with a tire of less than six-ply construction.

(d) *No available tire or tube.* That the applicant, other than a Federal, Territorial, municipal or foreign Government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced. In computing the number of tires or tubes owned or controlled, applicant need not include tires or tubes reported on OPA Form R-17 or R-17 (Revised), or emergency reserves acquired under section 4.3.

(e) *Condition of vehicle.* That the vehicle for which application is made is capable of operation without abuse of tires and is not in such a condition of disrepair as to prevent its operation for the purpose stated in the application.

(f) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of new tires or tubes needed to perform functions deemed by the board to be more essential to the war effort, public health or public safety than the functions performed by the applicant.

(g) *Passenger-type tires unavailable.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available.

(h) *No other vehicle available.* That the vehicle for which application is made cannot be replaced by another vehicle owned or operated by, or under the control of the applicant, and which is already equipped with serviceable tires.

SEC. 4.2 *Eligibility.* (a) A certificate for new tires or tubes may be granted for a vehicle which satisfies the conditions of section 4.1, and which is used principally for one or more of the following purposes:

(1) By a physician, surgeon, osteopath, chiropractor, farm veterinary, public health nurse, midwife, dental surgeon or itinerant dentist, for making necessary professional calls outside his office if he regularly makes such calls, but only if the applicant is licensed as such by the appropriate governmental authority.

(2) By a regularly practicing minister or religious practitioner who is duly authorized by an organized religious faith to render services of a religious nature to its members in the locality which he regularly serves.

(3) As an ambulance or hearse.

(4) Transportation of mail on behalf of the government.

(5) Maintenance of fire-fighting services.

(6) Maintenance of necessary public police services and the enforcement of laws specifically relating to the protection of public health and safety.

(7) Maintenance of garbage disposal and other sanitation services.

(8) Transportation of students, teachers and school employees to or from school, provided that alternative means of transportation are not adequate.

(9) Transportation of the following persons, provided that alternative means of transportation are not adequate: workers to, from, within or between any industrial, extractive, military, naval or hospital establishment, power generation or transmission facilities, transport or communication facilities, construction project, fishery or farm; disabled members of the armed forces to or from any hospital where their disabilities are treated; persons for the purpose of donating blood.

(10) Transportation of persons by taxicab or jitney under license issued by the appropriate governmental authority, provided the applicant presents to the board his signed statement that he has complied with all applicable orders of the Office of Defense Transportation. No tire or tube obtained on a certificate issued hereunder shall be used upon any taxicab or jitney unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is permanently and conspicuously marked as a taxicab or jitney;

(iii) Does not "cruise" for the purpose of seeking fares;

(iv) Is not used for sightseeing purposes; and

(v) Is not used for the purpose of making commercial deliveries of property.

(11) Transportation of ice and fuel.

(12) Transportation of persons, materials and equipment for construction or for mechanical, structural, or highway maintenance or repair.

(13) Transportation by any common carrier.

(14) Transportation of waste and scrap materials.

(15) Transportation of such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety. No certificate shall be issued under this subparagraph for a tire or tube to be mounted on any vehicle, other than a common carrier, used for transportation of commodities to the ultimate consumer for personal, family, or household use, or for transportation to any person of alcoholic beverages, soft drinks and similar beverages, tobacco products, confections, candy, flowers, toys, novelties, jewelry, furs, radios, phonographs, musical instruments, or any luxury goods, or for furnishing transportation for incidental maintenance service (including the cleaning of office buildings or similar activities), or for the purpose of repairing any portable household effects, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or other establishment, except as such transportation or deliveries can be made in conjunction with and incidental to the transportation of commodities or services recognized as eligible herein without diverting the vehicle from its normal route or schedule. Certificates may be issued under this subparagraph for new tires or tubes to equip a vehicle used to deliver newspapers, periodicals and books, at wholesale only.

(16) Tractors, combines and other farm implements if they cannot be adapted to operate without tires and tubes.

(17) Industrial, mining and construction equipment, including earth-movers, road-graders and similar off-the-road equipment, for the operation of which tires or tubes are essential.

(18) Transportation on official business of Federal, Territorial, local or foreign Government employees or employees of the American Red Cross engaged in the performance of Government or organization functions essential to the public health, safety, or the war effort. Any applicant hereunder must present to the board a certificate from his superior stating that:

(i) The applicant is a regularly employed and paid worker of the government or Red Cross;

(ii) The applicant is being compensated for the use of his vehicle on a mileage or similar basis;

(iii) The person signing the certificate is familiar with the functions performed by the vehicle, such functions cannot be performed without the use of the vehicle, and the vehicle is used substantially all the time for eligible purposes; and

(iv) The applicant has his employer's permission to apply hereunder.

(19) Transportation of traveling salesmen who are engaged in the sale of farm, extractive, or industrial equipment, foods or medical supplies, the distribution of which is essential to the war effort, only if such sales cannot be made by other means.

(20) Transportation of members of the Army or Navy of the United States between residence and post of duty (but not for transfers from post to post), or on official business, where no military vehicle is available. No certificate shall be issued hereunder unless the applicant presents with his application a statement from his commanding officer which sets forth the following:

(i) The application is for new tires or tubes for necessary transportation between residence and post of duty (but not for transfer from post to post), or on official business;

(ii) No quarters can be provided for the applicant at his post of duty or where his work is to be performed, or applicant's duties require frequent travel on official business;

(iii) No other practicable means of transportation are available and no military vehicle can be supplied for applicant's use; and

(iv) The commanding officer will take all reasonable steps to insure that the applicant will limit his use of the vehicle to the purpose for which the application is made except for a minimum incidental use for necessary personal purposes other than pleasure driving, and that every effort is made by the applicant to transport as many passengers as possible consistent with the capacity of the vehicle.

(21) Transportation of authorized representatives of government, management or labor, to, from, between, or within

establishments essential directly or indirectly to the war effort, for the purpose of performing at such establishments services which are directly related to the prevention or settlement of labor grievances and disputes, or transporting workers to such establishments, only if alternative means of transportation are not adequate.

(22) Transportation of the following persons:

(i) Prisoners, insane, mentally disordered or mentally incompetent persons and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by an authorized officer of the law or other government official charged with the custody of such persons;

(ii) A jury and its official custodians and other authorized court attendants, provided such transportation is furnished upon written request to the operator of the vehicle by the presiding judge of the court in which such jury is serving;

(iii) Military or naval personnel, or persons participating in organized recreational activities at military or naval establishments, to and from such establishments, where other practicable means of transportation is not available, provided such transportation is furnished upon written request to the operator of the vehicle by the commanding officer of such establishment;

(iv) Selectees to and from examining or induction centers of the Army and Navy, where other practicable means of transportation is not available, provided such transportation is furnished upon written request to the operator of the vehicle by an authorized official of the Selective Service System;

(v) Children under eighteen (18) years of age and their attendants to and from summer camps, where other practicable means of transportation is not available;

(vi) Persons between their homes and their places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation is not available;

(vii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities.

(b) A certificate for new tires or tubes may also be granted for any other vehicle which satisfies the conditions of section 4.1 if it performs functions found by the Board to be essential to the community, and if there are no pending applications for vehicles eligible under paragraph (a).

SEC. 4.3 *Emergency Reserves*—(a) *Who may apply for emergency reserve.* The following persons may apply for an emergency reserve of new tires and tubes:

(1) Any person engaged in a project for or on behalf of the Army or Navy of the United States.

(2) Any person engaged in an industrial, extractive, construction, repair or maintenance project essential to the war effort.

(b) *Conditions to be satisfied by applicant for emergency reserve.* An applicant for an emergency reserve must satisfy the following conditions:

(1) That all commercial vehicles operated by the applicant are used exclusively for the purposes set forth in section 4.2 (a); and

(2) That he has satisfied the applicable provisions of section 4.1.

(c) *Vehicles for which emergency reserve may be obtained.* An emergency reserve of new tires and tubes may be obtained for any of the applicant's trucks which are stationed or garaged in an area which is remote from an adequate source of supply of new tires and tubes.

(d) *Amount of emergency reserve.* Certificates shall be issued for the number of new tires or tubes required by the applicant in order to maintain a supply equal to ten (10) percent of the running wheels of trucks which meet the requirements of this section. This supply is in addition to the tires and tubes on running wheels and allowable spares for trucks operated by the applicant. In making the computation under this section, a dual wheel shall be considered as two wheels.

SEC. 4.4 *Allotments to dealers.* The Director may, whenever he determines that inventories of new tires or tubes in dealer stocks plus Parts B of certificates authorizing replenishment of dealer stocks are insufficient to meet the essential needs of the territory, issue certificates on Part B of OPA Form R-2 to dealers or to persons who intend in good faith to become dealers authorizing the acquisition of new tires or tubes in amounts sufficient to satisfy the essential needs of the territory.

ARTICLE V—APPLICATIONS AND CERTIFICATES

SEC. 5.1 *Applications*—(a) *Who may execute and file.* Any person may file with the board having jurisdiction an application for a certificate authorizing the acquisition of new tires or tubes. Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the area served by the board. No member or employee of the board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The board may require that principal and agent, or owner and operator join in an application.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the board, (2) facts showing need and eligibility for the new tires or tubes for which application is made; and (3) such additional information and commitments as may be required by the application or by the board.

(c) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the Board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

SEC. 5.2 *Filing of applications*—(a) *New tires and tubes for consumers.* Applications for certifications authorizing the acquisition of new tires or tubes (other than to establish, increase or replenish an emergency reserve) shall be filed with the board having jurisdiction under section 3.2. A separate application must be filed on OPA Form R-1 for each vehicle.

(b) *Emergency reserve for consumers.* Applications for certificates authorizing the acquisition of new tires or tubes to establish, increase or replenish an emergency reserve shall be filed on OPA Form R-19 with the board for the area in which the applicant's principal place of business is located. If the applicant changes the location of his principal place of business, subsequent applications shall be filed with the Board for the area in which his new principal place of business is located and the records of the applicant's prior applications shall be forwarded to such Board.

(c) *Allotment to dealers.* Applications for allotments shall be made by a dealer in writing to the Director, and shall set forth such information as may be required by the Director.

SEC. 5.3 *Certification by inspector prior to filing of application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by a board, until an inspector authorized by the Office of Price Administration has currently inspected the tires or tubes to be replaced and has executed and signed the "Certification by Inspector" contained in OPA Form R-1. This paragraph shall not apply when application is made to acquire a tire or tube necessary to equip an altered or reconstructed vehicle, or a vehicle not equipped with the number of tires permitted in section 4.1 (d), or to replace a lost or stolen tire or tube, or to establish or increase an emergency reserve, or when a board finds that inspection is not feasible because of great distances in which event the board shall require the applicant to sign an affidavit in such form as the Director has authorized.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this section, except that sums may be fixed by a board as payment for the service of removing and replacing a tire when such service is necessary for inspection purposes, not in excess of the following:

Type of tire	*Maximum fee*
(1) Passenger car tires, each	$1.00
(2) Small truck tires (7.50 20 or smaller) each	1.00
(3) Large truck tires (larger than 7.50 20) each	2.00
(4) Additional charge for removing inside dual truck tires (larger than 7.50 20)	1.00

SEC. 5.4 *Investigation of facts by boards*—(a) *Power of the board.* Before issuing a certificate the board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the board may make inquiries and investigations and may require an applicant to appear in person or by agent at the office of the board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for new tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by section 4.1 (d) and which he has purchased or contracted to purchase, the board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The board must be satisfied from such an affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

SEC. 5.5 *Notation of reasons for action.* Whenever the board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number and type of new tires or tubes shall be noted upon the application.

SEC. 5.6 *Form of certificates to be issued*—(a) *By a board.* The board may issue to an applicant who has established need and eligibility under this ration order a certificate on OPA Form R-2 authorizing an applicant to acquire new tires or tubes.

(b) *By the Director.* The Director may issue a certificate on OPA Form R-2 to a dealer who is eligible for an allotment of new tires or tubes.

SEC. 5.7 *Certificates non-transferable.* No certificate or any part thereof may be transferred except as authorized by this ration order or by the Office of Price Administration, or in exchange for new tires or tubes.

SEC. 5.8 *Execution and issuance of certificate*—(a) *Execution of certificates.* It shall be the responsibility of the board prior to issuing any certificate to fill in Parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the board to indicate on Parts C and D of the certificate the number of the board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the board, who may be either a member of the board or one of its clerks designated to act as issuing officer.

(1) The board shall indicate on the certificate the tires or tubes (including scrap tires or tubes) which the applicant must turn in. The applicant shall turn in all tires and tubes to be replaced, except when he can establish that he has no tires or tubes to turn in because he is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by section 4.1 (d), replacing a lost or stolen tire or tube, is a government agency forbidden by law to make such disposition, is establishing or increasing an emergency reserve, or when the board waives this requirement because the turning in would be impracticable.

(2) The board shall indicate on the certificate the exact number, type and size of the new tires or tubes which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the board shall issue the certificate by delivering or mailing it to the applicant or his agent. If the certificate to be issued by the board is for implement tires, the board shall mark Part B thereof "good for implement or tractor tires only."

SEC. 5.9 *Action by certificate holders*—(a) *Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purpose specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing board.

(b) *Replaced tires or tubes to be turned in.* If the certificate indicates that a tire or tube being replaced must be turned in, the applicant shall, before acquiring from a dealer any new 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 new tire or tube by mail, he shall within five days thereafter transfer the replaced tire or tube to a dealer.

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the new tires or tubes specified thereon. The same person shall sign Parts B, C and D of OPA Form R-2 where the signature of the certificate holder is required. No member or employee of the board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C or D of OPA Form R-2.

SEC. 5.10 *Action by suppliers*—(a) *Turn in of tire or tube prerequisite to transfer.* If the applicant is required to turn in a tire or tube, no dealer shall transfer any new tire or tube pursuant to the certificate until the applicant has turned in to him the tire or tube to be replaced, except in the case of purchase by mail.

(b) *Certificate to be completed.* No dealer shall transfer new tires or tubes until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer to whom the certificate has been surrendered, shall deliver to the person indicated thereon, or to his agent, no more than the number and the exact type and size of new tires or tubes set forth on the certificate.

SEC. 5.11 *Splitting of certificates.* The holder of a certificate or part of a certificate who is unable to acquire from one supplier all the new tires or tubes which he has been authorized to acquire, may return the certificate to the issuing board and the board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such new tires or tubes from several suppliers.

SEC. 5.12 *Revocation of certificates.* Any certificate, part of a certificate or authorization issued under this ration order shall be subject to revocation, cancellation, suspension, correction or modification by a board or other agent designated for this purpose by the Office of Price Administration.

SEC. 5.13 *Refusal of certificate.* If a board or other agent designated by the Office of Price Administration finds after due notice and hearing that an applicant has violated any provision of this ration order, the board may refuse to issue a certificate to the applicant and may declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest. In such case, the board or such other agent shall serve upon the applicant a written statement of the grounds upon which the certificate was refused and the period for which he is declared ineligible.

ARTICLE VI—PROHIBITED AND PERMITTED TRANSACTIONS

SEC. 6.1 *Prohibitions.* Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by this ration order, or by an order, authorization or regulation issued by the War Production Board, shall:

(a) Make or offer to make, accept or offer to accept, or solicit a transfer of any new tire or tube;

(b) Use, alter, or change the physical location of any new tire or tube; or

(c) Mount any new tire or tube upon a wheel or rim.

SEC. 6.2 *Mounting or use of new tires or tubes*—(a) *By consumers.* Any consumer may change the physical location of, use or mount new tires or tubes which were owned and physically possessed by him prior to December 11, 1941, provided no change in ownership, possession or control occurs. Any consumer may also change the physical location of, use or mount new tires or tubes which have been acquired on certificate or authorization issued under this order or the Revised Tire Rationing Regulations.

(b) *By dealers.* A dealer shall not mount new tires or tubes taken from his stock unless he has obtained a certificate authorizing such mounting.

SEC. 6.3 *Transfer to consumers upon certificate*—(a) *By dealers.* A dealer may, in exchange for a certificate, transfer new tires or tubes to a consumer.

(b) *No tire in stock.* A dealer who does not have in stock a new tire or

tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of new tires or tubes specified thereon for transfer to the consumer.

SEC. 6.4 *Dealer transfers*—(a) *Changes of location.* A manufacturer or dealer may change the location of new tires or tubes within a single establishment or the location of the establishment itself, including the entire stock of new tires or tubes contained therein: *Provided,* That no change in ownership, possession or control occurs.

(b) *New tires or tubes*—(1) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R-2 and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided,* That a supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the new tires or tubes specified thereon.

(2) *Permitted replenishment of new tires or tubes.* Any dealer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt, transfer to another dealer in the Territory the number and type of new tires or tubes authorized by the certificate or receipt. A dealer may replenish his stock from suppliers in the continental United States in accordance with the provisions of Ration Order 1A.[3]

(3) *Transfers by dealers without certificates.* Any dealer may, without certificate, transfer new tires or tubes to his supplier only for the following purposes:

(i) To return new tires or tubes of a size, type or quality other than that ordered by him, and his supplier may, without certificate, transfer to him in exchange therefor new tires or tubes of the size, type or quality ordered;

(ii) To effect adjustments between the dealer and his supplier pursuant to a contract or sales agreement.

(c) *Transfer of dealer's business.* Any dealer may, without certificate, transfer as a unit his entire stock of new tires or tubes together with any replenishment portions (Parts B) of certificates or receipts to other dealers who may acquire such stock for resale: *Provided,* That the transferor shall file a statement containing the name and address of the transferee and an inventory of the new tires, tubes, and replenishment portions (Parts B) to be transferred, with the Director at least ten (10) days before making such transfer.

(d) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer new tires or tubes for the purpose of storage to any warehouse owned or operated by him if no change in ownership or control of such tires or tubes is thereby effected. Any dealer may, without certificate, withdraw the new tires or tubes stored in such warehouse.

SEC. 6.5 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* New tires or tubes may be acquired, without certificate, in the following cases:

(1) *Exercise of governmental rights or powers.* The United States may acquire from any person any new tire or tube in the exercise of governmental rights or powers against such tire or tube.

(2) *Judicial process.* Any person may acquire any new tire or tube pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(3) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any new tire or tube that has been damaged or that is in imminent danger of being damaged or destroyed.

(4) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any new tire or tube in consequence of the right of subrogation or in consequence of the payment of a claim.

(5) *Security transfers.* The United States or any agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business may, without certificate, acquire new tires or tubes for security purposes and may, without certificate, transfer such tires or tubes to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on new tires or tubes and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by applicable laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

SEC. 6.6 *Transfers without certificate, special authorization or notice*—(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer new tires or tubes to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation or any representative designated to receive new tires or tubes on their behalf.

(b) *Changes in location.* A person, other than a dealer, may, without certificate, change the location of new tires or tubes if no change in ownership, possession or control results.

(c) *By persons other than dealers.* A person, other than a dealer or manufacturer, may, without certificate, transfer new tires or tubes to a dealer.

(d) *Transfers on vehicles.* A person may, without certificate, transfer a new tire or tube as part of the equipment of a vehicle provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(e) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer new tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair, and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(f) *Return of lost or stolen new tires or tubes.* A person may, without certificate, transfer tires or tubes which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(g) *Exchange of new tires or tubes.* A consumer who in exchange for a certificate acquires any new tire or tube that is of a size or type different from that ordered may, without certificate, but only within thirty (30) days after its acquisition, exchange it with the transferor for the size or type ordered, if such tire or tube has not been used by such person.

(h) *Turn-in of tires or tubes to be replaced.* A consumer who holds a certificate authorizing the purchase of a new 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.

(i) *Transfers to and from carriers.* A person may, without certificate, transfer new tires or tubes to a common or contract carrier for shipment, and such tires or tubes may be transferred by such carrier to the consignee in the regular course of business.

(j) *Change-overs.* A dealer may transfer new tires or tubes to a rebuilder or dealer in vehicles in exchange for new tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment, upon authorization in writing from the Director.

SEC. 6.7 *Transfers to certain governmental agencies, manufacturers of vehicles or for export.* (a) A person may transfer new tires or tubes:

(1) To or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately-owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it;

(2) To or for the account of the government of any foreign country, pursuant to a contract or order placed by any agency of the United States Government

[3] 7 F.R. 9160.

under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), but subject in each case to such quotas, allocations, or other restrictions as may be prescribed by the War Production Board;

(3) For export to and consumption in any foreign country, for government or private account, otherwise than as provided in subparagraph (a) (2), but only when the exporter has been issued an individual or general export license for the new tires or tubes to be exported.

(b) No person may transfer new tires or tubes to any manufacturer of vehicles or equipment for mounting as original equipment on a vehicle or equipment made by him, except upon the written approval of the War Production Board.

(c) A dealer who makes any transfer pursuant to this section shall obtain a receipt from the purchaser upon OPA Form R-12.

ARTICLE VII—RECORDS AND REPORTS

SEC. 7.1 *Posting names of successful applicants.* Following each board meeting, a list of the names of the recipients of certificates for new tires issued since the previous meeting shall be posted at the Office of Price Administration for public inspection and shall be released to the press. This requirement shall not apply to certificates issued to Army, Navy or government intelligence officers whose work requires secrecy.

SEC. 7.2 *Disposition of parts of certificates and receipts*—(a) *Certificates or receipts for new tires or tubes.* A transferor of new tires or tubes to whom a certificate is surrendered by an applicant or who receives an OPA Form R-12 receipt shall complete all the parts thereof and dispose of them as follows:

(1) Part A—Part A of OPA Form R-2 shall be retained by the transferor as his record; Part A of OPA Form R-12 shall be sent to the Director within fifteen (15) days from the end of each calendar month in which deliveries have been made.

(2) Part B—Parts B not used for replenishment must be retained by the dealer as his record.

(3) Part C—Part C of OPA Form R-2 shall within three (3) days of the date of transfer of the new tires or tubes, be sent to the issuing Board which shall retain it as its record. Part C of OPA Form R-12 shall be retained by the transferor as his record.

(4) Part D—Part D of OPA Form R-2 and OPA Form R-12 shall be retained by the transferee as his record.

(b) *File of certificates and receipts.* Every dealer shall maintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

SEC. 7.3 *Records and reports of transfers*—(a) *Records of transfers to and from dealers.* Every dealer shall keep true, accurate and complete records of all transfers of new tires or tubes to or by him: *Provided:* That no records need be kept of temporary transfers for mounting, repair or inspection. Such records shall show the serial numbers of the certificate or the receipt (if the transfer involved the use of a certificate or receipt); sales price; date of transfer; the name of the transferee; and the number, type and size of new tires or tubes transferred.

(b) *Report of transfer of dealer's business.* A transferor under section 6.4 (c) shall file a statement containing the name and address of the transferee and an inventory of the new tires or tubes and replenishment portions (Parts B) to be transferred, with the Director at least ten (10) days before making such transfer.

SEC. 7.4. *Inventories of sellers of tires, tubes and vehicles.* Every person engaged in the business of selling or holding for sale tires, tubes or vehicles, and and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle shall:

(a) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control and keep a record thereof. Such inventory shall be based on a physical count.

(b) File a monthly report on OPA Form R-17 in accordance with the instructions thereon, commencing with the month of December, 1943, setting forth all unmounted tires and tubes in his possession or control on the last day of each month and all transfers of tires and tubes made during such month. Temporary transfers for repair, mounting or inspection need not be recorded hereunder. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed on or before the tenth day after the end of each month with the Director.

SEC. 7.5 *Preservation and Filing of records.* Any person affected by this ration order shall keep and file such additional records and reports as the Office of Price Administration may require. Any record required to be kept by this ration order shall be preserved for not less than two years. Such records and any other records relating to tires or tubes shall be available at all times for inspection by the Office of Price Administration.

SEC. 7.6 *Notice of legal proceedings.* Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceedings involving such certificate, part of a certificate or authorization, notify the Director.

SEC. 7.7 *Report of violations.* Any person may report a violation of this ration order to a board or to the Director.

ARTICLE VIII—GENERAL PROVISIONS

SEC. 8.1 *Appeals*—(a) *Decision of board.* After acting upon an application the board shall, within three (3) days, notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

(b) *Who may appeal.* Any applicant for a certificate, part of a certificate, or authorization, whose application has been denied in whole or in part by the action of a board, or whose certificate, part of a certificate, or authorization has been revoked, cancelled, suspended, or modified by action of a board, may appeal from such action to the Director.

(c) *Procedure.* An appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9,[4] and amendments thereto, issued by the Office of Price Administration.

SEC. 8.2 *Offenses*—(a) *Abuse of tires.* No person shall, without lawful authority, abuse, alter, damage or neglect any tire or tube in his possession or control.

(b) *Speed limit.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed in excess of the applicable speed limit. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps or Coast Guard, or to meet an emergency involving serious threat to life, health or safety.

(c) *Other prohibitions.* In addition to the prohibitions in paragraphs (a) and (b), there are other acts prohibited by General Ration Order No. 8,[5] which are applicable to all ration orders. This order prohibits and provides penalties for:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, mutilating or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced or mutilated ration document;

(5) Wrongfully withholding a ration document;

(6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Transferring a rationed commodity at an illegal price;

(8) Bribing, hindering or interfering with rationing officials;

(9) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

Effective date. This ration order shall become effective December 15, 1943.

Issued this 29th day of October 1943.

MILDRED R. HERMANN,
Territorial Director.

Approved:
JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 43-17583; Filed, October 29, 1943; 4:34 p. m.]

[4] 7 F.R. 8796.
[5] 8 F.R. 3783.

PART 1341—CANNED AND PRESERVED FOODS

[Rev. MPR 233, Amdt. 6]

DRIED AND CANNED APPLES AND APPLE PRODUCTS

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

Revised Maximum Price Regulation No. 233 is amended in the following respect:

1. A new § 1341.430 is added to read as follows:

§ 1341.430 *Temporary maximum prices for certain apple products made from apples of the 1943 crop.* The maximum prices established by this section apply only until November 15, 1943.

(a) The processor's maximum price per dozen containers or other unit of sale, f. o. b. factory, for each kind, grade, style of pack, and container type and size of sweet cider made from whole apples of the 1943 crop, shall be figured as follows: The processor shall:

(1) *Determine the base price.* First, the processor shall figure the weighted average price per dozen or other unit, f. o. b. factory, for the item being priced during the first 60 days after the beginning of the 1941 pack. (This average price will be called the "base price".) "Weighted average price" means the total gross sales dollars charged for the item divided by the number of dozens of containers or other units of sale sold. All sales made in the regular course of business during the base period (first 60 days after the beginning of the 1941 pack) shall be included, regardless of the date of delivery, except sales contracts made with government procurement agencies. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

(2) *Adjust the base price.* Next, the processor shall multiply the base price by 1.10.

(3) *Substract the 1941 raw fruit cost.* Then, the processor shall substract from the result of this multiplication the 1941 weighted average raw fruit cost per dozen or other unit of the finished product. This is figured by dividing the total amount paid for apples of the 1941 crop used in processing the product by the total number of tons or other units of the raw fruit purchased, all converted into cost per dozen or other unit of this finished product.

(4) *Add the 1943 raw fruit cost.* Next, the processor shall add the 1943 weighted average raw fruit cost per dozen or other unit of the finished product. The amount to be added shall be figured as follows. The processor shall:

(i) Divide the total amount paid for apples of the 1943 crop used in processing the product by the total number of tons or other units of the raw fruit purchased. However, in making this calculation, the processor shall figure on the basis of not less than 75% of his total purchases of the 1943 crop, and he shall not include amounts paid in excess of the respective amounts shown by the following tables:

If the processor buys this grade:	He may not include more than this price per cwt.	
Grades	Class A varieties	Class B varieties
Above U. S. No. 1 Cannery Grade, 2¼ inch and up (and "C" grade as established under Washington & Oregon State grades)	$3.10	$2.50
U. S. No. 1 Cannery Grade 2¼ inch and up (and "C" grade as established under Washington & Oregon State grades)	3.10	2.50
U. S. No. 2 Cannery Grade, 2¼ inch and up	1.65	1.50
Apples which grade less than U. S. No. 2 Cannery Grade (Ciders)	1.00	1.00

"Class A Varieties" means the following varieties:

New York—Baldwin, R. I. Greening, Northern Spy, Twenty ounce, Northwestern Greening, Grimes Golden, Stayman, King and Stark.

Pennsylvania, Maryland, West Virginia, and Virginia—York Imperial, Stayman, Golden Delicious, Grimes Golden.

Oregon and Washington—Golden Delicious, Winesap, Spitzenberg, Arkansas Black, Newtown, Rome Beauty, Stayman, Ortley and Jonathan.

California—Gravenstein, Bellflower, Newtown, Baldwin, Northwest Greening, Rhode Island Greening, Arkansas Black, Black Twig, Jonathan, Golden Delicious, Rome Beauty and Spitzenberg:

All other States—Golden Delicious, Northern Spy, R. I. Greening, Grimes Golden, Stayman, Rome Beauty, Baldwin, Wegener, Northwest Greening, Twenty ounce and Stark.

"Class B Varieties" means all other varieties of apples used for processing.

If the processor makes this product:	*He may not include more than this price per cwt.*
Sweet cider	$1.00

(ii) Divide the figure obtained by making the calculation in paragraph (i) by the weighted average cost, per ton or other unit of the raw fruit, of apples of the 1941 crop used in the product.

(iii) Multiply the figure obtained by this division by the 1941 weighted average raw fruit cost per dozen or other unit of the finished product (the figure which was subtracted under paragraph (3) above).

The processor's maximum price is obtained by adding the result of this multiplication to the figure obtained in paragraph (3), above.

(b) The grower-owned cooperative processor shall figure its maximum price for any item covered by this section by using the pricing method set forth in paragraph (a), except that in making the adjustments required by paragraphs (a) (3) and (a) (4), he shall subtract from the result of the multiplication made under paragraph (a) (2) and 1941 weighted average raw fruit cost of his most closely non-cooperative competitor and add to the difference so obtained the 1943 weighted average raw fruit cost of the same competitor (both per dozen or other unit of the finished product).

(c) Instead of notifying his processor as set forth in § 1341.421, the processor shall supply notices for the items covered by this section, as follows:

Notification of change in maximum prices: With the first delivery after October 28, 1943, of any item covered by this section, and in any case where a maximum price once established pursuant to it is later changed, the processor and each distributor other than a wholesaler or retailer shall supply each wholesaler and retailer purchasing from him with notice as set forth below:

_____
(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for _____
(Describe item)
has been changed under the provisions of Revised Maximum Price Regulation No. 233. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422, or 423, you must refigure your ceiling price for the item in accordance with the applicable provisions of those regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you on or after October 29, 1943.

The processor shall notify each purchaser of the item who is a distributor other than wholesaler or retailer of the change in maximum price by written notice attached to the invoice issued in connection with the first transaction with the purchaser after making the change. The notice shall read as follows:

_____
(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for _____
(Describe item)
has been changed under the provisions of Revised Maximum Price Regulation No. 233. You are required to notify all retailers and wholesalers purchasing the item from you after October 28, 1943 of the corresponding change in your maximum price. The notice must be made in the manner described in § 1341.430 of Revised Maximum Price Regulation No. 233.

This amendment shall become effective October 29, 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 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17584; Filed, October 29, 1943; 4:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. 335,[1] Amdt. 4]

PEANUTS AND PEANUT BUTTER

A statement of the considerations involved in the issuance of Amendment No. 4 to Revised Maximum Price Regulation No. 335 has been issued and filed

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

[1] 8 F.R. 6834, 10264, 10987, 12445.

with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 335 is amended in the following respects:

1. In section 4 (c) a new paragraph is added immediately preceding the paragraph which commences with the words "'Peanut butter' includes . . .", to read as follows:

On and after November 1, 1943, processor's maximum prices for sales of peanut butter in containers of two pounds or less to all persons other than commercial, industrial, institutional users, and governmental agencies, shall be 4½ cents per pound less, in each case, than the maximum price in effect immediately prior to that date.

2. In section 5 (a) a new paragraph is added immediately preceding the paragraph which commences with the words "A 'primary distributor' is one who . . .", to read as follows:

On and after November 1, 1943, primary distributors maximum prices for sales of peanut butter in containers of two pounds or less to all persons other than commercial, industrial, institutional users, and governmental agencies, shall be recalculated in accordance with this section as each delivery of an item of peanut butter, at the reduced price, is received after that date.

3. A new section 23 is added to read as follows:

SEC. 23. *Notification of change in maximum price.* If a processor's maximum price for an item is changed by or pursuant to a provision of this regulation, he shall give notice of such change with the first shipment or delivery of the item after the change in price becomes effective in the following manner. He shall:

(a) Supply each wholesaler and retailer who purchases from him with a written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*Describe item by kind, brand, grade, variety and container type and size*) has been changed by the OPA.

We are authorized to inform you that if you are a wholesaler or retailer pricing this item under MPRs 421, 422 and 423, you must refigure your ceiling price for this item on the first delivery of it to you containing this notification on or after (*insert effective date of price change*). You must refigure your ceiling price following the rules of section 6 of MPRs 421, 422, or 423, whichever is applicable to you.

For a period of 60 days after such price change becomes effective, and with the first shipment or delivery of the item after that date, to each such purchaser who has not made a purchase of the item within that time, the processor shall include, in each case or carton containing the item, the written notice set forth above or securely attach it to the case or carton. For sales direct to any retailer, the seller may insert the notice on the invoice accompanying the shipment instead of including it in or attaching it to each case or carton.

(b) Notify each purchaser who is a distributor other than a wholesaler or a retailer of the reduction in price by a written notice attached to or written on the invoice issued in connection with the first transaction with such purchaser after such price change becomes effective as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*Describe item by kind, brand, grade, variety, and container type and size*) has been changed from $____ to $____.

Under the provisions of RMPR No. 335 you are required to notify all wholesalers and retailers purchasing the item from you after (*insert effective date of price change*) of any change in your maximum price. This notice must be made in the manner prescribed in section 23 of RMPR No. 335.

This amendment becomes effective November 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 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17579; Filed, October 29, 1943; 4:31 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 19,[1] Amdt. 5]

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:

Section 2 (b) is amended by deleting the phrase "made before November 1, 1943," in the second sentence of the paragraph.

This amendment shall become effective at 12:01 a. m. November 1, 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. Dir. No. 1-W, 8 F.R. 11900; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17591; Filed, October 29, 1943; 4:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 7]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

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 422 is amended in the following respects:

1. Section 39 (a) (3) is amended to read as follows:

TABLE B.—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over net cost: Group 3. Retailer other than independent with annual volume under $250,000	Allowed mark-ups over net cost: Group 4. Any retailer with annual volume of $250,000 or more	Selling unit in which ceiling price must be calculated
(3) Poultry:	*Percent*	*Percent*	
Poultry (except turkey) sold as purchased: Bought live and sold live, bought dressed and sold dressed, bought drawn and sold drawn, bought frozen and sold frozen, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split or cut-up and sold split or cut-up (boxed and other pack).	20	20	1 pound.
Poultry (including turkey) bought live and sold dressed weight basis. (Multiply live cost per pound by applicable figure in table. This establishes selling price per pound, dressed weight.) (No additional mark-ups are allowed for drawing or cutting-up.)	26	26	1 pound.
Turkey bought live and sold live	20	20	1 pound.
Turkey bought dressed and sold dressed, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	17	15	1 pound.

2. Section 39 (b) (3) is amended to read as follows:

(3) *Poultry.* "Poultry" means all chickens, ducks, geese, and turkeys in any form excluding "started" poultry, sold for breeding purposes, canned poultry and cooked or smoked poultry. When poultry is bought live, dressed or drawn and is sold split or cut-up, the total price received through the sale of the cut-up parts of any bird shall not exceed the amount which could be received through the sale of the whole bird on a live weight basis if bought live, or on a dressed weight basis if bought dressed, or on a drawn basis if bought drawn. No poultry may be offered for sale on a drawn or eviscerated basis except where poultry is purchased by the retailer drawn or eviscerated. A retailer may draw or eviscerate poultry only after the sale has been made, and no charge may be made for such drawing or eviscerating. A sale

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

[1] 8 F.R. 12097, 13023, 13175, 14120.

[1] 8 F.R. 9395, 10369, 10937, 12443, 12611, 13294.

of poultry which is drawn or eviscerated by the retailer after the sale, must be made on the basis of the dressed weight at the time of sale. Unless the context otherwise requires, the definitions set forth in §§ 1429.17, 1429.19, 1429.20 and 1429.21 of Maximum Price Regulation No. 269[1] shall apply to terms used herein wherever applicable.

This amendment shall become effective November 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 30th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17616; Filed, October 30, 1943; 4:30 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[2] Amdt. 8]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

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 423 is amended in the following respects:

1. Section 29 (a) (3) is amended to read as follows:

TABLE B.—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food Commodities	Allowed mark-ups over "net cost"		"Selling Unit" in which ceiling price must be calculated
	Independent retailers with annual volumes		
	Group 1—under $50,000	Group 2—$50,000 but less than $250,000	
(3) Poultry: Poultry (except turkey) sold as purchased: Bought live and sold live, bought dressed	*Percent* 21	*Percent* 21	1 pound.
(3) Poultry—Continued. and sold dressed, bought drawn and sold drawn, bought frozen and sold frozen, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split or cut-up and sold split or cut-up (boxed and other pack).	*Percent* 38	*Percent* 38	1 pound.
Poultry (including turkey) bought live and sold dressed weight basis (multiply live cost per pound by applicable figure in table. This establishes selling price per pound, dressed weight.) (No additional mark-ups are allowed for drawing or cutting-up.)			
Turkey bought live and sold live.	21	21	1 pound.
Turkey bought dressed and sold dressed, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	17	17	1 pound.

2. Section 29 (b) (3) is amended to read as follows:

(3) *Poultry.* "Poultry" means all chickens, ducks, geese, and turkeys in any form excluding "started" poultry, sold for breeding purposes, canned poultry and cooked or smoked poultry. When poultry is bought live, dressed or drawn and is sold split or cut-up, the total price received through the sale of the cut-up parts of any bird shall not exceed the amount which could be received through the sale of the whole bird on a live weight basis if bought live, or on a dressed weight basis if bought dressed, or on a drawn basis if bought drawn. No poultry may be offered for sale on a drawn or eviscerated basis except where poultry is purchased by the retailer drawn or eviscerated. A retailer may draw or eviscerate poultry only after the sale has been made, and no charge may be made for such drawing or eviscerating. A sale of poultry which is drawn or eviscerated by the retailer after the sale, must be made on the basis of the dressed weight at the time of sale. Unless the context otherwise requires, the definitions set forth in §§ 1429.17, 1429.19, 1429.20 and 1429.21 of Maximum Price Regulation No. 269[1] shall apply to terms used herein wherever applicable.

This amendment shall become effective November 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 30th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17617; Filed, October 30, 1943; 4:31 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,[1] Amdt. 19]

POULTRY

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

Revised Maximum Price Regulation 269 is amended in the following respects:

1. The maximum base prices established in § 1429.19 (h) (1) (i) Table A, in the columns titled, "Dressed", "Kosher-killed", "Kosher-dressed and plucked", "Drawn", and "Frozen eviscerated", are amended to read as follows for the following poultry types:

Young turkeys:	Old turkeys:
Light	Light
Medium	Medium
Heavy	Heavy

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

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 873, 2289, 3316, 3419, 3792, 6736, 9061, 9299, 10940, 11691, 13302, 13303, 13813, 14016.

[2] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13204.

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 873, 2289, 3316, 3419, 3792, 6736, 9061, 9299, 10940, 11691, 13302, 13303, 13813, 14016.

TABLE A

Food products				Eastern zone basing-point city						Western zone basing-point cities											
	Weight			Chicago						New York						Pacific-Coast—Los Angeles, San Francisco, Seattle, and Portland					
Type	*	Kosher-killed, Kosher-dressed, and dressed weight	Frozen eviscerated and drawn weight	*	Dressed	Kosher killed	Kosher dressed and plucked	Drawn	Frozen eviscerated	*	Dressed	Kosher killed	Kosher dressed and plucked	Drawn	Frozen eviscerated	*	Dressed	Kosher killed	Kosher dressed and plucked	Drawn	Frozen eviscerated
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Young turkeys:	*																				
Light	*	Under 16	Under 13	*	43.0	42.0	43.5	51.5	54.5	*	44.0	43.0	44.5	52.5	55.5	*	43.0	42.0	43.5	51.5	54.5
Medium	*	16 to 20	13 to 16½	*	41.0	40.0	41.5	48.0	51.0	*	42.0	41.0	42.5	49.0	52.0	*	41.0	40.0	41.5	48.0	51.0
Heavy	*	20 and over	16½ and over	*	39.5	38.5	40.0	46.0	49.0	*	40.5	39.5	41.0	47.0	50.0	*	39.5	38.5	40.0	46.0	49.0
Old turkeys:																					
Light	*	Under 16	Under 13	*	41.0	40.0	41.5	49.0	52.0	*	42.0	41.0	42.5	50.0	53.0	*	41.0	40.0	41.5	49.0	52.0
Medium	*	16 to 20	13 to 16½	*	39.0	38.0	39.5	46.0	49.0	*	40.0	39.0	40.5	47.0	50.0	*	39.0	38.0	39.5	46.0	49.0
Heavy	*	20 and over	16½ and over	*	37.5	36.5	38.0	43.5	46.5	*	38.5	37.5	39.0	44.5	47.5	*	37.5	36.5	38.0	43.5	46.5

2. Section 1429.19 (h) (1) (iv) is amended to read as follows:

(iv) *Monthly adjustments in base prices for processed turkey items.* The above prices for dressed, kosher-killed, kosher-dressed and plucked, drawn, and frozen eviscerated turkey items shall be in force for the months of July, August, September, October, November, and December. For the remaining months of the year the following additions shall be made to each of the above prices for dressed, kosher-killed, kosher-dressed and plucked, drawn, and frozen eviscerated turkey items:

Month	*Cents per pound*
January	0.5
February	1.0
March	1.4
April	1.8
May	2.2
June	1.0

3. The example in § 1429.19 (c) (2) (i) is amended to read as follows:

(i) * * *

Example: To determine the maximum base price for a Grade A dressed young turkey of less than 16 pounds in Denver, Colorado, subtract the following "freight rates" from the following maximum base prices:

	New York	San Francisco and Los Angeles	Portland and Seattle
	Cents	*Cents*	*Cents*
Maximum base price	44.00	43.00	43.90
"Freight rate" from Denver to	2.26	1.38	1.72
Difference	41.74	41.62	41.23

The highest price is obtained by subtracting the Denver to New York "freight rate" from the New York maximum base price for a Grade A dressed young turkey of less than 16 pounds, and 41.74¢ per pound is the maximum base price for such turkey item in Denver, Colorado.

4. Section 1429.22 is amended to read as follows:

§ 1429.22 *Maximum prices for poultry items when sold by producers or processing plants at retail.* (a) The maximum prices for the sales and deliveries of poultry items when sold by producers or processing plants at retail, that is, to an ultimate consumer other than a commercial, institutional, industrial, or governmental user, shall be calculated as follows:

(1) The seller shall add 1½¢ per pound to the maximum base price at his shipping point for any poultry item, other than a processed turkey item, and shall multiply the sum so obtained by 1.20, and the product of such multiplication shall be his maximum selling price for such poultry item: *Provided,* That in cases of mail order sales the seller may add to such maximum selling price his actual express or mailing expense to the buyer's receiving point.

(2) The seller shall add 1½¢ per pound to the maximum base price at his shipping point for any processed turkey item, and shall multiply the sum so obtained by 1.17, and the product of such multiplication shall be his maximum selling price for such processed turkey item: *Provided,* That in cases of mail order sales the seller may add to such maximum selling price his actual express or mailing expense to the buyer's receiving point.

5. Section 1429.27 is added to read as follows:

§ 1429.27 *Emergency purchases of processed turkeys by the United States Government or any agency thereof.* Any person who during the period, September 1, 1943, to October 25th, 1943, contracted in writing to sell and deliver a quantity of processed turkeys to the United States Government or any agency thereof at prices authorized pursuant to the emergency purchase provisions of this Regulation, may sell and deliver such quantity of processed turkeys to the United States Government or any agency thereof, in accordance with the provisions of such written contract, for a period of time not extending beyond June 1, 1944.

This amendment shall become effective October 30, 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 30th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17615; Filed, October 30, 1943; 4:31 p. m.]

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Amdt. 17]

EGGS AND EGG 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.*

1. The first sentence of § 1429.65 (s) (1) is amended to read as follows:

The grades, sizes, weight classes, and standards promulgated by the United States Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weight Classes for Consumer Grades for Shell Eggs," or from the effective date of this amendment to December 27, 1943, inclusive, the standards and grades promulgated by the Department of Agriculture in the publication entitled "Tentative U. S. Standards and Weights for Wholesale Grades for Shell Eggs" shall be the respective grades, sizes, weight classes and standards for all shell eggs sold to any purchaser other than the United States or any agency thereof and for which maximum prices are established by this regulation.

2. Section 1429.67 (b) (2) is amended to read as follows:

(2) The "multiplier" to be used in calculating the "transportation factor" for each consumer grade of shell eggs is as follows:

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

[1] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9299, 10940, 11691, 13302, 13303, 13813, 14016.

[1] 8 F.R. 2483, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6526, 7457, 8027, 9379, 11381, 12095, 12478, 12632, 14053.

Grades of shell eggs	Multiplier	
	December 5 through June 3	June 4 through December 4
Consumer grades:		
AA and A	1.9	4.0
B	1.9	3.0
C	1.9	1.9

3. The headnote of § 1429.67a is amended to read as follows:

§ 1429.67a *Maximum prices for wholesale grades of shell eggs and "current receipt eggs" sold to a "first receiver" or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, or user, or an ultimate consumer from the effective date of this amendment to December 27, 1943, inclusive.* ("First receivers" and prior purchasers.)

4. Section 1429.67a (a) is amended to read as follows:

(a) *Maximum prices in basing point cities and Chicago, Illinois.* The maximum prices for shell eggs of wholesale grades and current receipt eggs sold and delivered from the effective date of this amendment to December 27, 1943, inclusive, to a "first receiver" or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, a commercial, industrial, institutional or non-federal governmental user, or an ultimate consumer in a basing point city named in the headnote immediately preceding Table I of this section for each week shall be the price per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs set forth in such Table I of this section and for the week in which delivered. Such maximum prices in Chicago, Illinois, shall be the maximum prices per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs and for the week of delivery set forth in Table II of this section.

5. Section 1429.67a (b) is amended to read as follows:

(b) *Maximum prices in "Area 1" except for New York City.* In all places other than New York City within "Area 1" the maximum prices for shell eggs of wholesale grades and for current receipt eggs sold and delivered from the effective date of this amendment to December 27, 1943, inclusive, to a first receiver or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, retail route seller, a commercial, industrial, institutional, or non-federal governmental user or an ultimate consumer for the week in which delivered shall be the maximum price per dozen for eggs of the particular wholesale grade, size, prescribed average net weight, and other identification and for current receipt eggs set forth in Table II of this section for Chicago, Illinois, plus the "transportation factor."

6. Section 1429.67a (b) (2) is amended to read as follows:

(2) The "multiplier" to be used in calculating the "transportation factor" for each wholesale grade of shell eggs and for current receipt eggs shall be 1.9 for standards and current receipts and 2.5 for specials and extras for all weeks from the effective date of this amendment through December 4, 1943, inclusive. The "multiplier" to be used for calculating the transportation factor for all wholesale grades of shell eggs and for current receipt eggs shall be 1.9 for all weeks from December 6, 1943 through December 27, 1943.

7. Section 1429.67a (c) is amended to read as follows:

(c) *Maximum prices for wholesale grades and current receipt eggs in "Area 2", except basing point cities.* In "Area 2", except basing point cities, the maximum prices for shell eggs of wholesale grades and for current receipt eggs sold and delivered from the effective date of this amendment to December 27, 1943, inclusive, to a first receiver or to any purchaser other than the United States or any agency thereof, a jobber, a large retailer, an independent retailer, a retail route seller, a commercial, industrial, institutional, or nonfederal government user, or an ultimate consumer at any place shall be determined as follows.

8. Section 1429.67a (e) is amended to read as follows:

(e) *Maximum prices in cents per dozen by weeks for wholesale grades of shell eggs and current receipt eggs for civilian purchasers in the basing point cities of New York, Seattle, Los Angeles, San Diego, Phoenix and Tucson.*

TABLE I—WHOLESALE GRADES AND CURRENT RECEIPT EGGS FOR PERIOD THROUGH DECEMBER 27

Week beginning	Specials Nos. 1 and 2	Specials Nos. 3 and 4	Extras Nos. 1 and 2	Extras Nos. 3 and 4	Standards Nos. 1, 2, 3, and 4 and current receipts
Oct. 25	55	53	50	47	45
Nov. 1	54	53	50	47	45
8	53	52	49	47	45
15	52	51	49	46	44
22	51	50	49	45.5	44
29	50	49	48	45	44
Dec. 6	48	47	46	44.5	43.5
13	48	47	46	44.5	43.5
20	47	46	45	44	43
27	47	46	45	44	43

9. Section 1429.67a (f) is amended to read as follows:

(f) *Maximum prices in cents per dozen by weeks for wholesale grades of shell eggs and current receipt eggs for civilian purchasers in Chicago, Illinois.*

TABLE II.—WHOLESALE GRADES AND CURRENT RECEIPT EGGS FOR PERIOD THROUGH DECEMBER 27

Week beginning	Specials Nos. 1 and 2	Specials Nos. 3 and 4	Extras Nos. 1 and 2	Extras Nos. 3 and 4	Standards Nos. 1, 2, 3, and 4 and current receipts
Oct. 25	53	51	48	45	43.4
Nov. 1	52	51	48	45	43.4
8	51	50	47	45	43.4
15	50	49	47	44	42.4
22	49	48	47	43.5	42.4
29	48	47	46	43	42.4
Dec. 6	46.4	45.4	44.4	42.0	41.0
13	46.4	45.4	44.4	42.0	41.0
20	45.4	44.4	43.4	42.4	41.4
27	45.4	44.4	43.4	42.4	41.4

10. A new § 1429.67a (g) is added to read as follows:

(g) *Maximum prices for San Francisco, Portland, Oregon, and Miami, Florida.* (1) The maximum prices in the basing point cities San Francisco and Portland, Oregon, are ½ cent lower than those in the above Table I.

(2) The maximum prices in the basing point city, Miami, Florida, are 1½ cents higher than those in the above Table I.

11. A new § 1429.67a (h) is added to read as follows:

(h) *Maximum prices for other egg sizes "checks and dirties".* (1) For each pound of average net weight above the average net weight prescribed for all wholesale grades of "Specials" and wholesale grades of "Extras" Nos. 1 and 2, there may be added to the maximum price for the particular grade and prescribed average net weight ½ cent per dozen, provided that no increase in maximum price is permitted for any average net weight in excess of 50 pounds. No increase in maximum price is permitted for wholesale grades of "Extras" Nos. 3 and 4 or for any wholesale grade of "Standards" having an average net weight greater than the average net weight prescribed herein.

(2) For each pound or fraction of a pound less in average net weight than the average net weight prescribed for the particular wholesale grade there shall be subtracted from the maximum price for the particular wholesale grade and prescribed average net weight the sum of ¾ cent per dozen, and the reduced amount shall be the maximum price for the wholesale grade of eggs sold having such reduced weight.

(3) For the purposes of paragraphs (1) and (2) of this section, the prescribed average net weight of all wholesale grades of "Specials" shall be 46 pounds, and all "Extras" 45 pounds and all "Standards" 44 pounds.

(4) Shell eggs of wholesale grades when treated with a mineral oil for purposes of preservation may sell at 1 cent per dozen above the price for the particular grade, size, average net weight, and other identification determined as provided herein.

(5) Current receipt eggs must have a net weight of not less than 43 pounds per case or equivalent quantity of eggs and no increase in price is permitted for current receipt eggs having a net weight of more than 43 pounds per case or equivalent quantity of eggs.

(6) "Checks and dirties" shall sell at 1 cent less per dozen than current receipt eggs.

12. Section 1429.69 (b) (2) is amended to read as follows:

(2) The "multiplier" to be used in calculating the "transportation factor" for each procurement grade of shell eggs is as follows:

Grades of shell eggs	Multiplier	
	Dec. 5 through June 3	June 4 through Dec. 4
Procurement grades:		
I and II	1.9	4.0
III and IV	1.9	3.0

This amendment shall be effective November 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 30th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved:
MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-17619; Filed, October 30, 1943; 4:31 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

AVIATOR DESIGNATIONS

The Regulations, United States Coast Guard Reserve, 1941 (33 CFR, 1941 Supp., Ch. 1, Part 8), as amended, are hereby further amended to read as follows:

§ 8.1612 *Coast Guard aviator designations.* Aviation designations of reservists shall be made by the Commandant. A commissioned, chief warrant, or warrant officer who has satisfactorily qualified may be designated a student Coast Guard aviator, a Coast Guard aviator, a student Coast Guard aviation observer, or a Coast Guard aviation observer. An enlisted person may be designated a student Coast Guard aviation pilot or a Coast Guard aviation pilot. The Commandant will issue the reservists concerned a certificate of designation. (39 Stat. 601; 14 U.S.C. 29; 55 Stat. 9, 14 U.S.C., Sup., Chapter 9; secs. 1, 2, 7, 55 Stat. 759, 760; 34 U.S.C., Sup., 841a, 841g)

§ 8.1612a *Coast Guard student aviation pilots.* A regular enlisted member of the Coast Guard Reserve may be designated as a Coast Guard student aviation pilot only if he has made application for flight training leading to designation as aviation pilot and if the Commandant finds that he is physically and psychologically qualified for flight training, that he has been recommended for such flight training by his commanding officer, and that he has complied with such other supplementary requirements as the Chief Personnel Officer may make for the good of the service. (Secs. 1, 7, 55 Stat. 759, 760; 34 U.S.C., Sup., 841a, 841g)

§ 8.1612b *Coast Guard aviation pilots.* To be designated as a Coast Guard aviation pilot, a Coast Guard student aviation pilot must successfully complete the prescribed flight training for student aviation pilots. (Sec. 2, 7, 55 Stat. 759, 760; 34 U.S.C., Sup., 841b, 841g)

Dated October 27, 1943.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard, Commandant.

Approved:
JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-17640; Filed, November 1, 1943; 10:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 95—CAR SERVICE

[Service Order 162]

ACCEPTANCE AND MOVEMENT OF ANTHRACITE COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of October, A. D. 1943.

It appearing that due to stoppage in the production of anthracite coal, the Solid Fuels Administrator for War has requested the Office of Defense Transportation to take necessary action to prohibit (1) the billing and movement of anthracite coal, in carloads, except sizes barley or smaller and (2) direct the railroads to cancel any billing, issued on this date, of anthracite coal, in carloads, except sizes barley or smaller; and to hold such cars at the mines or on track at convenient hold points, and the Office of Defense Transportation has similarly certified to this Commission the necessity for appropriate action to give full effect to said order; in the opinion of the Commission an emergency exists requiring immediate action: *It is ordered,* That:

§ 95.37 *Acceptance and movement of anthracite coal.* (a) No common carrier by railroad enumerated in paragraph (b) of this section, subject to the Interstate Commerce Act, shall bill and move any anthracite coal, in carloads, except sizes barley or smaller, and such common carriers shall cancel any billing, issued on this date, of anthracite coal, in carloads, except sizes barley or smaller.

(b) The following are the anthracite railroads subject to this order: (1) The Central Railroad Company of New Jersey (Shelton Pitney and Walter P. Gardner, Trustees), (2) The Delaware and Hudson Railroad Corporation, (3) The Delaware, Lackawanna and Western Railroad Company, (4) Erie Railroad Company, (5) Lehigh and New England Railroad Company, (6) Lehigh Valley Railroad Company, (7) New York, Ontario and Western Railway Company (Frederic E. Lyford, Trustee), (8) The Pennsylvania Railroad Company, and (9) Reading Company.

(c) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

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

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-17690; Filed, October 30, 1943; 11:11 a. m.]

Chapter II—Office of Defense Transportation

[Admin. Order ODT 1, Amdt. 8]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY; DIVISION OF TRAFFIC MOVEMENT

Pursuant to Executive Order 8989, § 503.5, paragraph (a), subparagraph (2) of Administrative Order ODT 1 (8 F.R. 6001), is hereby amended to read as follows:

§ 503.5 *Division of Traffic Movement.* (a) * * *

(2) *Carload traffic.* To execute and issue in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits contemplated by § 500.73 of General Order ODT 18A (8 F.R. 14477), or as said order may be hereafter amended, revised, or reissued.

(E.O. 8989, 6 F.R. 6725)

This Amendment 8 to Administrative Order ODT 1 shall become effective on November 1, 1943.

Issued at Washington, D. C., this 1st day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F.R. Doc. 43-17676; Filed, November 1, 1943; 11:12 a. m.]

[General Permit ODT 18A-1, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC; CEMENT AND COTTON

Pursuant to the provisions of § 500.73 of General Order ODT 18A (8 F.R. 14477), General Permit ODT 18A-1 (8 F.R. 14480), is hereby amended by striking out the provisions of items numbered 15, 30, 35, and 40 (relating to the loading of cement and cotton) and inserting in lieu thereof the following:

15. *Cement, Portland.* In packages, when consigned to dealers for stock, may be loaded to a weight not less than 60,000 pounds.

* * * * *

30. (a) In uncompressed bales, may be loaded, prior to December 1, 1943, subject only to applicable tariff provisions;

35. (b) In compressed bales, standard density, may be loaded, prior to December 1, 1943, subject only to applicable tariff provisions;

40. (c) In compressed bales, high density, may be loaded, prior to December 1, 1943, subject only to applicable tariff provisions.

This Amendment 1 to General Permit ODT 18A-1 shall become effective November 1, 1943.

(E.O. 8989, 6 F.R. 6725; Gen. Order ODT 18A, 8 F.R. 14477)

Issued at Washington, D. C., this 1st day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-17677; Filed, November 1, 1943; 11:11 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order T-98]

SCHUMACHER AND SHULTZ, ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

OCTOBER 28, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator appropriate Instruments, as provided in the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

John E. Schumacher, Schumacher & Shultz, P. O. Box 689, Pottsville, Pa.

R. Lawrence Coughlin, Schumacher Rowland Stripping Corp., Inc., 612 Central Bldg., Wilkes-Barre, Pa.

W. H. Moseley, Schuyler Coal Co., Rushville, Ill.

S. Austin Caperton, Scotia Coal & Coke Co., Slab Fork, W. Va.

Lester Scott, Scott Coal Co., Guthrie Center, Iowa.

Thomas L. Scott, Scott Coal Co., Carbondale, Pa.

Reginald C. Ryley, Scuddy Mining Co., Lexington, Ky.

E. H. Scurfield, Scurfield Coal Co., Berlin, McDonaldton, Pa.

L. L. Senter, Senter & Son Coal Co., Ashcamp, Ky.

Chas. C. Moore, Sequatchie Coal Co., 1324 Ham. Bnk. Bldg., Chattanooga, Tenn.

John A. Becker, Service Coal & Mining Co., Belleville, Ill.

Irvin Shaffer, Shaffer, I. & Sons, R. D. No. 1, Rummel, Pa.

E. G. Wahlen, Shamrock Coal Co., The 810 14th St., Denver, Colo.

John D. Dickson, Shawmut Mining Co., St. Mary's, Pa.

A. L. Musick, Shelby Steam Coal Co., Inc., Shelbiana, Ky.

George Sherlock, Sherlock & Newman, P. O. Box 643, Jessup, Pa.

Rene Giovina, Sherrodsville Mining Co., Meadowbrook, W. Va.

E. P. Brennan, Shinnston Coal Co., Shinnston, W. Va.

John D. Shuler, Shuler Coal Co., Des Moines, Iowa.

Fred L. Silhol, Jr., Silhol, Fred L. Jr., Coal Co., Bridgeville, Pa.

A. M. Silvester, Silvester Bros. Coal Co., Coalton, W. Va.

Ray Sims, Sims Coal Co., 1008 East Blvd., Marion, Ill.

James Simone, Simone, Mike, Coal Co., Weir, Kans.

Marion Baiotto, Simler Bluff Prod. Ass'n, Novinger, Mo.

Mother Mary Bernard, Sisters of Providence Mine, St. Mary of the Woods, Ind.

S. Austin Caperton, Slab Fork Coal Co., Slab Fork, W. Va.

James P. Sloan, Sloan Coal Co., Uniontown, Pa.

J. S. Hardin, Smokeless Coal Co., Clarksville, Ark.

Geo. A. Dickey, Smokeless Quemahoning Coal Co., Beerits Bldg., Somerset, Pa.

Ben Snyder, Snyder Mining Co., Moosic, Pa.

James E. Ford, South Canon Mines, Glenwood Springs, Colo.

W. Gaston Caperton, South Side Co., Slab Fork, W. Va.

Mike Sotok, Sotok & Campbell, Morrisdale, Pa.

Clarence Warne, South Tamaqua Coal Pockets, Tamaqua, Pa.

E. L. Spangler, Spangler & Parks Coal Co., Windsor, Mo.

Harlen Spencer, Punxsutawney, Pa.

Frank G. Keesee, Spice Pocahontas Coal Co., Welch, W. Va.

Rembrandt Peall, Jr., Springfield Coal Corp., St. Benedict, Pa.

M. M. Hancock, Spud Coal Co., Inc., The Kyle, W. Va.

H. T. McNeer, Standard Banner Coal Corp., Wakenva, Va.

L. E. Adams, Standard Coal Incorporated, 815 Newhouse Bldg., Salt Lake City, Utah.

H. Wilson Lark, Steam Coals, Inc., Shamokin, Pa.

N. D. Sidford, Steam Fuels Co., 17 Battery Place, New York, N. Y.

Chas. D. Steiner, Shamokin, Pa.

G. E. Steorts, Steorts & Cofer Coal Co., Mt. Clare, W. Va.

J. H. Maurer, Sprankles Mills Coal Co., Sprankles Mills, Pa.

E. E. Smith, Spring Run Coal Co., Wilkinsburg, Pa.

[F. R. Doc. 43-17627; Filed, November 1, 1943; 10:10 a. m.]

[Order T-99]

THE M. C. & S. COAL & MINING CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

OCTOBER 28, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator appropriate Instruments, as provided in the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

Dan Meechan, The M. C. & S. Coal & Mining Co., Dennison, Ohio.

G. C. Michael, Michael Coal Co., Haywood, W. Va.

Samuel Ashby, Midland Electric Coal Corporation, 1520 Fletcher Trust Bldg., Indianapolis, Ind.

R. W. Rutledge, Midvale Coal Co., Midvale, Ohio.

E. W. Harris, Midway Coal Co., McCartney, Pa.

A. R. Russel, Mill Creek Colliery Co., Ansted, W. Va.

H. T. Miller, Miller Jellico Mountain Coal Co., Inc., Jellico, Tenn.

George Batcher, Millerstown Coal Co., R. F. D. #2, Tarentum, Pa.

W. R. Minds, The Minds Coal Mining Corporation, Ramey, Pa.

Carl H. Elshoff, Mine "B" Coal Co., Box 311, Springfield, Ill.

Paul E. Henise, Mineral Point Coal Co., 606 First National Bank Bldg., Johnstown, Pa.

S. M. Thompson, Minnequa Fuel Co., 518 Equitable Bldg., Denver, Colo.

Thomas O. Mitchell, Mitchell-Jones Corporation, P. O. Box 527, Wellsburg, W. Va.

William A. Monahan, Monahan Coal Co., Inc., Forksville, Pa.

H. W. Showalter, Monongahela Rail and River Coal Corp., Fairmont, W. Va.

C. J. Duckworth, Monroe Coal Co., Box 35, Otsego, Ohio.

A. H. Moore, The A. H. Moore Coal Co., Youngstown, Ohio.

George Stephens, Moore Branch Coal Co., Hitchins, Ky.

Chas. Moore, Moore & Son Coal Co., R. F. D. 8, Marion, Ill.

W. G. Moore, W. G. Moore & Son, 301 Eleventh St., Philipsburg, Pa.

R. C. McElvain, Morris Coal & Mining Co., Box 311, Morris, Ill.
John C. Haddock, Morris Run Coal Mining Co., Wilkes-Barre, Pa.
R. W. Wigton, The Morrisdale Coal Mining Co., 1512 Real Estate Trust Bldg., Philadelphia, Pa.
Walter S. Williams, Moshannon Smithing Coal Co., Ramey, Pa.
Jos. A. Motley, Motley Coal Co., Mayfield, Pa.
G. B. Rickenbaugh, S. J. Mountz and Co., Smith Mills, Pa.
Lloyd Huffine, Mt. Nebo Coal Co., Boonville, Ind.
W. P. Mullen, Mullen Coal Co., Box 143, McAlester, Okla.
Harry N. Mead, Mullens Smokeless Coal Co., 302 Park Ave., Beckley, W. Va.
Basil Nayduch, Nayduch Coal Co., Mayfield, Pa.
Guy Neal, Neal & Bowers, Punxsutawney, Pa.
J. D. McLaughlin, New Alma Coal Co., Kermit, W. Va.
Ed. Gentry, New Black Diamond Coal Co., Marion, Ill.
Frank Casale, New Block Coal Co., 517 E. Walnut St., Centerville, Iowa.
C. M. Blair, New Diamond Coal Co., Arcadia, Kans.
A. Charles Stewart, New Hope Coal Co., Frostburg, Md.
W. E. Coles, New Castle Coal Mine, New Castle, Colo.
W. A. Stevens, New Market Coal Company, Inc., New Market, Iowa.
J. S. Wolford, Newport Coal Co., Uhrichsville, Ohio.
C. P. Anderson, New River Smokeless Coal Co., Oak Hill, W. Va.
R. R. Wheeler, New Southland Coal Corporation, Elys, Ky.
Harold V. Moak, New Watson Coal Co., Marion, Ill.
A. J. Musser, New York Central Railroad Co., Coal Mining Department, Indiana, Pa.
E. H. Davis, New York Coal Co., 150 E. Broad St., Columbus, Ohio.
Thomas T. Rees, Nicholas-Webster Coal Corporation, Tioga, W. Va.

[F. R. Doc. 43-17628; Filed, November 1, 1943; 10:10 a. m.]

[Order T-100]

THE BUTTE VALLEY COAL CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

OCTOBER 28, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator, Instrument No. 1, as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

George B. Dick, The Butte Valley Coal Co., Walsenburg, Colo.
D. B. Cornett, Cornett-Lewis Coal Co., Inc., Coleman Building, Louisville, Ky.
George B. Dick, The Dick Coal Co., Walsenburg, Colo.
Charles R. Epperson, Elkhorn Ferguson Coal Co., Pikeville, Ky.
George B. Dick, The Gordon Coal Co., Walsenburg, Colo.
E. T. Brooks, Lehigh Navigation Coal Co., Inc., Fidelity-Philadelphia Trust Bldg., Philadelphia, Pa.
Fred Book, Reliable Coal Co., R. F. D. No. 1, Wheeling, W. Va.
J. A. Dickinson, Southern-Harlan Coal Company, Inc., Williamsburg, Ky.
Harry C. Faust, United Pocahontas Coal Co., Crumpler, W. Va.
Mrs. M. Walker, Walker Coal Mining Co., Elkins, W. Va.
J. T. Wilson, Winco Block Coal Co., Bluefield, W. Va.
W. L. Robinson, deceased, Youghiogheny & Ohio Coal Co., 330 Hanna Bldg., Cleveland, Ohio.

[F. R. Doc. 43-17629; Filed, November 1, 1943; 10:10 a. m.]

[Order T-101]

BUFFALO EAGLE MINES, INC., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

October 28, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator appropriate Instruments, as provided in the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

J. S. Riley, Buffalo Eagle Mines, Inc., Braeholm, W. Va.
George Batcher, Bull Creek Coal Co., R. F. D. #2, Tarentum, Pa.
Wayne M. Burke, Burke Elkhorn Coal Co., Pikeville, Ky.
Marten A. Reiber, Butler Consolidated Coal Co., Wildwood, Pa.
George Chervenak, The Byesville Coal Co., Byesville, Ohio.
G. J. Vincent, Byron Fuel Co., Mt. Clare, W. Va.
C. F. Ryan, Hartranft & Ryan, R. F. D. #2, Tamaqua, Pa.
E. W. Cairight, Hastings Fuel Co., 12 South 12th St., Philadelphia, Pa.
E. E. Slick, Haws Refractories Co., Johnstown, Pa.
Adrian Frazee, F. & H. Coal Co., P. O. Box 347, Smithfield, Pa.
Thomas W. Hayes, Hayes Coal Co., Scottdale, Pa.
M. K. Eblen, Hazard Mining Co., Hazard, Ky.
L. G. Ball, Heisley Coal Company, 1617 Pennsylvania Blvd., Philadelphia, Pa.
Sara L. Spencer, Henrietta Coal Co., Inc., Houtzdale, Pa.
H. J. Meehan, Heshbon Coal Company, 1 Johnstown Bank & Trust Bldg., Johnstown, Pa.
F. B. Ollett, Hickman Coal Co., Hickman, Pa.
C. W. Henderson, High Point Coal Co., 301 Mercantile Bldg., Knoxville, Tenn.
R. R. Bowie, Highland Fuel Co., Grove City, Pa.
R. H. Harmer, Hi-Heat Coal Company, 911 Continental Bank Bldg., Salt Lake City, Utah.
A. M. Hobbs, A. M. Hobbs Coal Company, Hartford, Ark.
Arthur P. Hoffa, A. P. Hoffa Coal Co., Barton, Md.
F. F. Earp, Home Construction Co., The, Fenimore St., Fairmont, W. Va.
C. W. French, Home Creek Smokeless Coal Co., Inc., Bluefield, W. Va.
James F. Eyerly, Hillside Coal Co., 115 Eleventh Ave., Phillipsburg, Pa.
R. E. Hopkins, Hopkins Coal Co., Colfax, Iowa.
D. A. Stubblefield, Hope Coal Co., Inc., Belle, W. Va.
Jacob Brencic, Huber Street Coal Co., 172 P Street, Johnstown, Pa.
N. C. Anderson, Huerfano Coal Company, 746 Equitable Bldg., Denver, Colo.
R. H. Moore, C. A. Huges and Co, Cresson, Pa.
James G. Hogg, Hunter Coal Co., Antrim, Pa.
Frank X Burke, Timothy Burke, Inc., Scranton, Pa.

[F. R. Doc. 43-17630; Filed, November 1, 1943; 10:10 a. m.]

[Order T-102]

E. H. NOEL COAL CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

OCTOBER 28, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator appropriate Instruments, as provided in the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

E. H. Noel, E. H. Noel Coal Co., Fort Smith, Ark.
H. Wilson Lark, North Line Coal Co., Inc., Shamokin, Pa.
John C. Hendenreich, North Side Mining Co., Bicknell, Ind.
Thomas C. Mullins, Northern Illinois Coal Corporation, 310 South Michigan Ave., Chicago, Ill.
James Mascelli, Northwest Coal Co., Carbondale, Pa.
H. J. Connolly, Northwestern Mining & Exchange Co. of Erie, Pa., Box 391, Scranton, Pa.

M. H. Hartzfeld, Jr., The Nugent Mining Co., Dubois, Pa.
Bert R. Arbogast, Numa Coal Co., Numa, Iowa.
C. W. Henderson, O. & W. Coal Co., Inc., Knoxville, Tenn.
Arthur Zambeletti, Oakwood Coal Co., Oakwood, Ill.
Daniel Aquilani, Ogden Superior Coal Co., Ogden, Iowa.
M. M. Van Dike, Old King Coal Co., Centerville, Iowa.
W. E. Davis, Old King Mining Co., Tribbey, Ky.
W. O'Malley, O'Malley and Gasparini, Lansford, Pa.
John Ondrick, Ondrick Coal Co., P. O. Box 297, Clarks Summit, Pa.
Orlandi Orazio, Orlandi Coal Co., Inc., Ashford, W. Va.
K. A. Spencer, Osage Coal Co., 314 The National Bank Bldg., Pittsburg, Kan.
Andy Rullo, Owl Coal Co., Hollsopple, Pa.
Robt. H. Robinson, The P V & K Coal Co., Monongahela, Pa.
C. D. Glass, Pacific Coal Co., Central City, Ky.
C. R. English, Pacific Coast Coal Co., 2106 Smith Tower, Seattle, Wash.
John H. Morris, Palmer Coking Coal Co., Inc., Palmer, Wash.
Linus A. Williams, Panama Vein Coal Co., Bokoshe, Okla.
Glenn A. Shafer, Pana Mines Corporation, Pana, Ill.
R. C. Solomon, Panther Creek Mines, Inc., 1116 Ridgely Bldg., Springfield, Ill.
Geo. D. Curtin, Pardee & Curtin Lumber Co., 521 Goff Bldg., Clarksburg, W. Va.
R. G. Johnson, Paris Purity Coal Co., Inc., Paris, Ark.
L. W. Hicks, The Park Coal Co., Leechburg, Pa.

[F. R. Doc. 43-17631; Filed, November 1, 1943; 10:10 a. m.]

[Order T-103]

ABRAM CREEK COAL CO., ET AL

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

OCTOBER 28, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator appropriate Instruments, as provided in the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

A. L. Helmick, Abram Creek Coal Co., Thomas, W. Va.
C. N. Milam, Acton Coal Co., Route 1, Helena, Ala.
Joseph C. Leonard, Adams Fuel Corporation, South Fork, Pa.
Owen W. Cox, Alaska Coal Co., Laurel Creek, W. Va.
John C. Haddock, The Alden Coal Co., 912 Second National Bank Building, Wilkes-Barre, Pa.
W. E. Pritchard, Algoma Block Coal Co., Inc., Lothair, Ky.
Thomas B. Allan, Allan & Thorpe, 233 Lincoln St., Johnstown, Pa.
L. W. Hicks, Allegheny Coal & Coke Co., Leechburg, Pa.
James O. Carr, Allegheny Ludlum Steel Corporation, Brackenridge, Pa.
William Aloe, William Aloe, 5907 Callowhill, St., Pittsburgh, Pa.
L. D. Hardin, The Alpine Fuel Co., P. O. Box 480, Gunnison, Colo.
Joe F. Klaner, Jr., The Alston Coal Co., Pittsburg, Kans.
H. J. Thomas, Alto Coal Division of the Southern Cotton Oil Co., 2109 Third Ave., North, Birmingham, Ala.
Louis Sicker, Alumbaugh & Sicker Coal Mining Co., Ltd., Junction U. S. 36-76, Coshocton, Ohio.
Angelo Andreolli, Angelo Andreolli, Box 195, Meadowlands, Pa.
G. Frank Apple, Apple Coal Co., R. F. D. No. 1, Fallentimber, Pa.
John P. Purshnok, The Arcadia Co., Indiana, Pa.
Paul E. Henise, Argyle Coal Co., First National Bank Building, Johnstown, Pa.
Joseph Arkwright, Arkwright Coal Co., Morgantown, W. Va.
Fern S. Arnold, J. J. Arnold Co., Inc., P. O. Box 390, Wellsburg, W. Va.
J. S. Arthur, J. S. Arthur & Co., 431 Washington Trust Building, Washington, Pa.
John M. Smith, Atchison Coal Corporation, Pikeville, Tenn.
T. E. McFarland, Athens Coal Co., R. F. D. No. 1, Cheshire, Ohio.
Robert P. Reed, Atlantic Coal & Coke Co., 1015 W. S. Bank Building, Johnstown, Pennsylvania.
John Z. Burket, Atlantic Crushed Coke Co., 121 North Main St., Greensburg, Pa.
F. D. Lanning, Atlas Coal Company, Inc., 124 South First St., Oskaloosa, Iowa.
Carl Steckelberg, Atlas Coal Corporation, Henryetta, Okla.

[F. R. Doc. 43-17632; Filed, November 1, 1943; 10:11 a. m.]

[Order T-104]

"B" QUALITY COAL CO., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

OCTOBER 29, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator appropriate Instruments, as provided in the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

B. F. Heckler, "B" Quality Coal Co., The, 504 13th St., Windber, Pa.
E. H. Burke, B. & H. Coal Co., Box 601, Bridgeport, W. Va.
D. J. Beardslee, B. & L. Coal Co., 101 Keystone Ave., Peckville, Pa.
George Bone, B. & M. Construction Co., 100 New Street, Pittston, Pa.
Kenes Bowling, Bardo Coal Mining Co., Knoxville, Tenn.
John Barnes Mull, Barnes & Tucker Co., 123 South Broad St., Philadelphia, Pa.
D. B. Withers, Bates Coal Co., Bates, Ark.
Lloyd Williams, Bear Valley Contracting Co., Shamokin, Pa.
E. M. Cortright, Beaver Run Coal Co., 12 South 12th St., Philadelphia, Pa.
Patrick H. Scanlan, Beckemeyer Coal & Mining Co., Breese, Ill.
Troy T. Deskins, Belfry Coal Co., Belfry, Ky.
C. F. Gay, Bell Coal Co., Slickville, Pa.
C. G. Stiehl, Belle Valley Coal Co., 710 Park Ave., Belleville, Ill.
E. P. Lucas, Bellingham Coal Mines, Bellingham, Washington.
Guy Durst, Benedict Coal Corp., St. Charles, Lee County, Va.
Floyd L. Benedict, Benedict & Sherman, McArthur, Ohio.
Sol Benjamin, Benjamin Coal Co., Scranton, Pa.
L. C. Berkey, Berkey Bros. Coal Co., Box 311, Somerset, Pa.
Howard W. Showalter, Bethlehem Fairmont Coal Co., Fairmont, W. Va.
E. T. Thompson, Big Creek Winifrede Coal Co., Nolan, Mingo County, W. Va.
Keener Powell, Big Four Coal Co., Bokoshe, Okla.
W. M. Birchfield, W. M. Birchfield Coal Co., Hellier, Ky.
Lawrence Biscontini, Biscontini & Sons Coal Co., 55 West Main St., Glenlyon, Pa.
R. D. Keiser, Black Diamond Coal Co., The 10 E. Broad St., Columbus, Ohio.
S. C. Streams, Black Diamond Coal Mine, 661 Church St., Indiana, Pa.
C. S. Bissell, Black Diamond Coal Mining Co., Birmingham, Ala.
Thos. P. Hilton, Black Diamond Fuel Co., The, 1240 Walnut St., Boulder, Colo.
John C. Gibson, Black Gold Coal Co., Du Quoin, Ill.
J. E. Johnson, Jr., Black Gold Mining Co., Hazard, Ky.
Fred J. McFadden, Black Lick Mining Co., Ebensburg, Pa.
Barbara Blacksmith, Blacksmith Coal Co., Novinger, Mo.
Verne P. Smith, Blackstone Coal Co., 96 University Ave., Des Moines, Iowa.
A. L. Helmick, Blackwater Coal Co., Thomas, W. Va.
Russell A. Smith, Blakesburg Deep Vein Coal Co., Blakesburg, Iowa.
T. Blanchard, Blanchard Coal Corp., Tamarora, Ill.
I. M. Wheatley, Blanco Coal Co. (Blanco Coal Co.), P. O. Box 358, McAlester, Okla.
W. G. Polk, Block Coal & Coke Corp., 804 Hamilton Bank Bldg., Knoxville, Tenn.
J. E. Johnson, Jr., Blue Bird Mining Co., Hazard, Ky.
W. P. Hill, Blue Hill Coal Co. Inc., 804 South Vicksburg St., Marion, Ill.
Frederick B. Kerr, Boardman Coal Mining Co., P. O. Box 431, Clearfield, Pa.
H. C. Boggess (Colfax Mine), H. C. Boggess, Fairmont, W. Va.
Wm. Heck, Bois Coal Co., Du Bois, Ill.
C. R. Oglesby, Bokoshe Coal Co., Bokoshe, Okla.
Charles Booth, Booth, John Inc., Carbondale, Pa.

J. E. Boothe, Boothe Coal Co., Inc., Mosby, Mo.

J. K. Cochrane, Boston Gas Coal Co., 229 West Main St., Monongahela, Pa.

Frank D. Fair, Bovard Coal Co., 262 S. Tampaugh Ave., Sharon, Pa.

Fred Nesbit, Boulder Valley Coal Co., Central Savings Bank Bldg., Denver, Colo.

Robert Boyd, Boyd Excelsior Operating Co., 505 South 21st St., Fort Smith, Ark.

R. W. Boyd, R. W. Boyd Mine, 407 South Central Ave., Canonsburg, Pa.

Frank Dunning, Bradford Collieries Corp., 1419 Midland Bldg., Cleveland, Ohio.

A. R. Long, Brookside-Pratt Mining Co., Birmingham, Ala.

James R. Brophy, Brophy Coal Co., Red Lodge, Mont.

Earl M. Brown, Earl M. Brown, Clearfield, Pa.

John Brown, Brown Bros. Co., R. D. #2, Elizabeth, Pa.

E. D. Brown, Brown Fuel Co., 46 East Main St., Uniontown, Pa.

George H. McGee, Brownton Coal Co., 713 Second Nat'l Bank Bldg., Uniontown, Pa.

R. G. Strand, Burnwell Coal Co., 408 Johnstown Bank & Trust Bldg., Johnstown, Pa.

[F. R. Doc. 43-17633; Filed, November 1, 1943; 10:09 a. m.]

[Order T-105]

COAL MINING CO. OF GRACETON, INC., ET AL.

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

OCTOBER 29, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator appropriate Instruments, as provided in the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Operating Manager and Name of Mining Company

A. L. Light, Coal Mining Co. of Graceton, Inc., Punxsutawney, Pa.

D. W. Buchanan, Coal Processing Corporation, 230 South Clark St., Chicago, Ill.

Owen W. Cox, Coal Run Coal Company, Laurel Creek, W. Va.

Raymond Schweinberg, Collins and Schweinberg, 3906 Main St., Munhall, Pa.

J. A. Willis, Coalburgh-Kanawha Mining Co., Coalburgh, W. Va.

David Brown, Colonial Coal & Coke Co., Pratt City, Ala.

A. R. Reppert, Columbia Coal Company, Flemington, W. Va.

W. J. Thompson, The Colony Coal Company, 704 Boston Bldg., Denver, Colorado.

L. L. Freeman and Fred W. Beck, Conant Coal Co., Conant, Ill.

John Conrow, John Conrow Coal Co., Inc., Richmond, Mo.

C. C. Williams, Consolidated Coal Co., Inc., 2109 Third Ave., North, Birmingham, Ala.

Carson W. Smith, The Consolidated Coal & Coke Co., 416 Empire Bldg., Denver, Colo.

Richard E. Randall, Consolidated Coal Mines Incorporated, Hoge Bldg., Seattle, Wash.

R. O. Van Dyke, Consumers Mining Corporation, Tazewell, Va.

Robert Y. Moffat, The Continental-Archbald Coal Co., P. O. Box 486, Scranton, Pa.

Samuel Golanty, Cornopolis Coal Corporation, 514 Lydia St., Carnegie, Pa.

Frank Correale, Correale Construction Co., 523 Carson St., Hazelton, Pa.

Fred Stover, Cosco Gas Coal Co., Butler County National Bank Bldg., Butler, Pa.

Frank S. Williams, Craig Coal Company, Partnership, Haileyville, Okla.

R. F. Duemler, Cranberry Improvement Co., 1416 Chestnut Street, Philadelphia, Pa.

V. L. Henry, Creighton Fuel Co., Creighton, Pa.

Frank Dunning, Crescent Valley Mining Corporation, 1419 Midland Bldg., Cleveland, Ohio.

Edward S. Higbee, Crystal Mining Co., 520 East Murphy Ave., Connellsville, Pa.

W. J. Cunningham, Crummies Creek Coal Co., Crummies, Ky.

George Batcher, Culmerville Coal Co., R. D. #2, Tarentum, Pa.

George C. Cutler, Cumberland Coal Co., 217 E. Redwood, St., Baltimore, Md.

William Vorderbrugge, Cutler Coal Co., Inc., Cutler, Ill.

John W. Shaw, Cymbria Valley Coal Co., Barnesboro, Pa.

[F. R. Doc. 43-17634; Filed, November 1, 1943; 10:09 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

D & D SHIRT CO.

ORDER DENYING PETITION

Order denying petition of the D & D Shirt Company of Northampton, Pennsylvania, for review of the determination cancelling special certificates for the employment of learners.

Whereas on March 5, 1943, pursuant to section 14 of the Fair Labor Standards Act of 1938 and § 522.6 and 522.7 of the regulations issued thereunder, the D & D Shirt Company of Northampton, Pennsylvania, was by registered mail given notice to show cause why special certificates issued to it on September 11, 1941 and September 10, 1942, permitting the employment of learners at subminimum wage rates, should not be cancelled; and

Whereas due notice having been given, public hearings were held in New York, New York, on March 27, April 24, and July 14, 1943 before Merle D. Vincent, a duly authorized representative of the Administrator of the Wage and Hour Division of the Department of Labor, who received evidence and heard oral argument on the question whether the certificates should be cancelled; and

Whereas, on the evidence presented at the hearings, the said Merle D. Vincent determined that the special certificate issued to the D & D Shirt Company for the period from September 11, 1941 to September 11, 1942 be cancelled because of violation of its terms as of the date of the certificate's first violation which was found to be the date of its issue and that the special certificate issued for the period from September 10, 1942 to September 10, 1943 be cancelled as of the date of its issue because it was obtained by fraud and misrepresentation; and filed his findings and determination with the Administrator on July 24, 1943; and

Whereas after publication in the FEDERAL REGISTER (8 F.R. 10777) of notice of said cancellation, a petition for review was duly filed by the D & D Shirt Company of Northampton, Pennsylvania, pursuant to the provisions of § 522.13 of the aforesaid regulations; and

Whereas the undersigned, a person having taken no part in the action sought to be reviewed and being duly authorized by the Administrator as his representative to examine and determine whether the said petition should be allowed, has examined and considered the issues raised by said petition; and has found that the findings and determination of the Administrator's representative are supported by the record of the proceeding in this case,

Now, therefore, the petition for review is hereby denied, and it is ordered and directed that the findings and determination of July 24, 1943 shall become final and that the special certificate issued to the D & D Shirt Company of Northampton, Pennsylvania, authorizing the employment of learners during the period from September 11, 1941 to September 11, 1942 be cancelled as of September 11, 1941 and that the special certificate issued to the same employer authorizing employment of learners during the period from September 10, 1942 to September 10, 1943 be cancelled as of September 10, 1942, and that the cancellation of said certificates shall become effective on the day of the publication of this order in the FEDERAL REGISTER.

Signed at New York, New York, this 27th day of October 1943.

F. GRANVILLE GRIMES, JR.,
Authorized Representative of the Administrator.

[F. R. Doc. 43-17593; Filed, October 30, 1943; 10:57 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 29, 1942 (7 F.R.

4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

APPAREL INDUSTRY

Rice-Stix Factory #20, Slater, Missouri; men's woven underwear; 20 percent (AT); effective November 1, 1943, expiring May 31, 1944

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES, AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Boulevard Frocks, Inc., 510 First Avenue North, Minneapolis, Minnesota; ladies' rayon and cotton dresses and sportswear; 10 percent (T); effective October 27, 1943, expiring October 26, 1944.

Carter and Churchill Company, 15 Parkhurst Street, Lebanon, New Hampshire; men's work pants and coats, misses' and children's heavy outerwear; 10 learners (T); effective October 27, 1943, expiring October 26, 1944.

Chic Manufacturing Company, 1001 South Adams Street, Peoria, Illinois; cotton wash dresses, U. S. A. equipage; 10 percent (AT); effective October 27, 1943, expiring April 26, 1944.

Danville Sportswear Company, Inc., 328 Ferry Street, Danville, Pennsylvania; work clothes, nurses' uniforms; 10 learners (T); effective October 26, 1943, expiring October 25, 1944.

Decatur Garment Company, 542 North Main Street, Decatur, Illinois; cotton dresses; 10 percent (T); effective October 29, 1943, expiring October 28, 1944.

M. Fine and Sons Manufacturing Company, Inc., 1117 North 8th Street, Paducah, Kentucky; cotton work shirts; 20 percent (AT); effective November 1, 1943, expiring May 31, 1944.

Fox Knapp Manufacturing Company, Maple Avenue, Milton, Pennsylvania; flannel shirts, service shirts; navy jackets; 10 percent (T); effective October 27, 1943, expiring October 26, 1944.

H. B. Glover Company, 480 Iowa Street, Dubuque, Iowa; pajamas, sport shirts, robes, mackinaws; 10 percent (T); effective November 10, 1943, expiring November 9, 1944.

Joseph Greenberg, 37 Bainbridge Street, Elizabethtown, Pennsylvania; children's dresses; 10 learners (T); effective October 29, 1943, expiring October 28, 1944.

Halline Dresses, Inc., Sweetwater, Tennessee; knitted dresses; 1 learner (T); effective October 27, 1943, expiring October 26, 1944.

Abe Kahn Halbreich Company, South Poplar Street, Elizabethtown, Pennsylvania; children's dresses; 5 learners (T); effective November 6, 1943, expiring November 5, 1944.

Kings Dresses, Inc., 519 Broadway, Kingston, New York; dresses and robes; 10 percent (T); effective November 3, 1943, expiring November 2, 1944.

S. H. Knopf Manufacturing Company, 470 Atlantic Avenue, Boston, Massachusetts; men's and boys' leather jackets; 5 percent (T); effective October 27, 1943, expiring October 26, 1944.

Jean Lang Dress Company (Gopher Sportswear Company), 22 North Third Street, Minneapolis, Minnesota, ladies' dresses; 10 learners (T); effective October 27, 1943, expiring October 26, 1944.

Lexington Shirt Corporation, East Second Avenue, Lexington, North Carolina; men's and boys' cotton dress shirts; 20 learners (AT); effective October 27, 1943, expiring April 26, 1944.

S. Liebovitz & Sons, Ocean City Road, Salisbury, Maryland; men's dress shirts; 10 percent (T); effective October 30, 1943, expiring October 29, 1944.

Manhattan Shirt Company, 27-31 Hoffman Street, Kingston, New York; men's pajamas; 10 percent (T); effective October 26, 1943, expiring October 25, 1944.

Moyer Manufacturing Company, 18-24 North Walnut Street, Youngstown, Ohio; men's pants; 10 percent (T); effective October 27, 1943, expiring October 26, 1944.

Narragansett Shirt Company, Wamsutta Street, New Bedford, Massachusetts; men's cotton dress shirts, army and navy officers' cotton shirts; 10 percent (T); effective November 3, 1943, expiring November 2, 1944.

N. R. Garment Company, Inc., Walkersville, Maryland; men's pajamas; 10 learners (T); effective November 3, 1943, expiring November 2, 1944.

Penn Childrens Dress Company, 831 Lackawanna Avenue, Mayfield, Pennsylvania; children's dresses; 24 learners (AT); effective October 27, 1943, expiring April 26, 1944.

Perfection Garment Company, Inc., First Avenue, Hanson, West Virginia; ladies' and junior misses' cotton wash dresses; 10 percent (T); effective October 30, 1943, expiring October 29, 1944.

Perfection Garment Company, Inc., West John Street, Extension, Martinsburg, West Virginia; ladies' and junior misses' cotton wash dresses; 10 percent (T); effective October 30, 1943, expiring October 29, 1944.

Regal Paper Company, Inc., South Jefferson Street, Pulaski, New York; women's aprons; 10 learners (T); effective October 27, 1943, expiring October 26, 1944.

Rotary Shirt Company, Inc., 9-13 Broad Street, Glens Falls, New York; men's civilian and army officers' cotton shirts; 10 percent (T); effective October 30, 1943, expiring October 29, 1944.

Royal Garment Company, North Main Steet, Ansonia, Ohio; ladies' and men's burial dresses and blankets; 10 learners (T); effective October 30, 1943, expiring October 29, 1944.

Sackman Brothers Company, Telford, Pennsylvania; children's play suits, underwear for the navy; 10 percent (T); effective October 30, 1943, expiring October 29, 1944.

Salant & Salant, Inc., Pine Street, Lexington, Tennessee; cotton work shirts; 10 percent (T); effective October 27, 1943, expiring December 26, 1943.

Sharp Brothers, 121 North Seventh Street, Philadelphia, Pennsylvania; boys' pants, jackets, suits; 10 learners (T); effective October 28, 1943, expiring October 27, 1944.

L. Shellenberger & Sons, McAlisterville, Pennsylvania; shirts; 10 percent (T); effective October 27, 1943, expiring October 26, 1944.

Sunbury Manufacturing Company, 6th and Locust Streets, Mt. Carmel, Pennsylvania; ladies' waists, dresses, pajamas; 10 percent (T); effective October 30, 1943; expiring October 29, 1944.

GLOVE INDUSTRY

Clark Brothers, 20 Elm Street, Glens Falls, New York; 15 percent (AT); warp knit fabric dress gloves; effective October 30, 1943, effective April 29, 1944.

Richmond Glove Corporation, 306 Salem Avenue, West, Roanoke, Virginia; work gloves; 25 learners (E); effective October 27, 1943, February 26, 1944.

George B. Wayne & Son, 18 R South William Street, Johnstown, Pennsylvania; work gloves; 1 learner (T); effective October 30, 1943, expiring October 29, 1944.

HOSIERY INDUSTRY

Albany Manufacturing Company, Sappoy Drive, Albany, Georgia; full-fashioned hosiery; 20 percent (AT); effective November 8, 1943, expiring May 7, 1944.

Auburn Hosiery Mills, Auburn, Kentucky, full-fashioned hosiery; 5 learners (T); effective October 27, 1943, expiring October 26, 1944.

Charles H. Bacon Company, Loudon, Tennessee; seamless and full-fashioned hosiery; 10 percent (AT); effective October 27, 1943, expiring April 26, 1944.

Black Mountain Hosiery Mills, Inc., Black Mountain Avenue, Black Mountain, North Carolina; seamless hosiery (AT); effective October 30, 1943, expiring April 29, 1944, 5 learners.

Brownhill & Kramer, Inc., Coudersport, Pennsylvania; full-fashioned hosiery; 22 learners (AT); effective October 27, 1943, expiring April 26, 1944.

Clayton Hosiery Mills, Inc., 95 Bridge Street, Lowell, Massachusetts; seamless hosiery; 5 percent (T); effective October 26, 1943, expiring October 25, 1944.

Cooper, Wells & Company, Decatur, Alabama; full-fashioned hosiery; 5 percent (T); effective October 27, 1943, expiring October 26, 1944.

Elliott Knitting Mills, Inc., Hickory, North Carolina; seamless hosiery; 10 percent (AT); effective November 3, 1943, expiring May 2, 1944.

Elmo Hosiery Mill, 3804 St. Elmo Avenue, Chattanooga, Tennessee; seamless hosiery; 2 learners (T); effective October 28, 1943, expiring October 27, 1944.

Fayetteville Knitting Mills, Inc., Fayetteville, North Carolina; full-fashioned hosiery; 5 learners (T); effective October 27, 1943, expiring October 26, 1944.

Holeproof Hosiery Company, South Pittsburg, Tennessee; seamless hosiery; 40 learners (E); effective October 28, 1943, expiring April 27, 1944. This certificate replaces the one previously issued effective September 13, 1943, and expiring November 24, 1943.

Interwoven Stocking Company, Martinsburg, West Virginia; seamless and full-fashioned hosiery; 5 percent (T); effective October 27, 1943, expiring October 26, 1944.

W. E. Isle Company, 1121 Grand Avenue, Kansas City, Missouri, seamless hosiery; 5 learners (T); effective November 20, 1943, expiring November 20, 1944.

Johnson City Mills, New Street, Johnson City, Tennessee; seamless and full-fashioned hosiery; 10 percent (AT); effective November 6, 1943, expiring May 5, 1944.

O. E. Kearns and Son, Inc., South Hamilton Street, High Point, North Carolina; seamless hosiery; 15 percent (AT); effective October 27, 1943, expiring April 26, 1944.

Magnet Mills, Inc., Lake City, Tennessee; seamless hosiery, 5 learners (T); effective November 3, 1943, expiring November 2, 1944.

Martinat Hosiery Mills, Valdese, North Carolina; seamless hosiery; 8 learners (AT); effective October 29, 1943, expiring February 8, 1944.

Ridgeview Hosiery Mill Company, Main Street, Newton, North Carolina; full-fashioned hosiery; 5 percent (T); effective October 25, 1943, expiring October 24, 1944.

Rutledge Hosiery Mill Company, Rutledge, Tennessee; seamless hosiery; 10 percent (AT); October 27, 1943, April 26, 1944.

Walridge Knitting Mills, Arkansas Street, Helena, Arkansas; seamless hosiery; 10 learners (AT); effective October 25, 1943, expiring April 24, 1944.

Walton Knitting Mills, Hickory, North Carolina; seamless hosiery; 10 learners (AT); effective October 27, 1943, expiring April 26, 1944.

KNITWEAR INDUSTRY

Geissler Knitting Mill, Hemlock Street and Sherman Court, Hazelton, Pennsylvania; ladies' and children's underwear, polo shirts, boys' and men's sweaters; 20 learners (AT); effective October 27, 1943, expiring April 26, 1944.

TEXTILE INDUSTRY

Aponaug Chenille Company, Mill #3, Durant, Mississippi; textiles; tufted bedspreads; 70 learners (E); effective October 29, 1943, expiring April 28, 1944.

Clover Spinning Mills, Inc., North Main Street, Clover, South Carolina; cotton and carded yarn; 3 percent (T); effective October 28, 1943, expiring October 27, 1944.

Hill Spinning Company, P. O. Box 248, Roseboro, North Carolina; carded cotton yarns; 7 learners (AT); effective November 3, 1943, expiring May 2, 1944.

Irene Mills, Taylorsville, North Carolina; cotton yarns; 3 percent (T); effective November 3, 1943, expiring November 2, 1944.

A. D. Juilliard & Company, Inc., Brookford Mills Division, Brookford, North Carolina; cotton; 3 percent (T); effective November 3, 1943, expiring November 2, 1944.

National Fabrics Corporation, Buena Vista, Virginia; rayon; 8 learners (AT); effective November 8, 1943, expiring May 7, 1944.

Newark Silk Company, Inc., 731 South Franklin Street, Wilkes-Barre, Pennsylvania; silk; 3 percent (T); effective November 6, 1943, expiring November 5, 1944.

John Sidebotham, Inc., 4317 Griscom Street, Philadelphia, Pennsylvania; woven narrow fabrics; 3 percent (T); effective November 3, 1943, expiring November 2, 1944.

Superba Mills, Inc., Hawkinsville, Georgia; cotton yarns and tassels; 6 percent (AT); effective November 3, 1943, expiring May 2, 1944.

Signed at New York, N. Y., this 30th day of October 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-17625; Filed, November 1, 1943; 9:30 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below, effective as of the dates specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Blount-Parker Corporation, Lacona, New York; candy; 3 learners (T); sewing machine operators for a learning period of 240 hours at 35 cents per hour; effective November 1, 1943, expiring February 7, 1944.

Cooper, Wells & Company, Decatur, Alabama; mattress covers; 15 learners (T); sewing machine operators for a learning period of 240 hours at 35 cents per hour; effective November 1, 1943, expiring February 7, 1944.

Just Born, Inc., Bethlehem, Pennsylvania; candy; 15 learners (T); candy dippers and fancy chocolate packers for a learning period of 240 hours at 35 cents per hour; effective October 29, 1943, expiring April 29, 1944.

The Runkle Company, 901 South Wayne Street, Kenton, Ohio; candy; 8 learners (T); candy stroker and fancy chocolate packers for a learning period of 240 hours at 35 cents per hour; effective October 29, 1943, expiring April 29, 1944.

Signed at New York, N. Y., this 30th day of October 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-17626; Filed, November 1, 1943; 9:30 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-84]

AIRCRAFT ACCIDENT OCCURRING NEAR CENTERVILLE, TENN.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 16008 which occurred near Centerville, Tennessee, on October 15, 1943.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on the 5th day of November 1943, at 9:30 a. m. (e. w. t.) in Room 209, TWA Hangar 6, LaGuardia Field, New York.

Dated at Washington, D. C., October 28, 1943.

[SEAL] ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 43-17639; Filed, November 1, 1943; 10:16 a. m.]

[Docket Nos. 514, 523 and 934]

TRANSCONTINENTAL & WESTERN AIR, INC., ET AL.

NOTICE OF HEARING

In the matter of the applications of Transcontinental & Western Air, Inc., Braniff Airways, Inc., and Continental Air Lines, Inc., for amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on November 8, 1943, 10:00 a. m. (e. w. t.) in Room 1851, Commerce Building, 14th and Constitution Avenue N.W., Washington, D. C., before Examiner Lawrence J. Kosters.

Dated Washington, D. C., October 27, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-17638; Filed, November 1, 1943; 10:16 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6557]

CAPE COD BROADCASTING CO.

NOTICE OF HEARING

In re application of Harriett M. Alleman and Helen W. MacLellan, doing business as Cape Cod Broadcasting Company (WOCB), Date filed, July 31, 1943; for, renewal of license; Class of service, broadcast; Class of station, broadcast; Location, West Yarmouth, Massachusetts. Operating assignment specified; Frequency, 1240 kc; Power, 250 w; Hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the licensee of Station WOCB is financially, technically and otherwise qualified to continue the operation of said station.

2. To determine whether the licensee possesses the necessary physical equipment and has employed personnel qualified to continue the operation of Station WOCB in the public interest.

3. To obtain full information respecting the manner in which the station has been and is now being operated and by whom same is being operated.

4. To determine whether the licensee, either directly or indirectly has transferred, assigned or in any manner disposed of any of the rights or responsibilities incident to the license, without having obtained the written consent of the Commission, as provided by the provisions of the Communications Act, particularly section 310 (b) thereof.

5. To determine whether the station has been operated by the Cape Cod Broadcasting Company, Inc., or any other person or persons than the licensee, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 310 thereof.

6. To determine whether, upon the issuance of the license, the licensee of Station WOCB assumed the responsibilities incident to the operation, management and control of said station and whether the licensee has at all times maintained control of the physical apparatus and the programs broadcast by said station.

7. To determine whether Station WOCB is now operating in accordance with the terms of its license and if not, when the station ceased to operate and the circumstances in connection therewith.

8. To determine whether, in view of the facts adduced under the foregoing issues, the granting of this application and the continued operation of the station will serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Harriett M. Alleman & Helen W. MacLellan, doing business as Cape Cod Broadcasting Company, Radio Station WOCB, South Sea Avenue, West Yarmouth, Massachusetts.

Dated at Washington, D. C., October 29, 1943.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-17678; Filed; November 1, 1943; 11:20 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5043]

BELL'S HOMEOPATHIC PHARMACY

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 28th day of October, A. D., 1943.

In the matter of Arline F. Hoffman, an individual trading and doing business as Bell's Homeopathic Pharmacy.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John L. Hornor, 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 16, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), Hearing Room, Hotel St. George, Brooklyn, New York.

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. 43-17660; Filed, November 1, 1943; 11:10 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Divesting Order 57]

PATENT OF B. S. A. TOOLS LIMITED

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

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title
2,204,441, 6-11-40, W. Ogilvie, Thread cutting devices for lathes.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of B. S. A. Tools Limited and that B. S. A. Tools Limited was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of B. S. A. Tools Limited, a corporation of Great Britain, having its principal place of business at Birmingham, England, hereinafter called claimant in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of and having its principal place of business in Great Britain;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country, other than claimant;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 30, 1943.

[SEAL] LEO T. CROWLEY, *Alien Property Custodian.*

[F. R. Doc. 43-17650; Filed, November 1, 1943; 10:41 a. m.]

[Divesting Order 58]

PATENT OF DAVIS & COMPANY, INC.

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

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for

past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,123,429, 7-12-38, H. Klemm, Monospar cantilever aircraft wing.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Hanns Klemm and that Hanns Klemm was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Davis & Company, Inc., a corporation organized under the laws of the state of Nevada, having its principal place of business at Houston, Texas, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by James Lee Kauffman as executor of William Rhodes Davis, deceased, and finding that instruments of assignment from Hanns Klemm to William Rhodes Davis and from James Lee Kauffman as executor of William Rhodes Davis, deceased, to claimant were dated June 20, 1939 and October 13, 1942 respectively, and were recorded in the United States Patent Office on June 24, 1939 at Liber V179, Page 82 and on October 17, 1942 at Liber A194, Page 267, respectively;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by James Lee Kauffman as executor of William Rhodes Davis, deceased, and that the said James Lee Kauffman was at that time, and at all times since then has been and now is an individual residing in the United States;

5. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein are now owned by claimant, and that said claimant was at the time of vesting, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

6. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

7. Determining that the aforesaid vesting was affected by the undersigned under mistake of fact;

8. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

9. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

10. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on October 4, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17651; Filed, November 1, 1943; 10:41 a. m.]

[Divesting Order 59]

PATENT OF THE FATE-ROOT-HEATH CO.

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

1. Having, on March 25, 1942, vested, by Vesting Order No. 1, as the property of a National or Nationals of a Foreign Country designated in Executive Order No. 8389, as amended, as defined therein, the property identified as follows:

Patent application identified as follows:

Serial Number, Filing Date, Inventor, and Title

341,151, 6-18-40, Fred T. Buzard, Combined mixing and extruding machines.

2. Having determined, before issuing said Vesting Order No. 1, that the said property was property of I. G. Farbenindustrie, A. G. and that I. G. Farbenindustrie, A. G. was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

3. Holding, by virtue of the issuance of a patent on the above application, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,276,261, 3-10-42, Fred T. Buzard, Combined mixing and extruding machines.

4. Having intended, by said Vesting Order No. 1, to vest patent application Serial Number 341,154, filed June 18, 1940, inventor R. Keinke et al, which application was property of I. G. Farbenindustrie, A. G.;

5. Finding that patent application Serial Number 341,154 was vested by the Alien Property Custodian in Vesting Order No. 1035;

6. Finding that patent application Serial Number 341,151 was vested by reason of confusion between such Serial Number and Serial Number 341,154;

7. Having thereafter received an executed claim by or on behalf of The Fate-Root-Heath Co., a corporation of Ohio, having its principal place of business at Plymouth, Ohio, hereinafter called claimant, in which it was recited that the property identified in subparagraph 3 hereof was on the date of vesting owned by the said claimant;

8. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business within the United States;

9. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

10. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

11. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

12. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

13. Determining that the error committed in vesting such property should be corrected by assigning and conveying said property to said claimant, and that such disposition of said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the property identified in subparagraph 3 hereof be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers and conveys to claimant the property identified in subparagraph 3 hereof.

Executed at Washington, D. C., on October 5, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17652; Filed, November 1, 1943; 10:41 a. m.]

[Divesting Order 60]

PATENT OF RADIO CORPORATION OF AMERICA

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

1. Having, on June 4, 1942, vested, by Vesting Order No. 16, as the property of a National or Nationals of a Foreign Country designated in Executive Order No. 9095, as amended, as defined therein, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date of Issue, Inventor, and Title

2,248,977, 7-15-41, L. Flory & G. Horton, Electro-optical device.

2. Having determined, before issuing said Vesting Order No. 16, that the said property was property of Radioaktiengesellschaft D. S. Loewe and that Radioaktiengesellschaft D. S. Loewe was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

3. Having intended by said Vesting Order No. 16 to vest patent number 2,248,557, which at one time stood of record in the United States Patent Office in the name of Radioaktiengesellschaft D. S. Loewe;

4. Finding the the aforesaid patent number 2,248,557 now stands of record in the United States Patent Office in the name of a corporation organized under the laws of one of the United States;

5. Having thereafter received an executed claim by or on behalf of Radio Corporation of America, a corporation of New York, having its principal place of business at New York, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from L. Flory and G. Morton to claimant was dated August 28, 1935, and was recorded in the United States Patent Office on August 29, 1935, at Liber F164, Page 62;

6. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

7. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

8. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

9. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

10. Having received no other claim or or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

11. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on October 5, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17653; Filed, November 1, 1943; 10:41 a. m.]

[Divesting Order 61]

PATENT OF IMPERIAL KNIFE COMPANY, INCORPORATED

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

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,037,943, 4-21-36, O. Stiehl et al., Knife with handle casing.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Otto Ernst Stiehl and Ernst Lohr, Jr. and that Otto Ernst Stiehl and Ernst Lohr, Jr. were residents of Germany and were nationals of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Imperial Knife Company, Incorporated, a corporation of Rhode Island, having its principal place of business at Providence, Rhode Island, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Otto Ernst Stiehl and Ernst Lohr, Jr. to claimant was dated June 27, 1938, and was recorded in the United States Patent Office on July 7, 1938, at Liber P175, Pages 174 and 175;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on October 5, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17654; Filed, November 1, 1943; 10:41 a. m.]

[Divesting Order 62]

PATENT OF GENERAL ELECTRIC COMPANY

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

1. Having, on October 2, 1942, vested, by Vesting Order No. 205, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

Patent application identified as follows:

Serial Number, Filing Date, Inventor, and Title

453,491, 7-30-42, H. Stegelitz et al., Circuit breaker fluid pressure operated system.

2. Having determined, before issuing said Vesting Order No. 205, that the said property was property of Hans Stegelitz and Wilhelm Schreiner and that Hans Stegelitz and Wilhelm Schreiner were residents of Germany and were nationals of a foreign country (Germany);

3. Finding that such application is for the reissue of patent number 2,281,337, issued April 28, 1942;

4. Having thereafter received an executed claim by or on behalf of General Electric Company, a corporation of New York, having its principal place of business at Schenectady, New York, hereinafter called claimant, in which it was recited that the property identified in subparagraph 1 hereof was on the date of vesting owned by the said claimant, subject, however, to certain rights in Allgemeine Elektricitats Gesellschaft, including the right to a reassignment of such application upon termination of an agreement between General Electric Company and Allgemeine Elektricitats Gesellschaft;

5. Finding that an instrument of assignment of the application resulting in the aforesaid patent from Hans Stegelitz and Wilhelm Schreiner to claimant was dated February 15, 1938 and was recorded in the United States Patent Office on February 26, 1938 at Liber B174, Page 525;

6. Finding that, by Vesting Order No. 1243, dated April 20, 1943, the rights of Allgemeine Elektricitats Gesellschaft in the agreement identified in subparagraph 4 hereof were vested in the Alien Property Custodian;

7. Finding, as a result of further investigation conducted subsequent to the date of vesting, that said property and all right, title and interest therein, saving and excepting the rights of Allgemeine Elektricitats Gesellschaft identified in subparagraph 4 hereof, were at the time or vesting owned by claimant, and that the said claimant was at that time and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business within the United States;

8. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

9. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

10. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

11. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

12. Determining that the error committed in vesting such property should be corrected

by assigning and conveying said property to said claimant, subject to the rights formerly held by Allgemeine Elektricitats Gesellschaft identified in subparagraph 4 hereof, and that such disposition of said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the property identified in subparagraph 1 hereof be assigned to claimant subject to the rights of the Alien Property Custodian by virtue of the vesting referred to in subparagraph 6 hereof.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof, subject, however, to all the rights vested in the Alien Property Custodian by virtue of Vesting Order No. 1243, including the right to a reassignment of such property upon termination of the agreement between General Electric Company and Allgemeine Elektricitats Gesellschaft identified in such vesting order.

Executed at Washington, D. C., on October 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17655; Filed, November 1, 1943; 10:41 a. m.]

[Vesting Order 628]

PIERONI BROS. & CO.

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

1. Finding that Louis Pieroni, Amedeo Pieroni and Brunilde Maddeleni, whose last known addresses were represented to the undersigned as being Lucca, Italy, are citizens of Italy and are nationals of a designated enemy country (Italy);

2. Finding that interests in Pieroni Bros. & Company, a Masachusetts partnership, Boston, Massachusetts, are owned by the aforesaid individuals in the following respective amounts:

Names:	*Interests*
Louis Pieroni	6½/70ths
Amedeo Pieroni	4/70ths
Brunilde Maddeleni	5/70ths
Total	15½/70ths

3. Finding that said partnership is a business enterprise within the United States and that the aforesaid interests constitute a substantial part (namely, 22.142%) of the outstanding interests in said business enterprise;

4. Determining, therefore, that said business enterprise is a national of a foreign country (Italy);

5. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Louis Pieroni, Amedeo Pieroni and Brunilde Maddeleni, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them or any of them by said Pieroni Bros. & Company, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and collect such obligations,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

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

7. Having determined, and certified to the Secretary of the Treasury, that it is necessary in the national interest with respect to such business enterprise (a) to provide for the protection of the property, and (b) to vest;

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

9. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the interests described in subparagraph 2 hereof, and the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

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

Executed at Washington, D. C., on January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17641; Filed, November 1, 1943; 10:39 a. m.]

[Vesting Order 629]

PIERONI BUILDING TRUST

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

1. Finding that Louis Pieroni, Amedeo Pieroni and Brunilde Maddeleni, whose last known addresses were represented to the undersigned as being Lucca, Italy, are citizens of Italy and are nationals of a designated enemy country (Italy);

2. Finding that 310 shares of beneficial interest (having a par value of $100 each) of Pieroni Building Trust, (a Massachusetts Trust) organized under the laws of, and doing business in, the State of Massachusetts, are owned by the aforesaid individuals in the following respective amounts:

Names:	*Number of shares*
Louis Pieroni	130
Amedeo Pieroni	80
Brunilde Maddeleni	100
Total	310

3. Finding that said Pieroni Building Trust is a business enterprise within the United States and that said 310 shares of beneficial interest constitute a substantial part (namely, 22.142%) of all outstanding shares of beneficial interest of said business enterprise and represent an interest therein;

4. Determining, therefore, that said business enterprise is a national of a foreign country (Italy);

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

6. Having determined, and certified to the Secretary of the Treasury, that it is necessary in the national interest with respect to such business enterprise (a) to provide for the protection of the property, and (b) to vest;

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

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of beneficial interest described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein

shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17642; Filed, November 1, 1943; 10:39 a. m.]

[Vesting Order 630]

PIERONI INC.

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

1. Finding that Louis Pieroni, Amedeo Pieroni and Brunilde Maddeleni, whose last known addresses were represented to the undersigned as being Lucca, Italy, are citizens of Italy and are nationals of a designated enemy country (Italy);

2. Finding that 155 shares of no par value common capital stock of Pieroni Inc., a Massachusetts corporation, Boston, Massachusetts, are owned by the aforesaid individuals in the following respective amounts:

Names:	*Number of shares*
Louis Pieroni (registered in the name of Louis Pieroni)	65
Amedeo Pieroni (registered in the name of Amedeo Pieroni)	40
Brunilde Maddeleni (registered in the name of Amedeo Pieroni)	50
Total	155

3. Finding that said corporation is a business enterprise within the United States and that said 155 shares of stock constitute a substantial part (namely, 22.142%) of all outstanding capital stock of said business enterprise and represent an interest therein;

4. Determining, therefore, that said business enterprise is a national of a foreign country (Italy);

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

6. Having determined, and certified to the Secretary of the Treasury, that it is necessary in the national interest with respect to such business enterprise (a) to provide for the protection of the property, and (b) to vest;

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

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of stock described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

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

Executed at Washington, D. C., on January 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 43-17643; Filed, November 1, 1943; 10:40 a. m.]

[Vesting Order 2025]

HEINRICH PFERDMENGES

Agreement between Heinrich Pferdmenges and C. F. Dulken.

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

1. That Heinrich Pferdmenges, whose last address was Gresenkirchen Ber Rheydt, Germany, is a national of a designated enemy country (Germany);

2. That the property described in subparagraph 3 hereof is property within the United States owned by Heinrich Pferdmenges;

3. That the property described as follows: All interests and rights (including all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in Heinrich Pferdmenges by virtue of an agreement dated June 24, 1933 (including all modifications thereof and supplements thereto, if any) by and between Heinrich Pferdmenges and C. F. Dulken, is property of a national of a designated enemy country (Germany); and determining

4. That to the extent such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

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

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

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

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

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

Executed at Washington, D. C., on August 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17644; Filed, November 1, 1943; 10:40 a. m.]

[Vesting Order 2162]

AMERICAN WINE COMPANY

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

1. Finding that Henkell & Co., whose principal place of business is Wiesbaden, Germany, is a corporation organized under the laws of Germany and is a national of a designated enemy country (Germany);

2. Finding that Securitas, S. A., whose principal place of business is Buenos Aires, Argentina, is a corporation organized under the laws of Argentina;

3. Finding that Combined Investment Corporation, whose principal place of business is Wilmington, Delaware, is a corporation organized under the laws of the State of Delaware;

4. Determining that Securitas, S. A. and Combined Investment Corporation are, and each of them is, acting for and on behalf of and as a cloak for Henkell & Co. and therefore are nationals of a designated enemy country (Germany);

5. Finding that American Wine Company is a corporation organized under the laws of and doing business in the State of Missouri and is a business enterprise within the United States;

6. Finding that 135,000 shares of $1 par value capital stock of American Wine Company are registered in the names of the corporations listed below in the number appearing opposite each name and are beneficially owned by Henkell & Co.:

Names:	*Number of shares*
Combined Investment Corporation	125,000
Securitas, E. A.	10,000
Total	135,000

7. Finding that said 135,000 shares constitute a substantial part (namely, 51.92%) of all of the issued and outstanding capital

stock of American Wine Company and are evidence of control of American Wine Company;

8. Determining, therefore, that American Wine Company is a national of a designated enemy country (Germany);

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

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

11. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 135,000 shares of stock described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of said American Wine Company to the extent deemed necessary or advisable from time to time by the undersigned.

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

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

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

Executed at Washington, D. C., on September 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 43-17657; Filed, November 1, 1943; 10:40 a. m.]

[Vesting Order 2256]

WATARU KITAGAWA

Re: Note, deed of trust and bank account owned by Wataru Kitagawa.

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

1. That the last known address of Wataru Kitagawa is Kochi-shi Nishiki Kawa-Cho, 51-Banchi, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Wataru Kitagawa is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A certain deed of trust and note executed by Hiroshi Ioki on March 3, 1939, in favor of the Uchida Investment Company and recorded in the Recorder's Office of Los Angeles County, California, on March 13, 1939, in Liber 16449 of Official Records, page 213, and assigned to Wataru Kitagawa by an unrecorded assignment dated March 18, 1939, and any and all obligations secured by said deed of trust, including but not limited to all security rights in and to any or all collateral (including the aforesaid deed of trust) for any or all of such obligations and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations, and

b. All right, title, interest and claim of Wataru Kitagawa in and to the sum of $300, constituting a portion of a certain bank account in the California Bank, 863 San Pedro Street, Los Angeles, California, which is due and owing to, and held for and in the name of Wataru Kitagawa, including but not limited to all security rights in and to any and all collateral for any or all of such accounts or portion thereof, and the right to enforce and collect the same,

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

And determining that the property described in subparagraph 3-b above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

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

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

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

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

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

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17658; Filed, November 1, 1943; 10:40 a. m.]

[Vesting Order 2423]

ESTATE OF FRANCES C. SELTER

In re: Estate of Frances C. Selter, deceased; File No. D-9-100-66-788; E. T. sec. 4952.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by City Bank Farmers Trust Company, 42nd Street and Madison Avenue, New York, New York, Executor, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of New York,

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Francesca M. Lodor, Milano, Italy.
Herbert Raymond Lodor, Milano, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Francesca M. Lodor in and to the Estate of Frances C. Selter, deceased;

All right, title, interest and claim of any kind or character whatsoever of Herbert Raymond Lodor in and to the trust created under the will of Frances C. Selter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

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

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

Dated: October 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17646; Filed, November 1, 1943; 10:39 a. m.]

[Vesting Order 2424]

ESTATE OF ARTURO SIMI

In re: Estate of Arturo Simi, deceased; File D-38-1192; E. T. sec. 5298.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bank of America National Trust and Savings Association, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco:

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy; namely,

Nationals and Last Known Address

Gaetano Simi, Italy.
Ugo Simi, Italy.
Dina Simi, Italy.
Anna Simi, Italy.
Nila Simi, Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Gaetano Simi, Ugo Simi, Dina Simi, Anna Simi, and Nila Simi, and each of them, in and to the Estate of Arturo Simi, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

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

Dated: October 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17647; Filed, November 1, 1943; 10:39 a. m.]

[Vesting Order 2425]

ESTATE OF MARIA TUCCORI

In re: Estate of Maria Tuccori, deceased; File D-38-2833; E. T. sec. 7940.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Guido Lenci, Executor, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National and Last Known Address

Natalina Torre, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Natalina Torre in and to the estate of Maria Tuccori, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

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

Dated: October 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17648; Filed, November 1, 1943; 10:39 a. m.]

[Vesting Order 2426]

ESTATE OF JITSUGORO YAMADA

In re: Estate of Jitsugoro Yamada, deceased; File D-39-14868; E. T. sec. 4832.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ben H. Brown, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan; namely,

Nationals and Last Known Address

Heirs at law and next of kin, names unknown, of Jitsugoro Yamada, deceased, Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Heirs at law and next of kin, names unknown, of Jitsugoro Yamada, deceased, and each of them, in and to the Estate of Jitsugoro Yamada, deceased

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

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

Dated: October 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17649; Filed, November 1, 1943; 10:39 a. m.]

[Vesting Order 2025, Amdt.]

Vesting Order Number 2025 is hereby amended as follows and not otherwise:

By substituting, in subparagraph 1 thereof the name "Giesenkirchen Bei Rheydt" for the name "Gresenkirchen Ber Rheydt".

All other provisions of said Vesting Order Number 2025 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17656; Filed, November 1, 1943; 10:40 a. m.]

[Vesting Order 2227, Amdt.]

ESTATE OF MARGARET ROBLING

In re: Estate of Margaret Robling, deceased; File D-28-4124; E. T. sec. 7066.

Whereas, the name of one of the nationals of a designated enemy country, Germany, listed in Finding No. 2 of Vesting Order Number 2227 is erroneously spelled "Anna Maria Wupperfuhrt nee Werre" in the last line on page one of said Vesting Order, and the correct spelling of the name of this national is "Anna Maria Wipperfuhrt nee Werre",

Now, therefore, Vesting Order Number 2227 is hereby amended to read as follows and not otherwise:

The name "Anna Maria Wipperfuhrt nee Werre" is substituted in the place and stead of the name "Anna Maria Wupperfuhrt nee Werre" in the last line on page one.

All other provisions of such Vesting Order Number 2227 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: October 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-17645; Filed, November 1, 1943; 10:39 a. m.]

[Vesting Order 2285]

ESTATE OF FREDERICK PRUSEIT

Correction

In F.R. Doc. 16308, appearing at page 13763 of the issue for Thursday, October 7, 1943, the paragraph describing property and interest vested, appearing in the first column of page 13764, should read as follows:

All right, title, interest and claim of any kind or character whatsoever of Wilhelm Pruseit, Edward Pruseit, Karl Pruseit, Ferdinand Pruseit, Max Pruseit, Ernst Pruseit, Karl Pruseit, Fritz Pruseit, and Gertrude Pruseit, and each of them, in and to the estate of Frederick Pruseit, also known as Fred Pruseit, deceased.

[Supp. Admin. Order ODT 1-5]

DELEGATION OF AUTHORITY TO ASSISTANT DIRECTOR, DIVISION OF TRAFFIC MOVEMENT

Pursuant to § 503.5, paragraph (a), subparagraph (4) of Administrative Order ODT 1, as amended (8 F.R. 6001 and this issue):

1. Walter Bockstahler, Assistant Director, Division of Traffic Movement, Office of Defense Transportation, is hereby authorized to execute and issue, in his discretion and subject to such terms and conditions as he may prescribe, and in the name of the Director of the Office of Defense Transportation, special permits as provided by § 500.73 of General Order ODT 18A (8 F.R. 14477), or as said order may be hereafter amended, revised, or reissued.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Division of Traffic Movement, Office of Defense Transportation.

Issued at Washington, D. C., this 1st day of November, 1943.

HENRY F. MCCARTHY,
Director,
Division of Traffic Movement.

[F. R. Doc. 43-17675; Filed, November 1, 1943; 11:12 a. m.]

[Supp. Order ODT 20A-33]

BENTON HARBOR, MICH., AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Benton Harbor, Michigan, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

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

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

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

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

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor,

[1] Filed as part of the original document.

may make application in writing to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-33" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Chicago, Illinois.

8. This order shall become effective November 15, 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 1st day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Twin City Cabs, St. Joseph, Michigan.
City Cab Company, Benton Harbor, Michigan.

[F. R. Doc. 43-17679; Filed, November 1, 1943; 11:12 a. m.]

[Suppl. Order ODT 20A-34]

TALLAHASSE, FLA., AREA

COORDINATED OPERATIONS OF CERTAIN TAXICAB OPERATORS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Tallahassee, Florida, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

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

2. No supervisor or checker employed by the operators and no person or persons representing the operators pursuant to paragraph 4 (d) of the plan shall use coercive methods in effectuating compliance with the plan or with rules and regulations promulgated pursuant to paragraph 4 (d) and paragraph 4 (f) of the plan, and each such supervisor, checker, person or persons shall report to the Office of Defense Transportation all violations of orders issued by the Office of Defense Transportation applicable to taxicabs or of rules and regulations issued by the operators which may be observed by them. No operator participating in the plan shall be denied or refused further participation without the prior approval of the Office of Defense Transportation.

3. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

4. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed as including the action specified in rule (6) of paragraph 4 (d) of Appendix 2.

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

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

7. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 20A-34" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Atlanta, Georgia.

9. This order shall become effective November 15, 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 1st day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Leo G. Carroway, 105 W. Pensacola St., Tallahassee, Fla.
N. L. Sewell, 657 W. Pensacola St., Tallahassee, Fla.
D. L. Anderson, 105 W. Pensacola St., Tallahassee, Fla.
P. P. Green, 105 W. Pensacola St., Tallahassee, Fla.
Joe Granger, 105 W. Pensacola St., Tallahassee, Fla.
Thomas D. Sparkman, 105 W. Pensacola St., Tallahassee, Fla.
D. D. Barfield, 110½ S. Adams St., Tallahassee, Fla.
G. S. Chesser, 647 W. 4th Ave., Tallahassee, Fla.
Herman Sims, 1126 Gibbs Drive, Tallahassee, Fla.
Jack A. Brantley, 1612 N. Boulevard, Tallahassee, Fla.
Irvin Johnson, 406 W. 7th Ave., Tallahassee, Fla.
Bill Sauls, 1304 N. Monroe St., Tallahassee, Fla.
J. F. Sessions, 111 E. Call St., Tallahassee, Fla.
Douglas Pichard, Route 2, Box 143 D, Tallahassee, Fla.
T. M. Jackson, Route 4, Box 817, Tallahassee, Fla.
Mrs. Cassie McCordel, Route 4, Box 89A, Tallahassee, Fla.
L. A. Parker, 133 N. Monroe, St., Tallahassee, Fla.
H. C. Kelley, 133 N. Monroe St., Tallahassee, Fla.
H. D. Jones, 133 N. Monroe St., Tallahassee, Fla.
Roy Callahan, 133 N. Monroe St., Tallahassee, Fla.
W. L. Callahan, 133 N. Monroe St., Tallahassee, Fla.
Mrs. Earl P. Peppers, Route 5, Box 98, Tallahassee, Fla.
Luther Kelly, 133 N. Monroe St., Tallahassee, Fla.
J. C. Trotman, 208 Blount St., Tallahassee, Fla.
Steve Dobson, 218 W. Madison St., Tallahassee, Fla.
H. H. Ivey, Box 304, Tallahassee, Fla.

[F. R. Doc. 43-17680; Filed, November 1, 1943; 11:12 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under MPR 291]

CERTAIN SYRUPS AND MOLASSES

AUTHORIZATION OF ADJUSTABLE PRICING

Order No. 3 under § 1351.1361 of Maximum Price Regulation No. 291. Certain

[1] Filed as part of the original document.

syrups and molasses. Order authorizing adjustable pricing.

A petition for amendment to Maximum Price Regulation 291 requiring extensive consideration and requesting changes in the applicable maximum prices set out therein is pending. In addition thereto, requests have been received from sellers of cane syrup covered by that regulation and from sellers of first and second molasses, maximum prices for which are still determined under the General Maximum Price Regulation, for increases in maximum prices and for an order permitting adjustable pricing upon deliveries made during the pendency of action upon the petition and requests. Producers of Georgia cane syrup and Louisiana cane syrup, as well as producers of first molasses and second molasses (boilbacks) are reluctant to carry on production and distribution pending the consideration of the petition and requests. Sales in the industry, which is now in its period of seasonal production, have almost completely ceased.

The Administrator has found that authority to use adjustable pricing pending final action on the petition and the requests for increases in the maximum prices of Louisiana cane syrup, Georgia cane syrup, first molasses and second molasses is necessary to promote the production and distribution of these essential products. It is further found that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. Therefore, in accordance with § 1351.1361 of Maximum Price Regulation 291 and in accordance with § 1499.19a of the General Maximum Price Regulation, as amended: *It is ordered*, That:

(a) Producers of Louisiana cane syrup and Georgia cane syrup subject to Maximum Price Regulation No. 291 and producers of first molasses and second molasses (boilbacks) subject to the General Maximum Price Regulation may sell and deliver and purchasers may buy and receive Louisiana cane syrup, Georgia cane syrup, first molasses and second molasses (boilbacks) at prices to be adjusted upward after delivery to amounts for each not to exceed the maximum price on each established at the time of final action by the Administrator upon pending petitions and requests for changes in maximum prices, such action to be taken by denial of petition and requests or amendment to Maximum Price Regulation 291. Prior to such final action no payment for any of these commodities shall be made or received in excess of the maximum prices prevailing at the time of delivery.

(b) This order shall automatically be revoked upon the change by the Office of Price Administration of maximum prices for producers' sales of Louisiana cane syrup, Georgia cane syrup, first molasses or second molasses or upon denial of the petition and requests. It may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 30, 1943.

Issued this 30th day of October 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-17614; Filed, October 30, 1943; 4:30 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

THE RENAUD CORPORATION

FINDINGS AND ORDER REVOKING REGISTRATION

In the matter of the Renaud Corp., 120 Liberty Street, New York, N. Y.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of October A. D., 1943.

1. The Renaud Corporation (the "registrant") is registered as a dealer pursuant to section 15 of the Securities Exchange Act of 1934.

2. The Commission, on the basis of facts reported to it, instituted a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of the registrant should be revoked.

3. After due notice a hearing was held before a trial examiner. The registrant did not appear and was not represented at the hearing, but it acknowledged in writing service of adequate notice, waived a hearing, and requested the withdrawal of its registration.

4. The trial examiner filed an advisory report in which he found that on May 25, 1943, a judgment was entered in the Su reme Court of the State of New York permanently enjoining the registrant (and its principal officer and sole stockholder, Alfred R. Risse), among other things, from engaging in the sale of securities within and from the State of New York. This injunction was based upon a complaint by the Attorney General of New York charging (among other things) that the registrant had misappropriated customers' funds, converted their securities to its own use and benefit, and had otherwise defrauded customers in that it was operating while insolvent and concealed its insolvency. The decree was entered on the consent of the registrant.

5. On an independent review of the record, we adopt the trial examiner's findings and find further that revocation of the registration of The Renaud Corporation as a dealer is in the public interest, and that the registrant's request for withdrawal from registration should be denied.

On the basis of the foregoing, and pursuant to section 15 (b) of the Securities Exchange Act of 1934,

It is ordered, That the registration of The Renaud Corporation as a dealer be, and it hereby is, revoked, and that the request of The Renaud Corporation to withdraw its registration as a broker be, and it hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-17542; Filed, October 29, 1943; 10:51 a. m.]

G. L. OHRSTROM & CO.

ORDER GRANTING APPLICATION

In the matter of George Lewis Ohrstrom doing business as G. L. Ohrstrom & Co., 40 Wall Street, New York, New York.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of October, A. D., 1943.

George Lewis Ohrstrom, doing business as G. L. Ohrstrom & Co., having filed an application for registration as a broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934;

Proceedings having been instituted pursuant to an order of the Commission to determine whether or not such registration should be denied, a hearing having been held after appropriate notice, and the Commission having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion, that such registration be and it hereby is permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-17543; Filed, October 29, 1943; 10:51 a. m.]

HERMANN GRAEN & CO., INC.

ORDER DENYING EFFECTIVENESS TO NOTICE OF WITHDRAWAL AND REVOKING REGISTRATION

In the matter of Hermann Graen & Co., Inc., 401 Broadway, New York, New York.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of October, A. D., 1943.

The Commission having by order instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934, to determine whether the registration of Hermann Graen & Co., Inc. as a broker and dealer should be revoked, or whether Hermann Graen & Co., Inc. should be permitted to withdraw its registration;

Hearings having been held after appropriate notice, and the Commission having this day filed its findings and opinion;

It is ordered, On the basis of said findings and opinion, that the registration of Hermann Graen & Co., Inc. as a broker-dealer be, and it hereby is, revoked, and that the notice of withdrawal of registration of the said Hermann Graen & Co., Inc. as a broker-dealer be, and it hereby is, denied effectiveness.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-17544; Filed, October 29, 1943; 10:51 a. m.]

[File No. 70-800]

OKLAHOMA GAS AND ELECTRIC COMPANY

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of October 1943.

Oklahoma Gas and Electric Company, a subsidiary of Standard Gas and Electric Company, and Standard Gas and Electric Company, a registered holding company, having filed joint applications and declarations pursuant to sections 6 (a), 7, 10, 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-44, and U-45 of the rules and regulations promulgated thereunder regarding the following transactions:

1. Oklahoma Gas and Electric Company will purchase from Standard Gas and Electric Company for cash 25,900 shares of its own common stock having an aggregate par value of $2,590,000;

2. Standard Gas and Electric Company will immediately deliver to Oklahoma Gas and Electric Company $2,593,703.73 in cash in full payment of all stock discount on all classes of the outstanding stock of Oklahoma Gas and Electric Company, and the latter company will use such cash to eliminate from its balance sheet an account in like amount entitled, "Commissions and Expenses on Original Issuance of Preferred Stock and on Sales of Reacquired Preferred Stock";

3. Standard Gas and Electric Company will deliver to Oklahoma Gas and Electric Company as a capital contribution 16,000 shares of the common stock of Oklahoma Gas and Electric Company having an aggregate par value of $1,600,000 which contribution will be credited to capital surplus;

4. Oklahoma Gas and Electric Company will issue and sell serial notes maturing in not more than ten years in the principal amount of $6,500,000 to private purchasers and use the proceeds thereof, together with other cash, to redeem its 4% debentures in the principal amount of $6,650,000;

5. Oklahoma Gas and Electric Company will redeem all of its outstanding Six Per Cent Cumulative Preferred Stock having an aggregate par value of $2,231,700 at its redemption price of $110 per share plus dividends accumulated and unpaid at the redemption date;

6. Oklahoma Gas and Electric Company will retire and cancel the 41,900 shares of its reacquired common stock;

7. Oklahoma Gas and Electric Company will reduce the par value of its common stock from $100 per share to $20 per share, will reclassify each remaining share of its common stock having a par value of $100 per share into five shares of common stock having a par value of $20 per share, and will increase the voting rights of its 7% cumulative preferred stock from one to five votes per share.

A public hearing having been held, after appropriate notice, upon said applications and declarations; and an amendment containing certain stipulations by Oklahoma Gas and Electric Company with respect to its capital and earned surplus and with respect to its Trust Indenture dated December 1, 1936, having been filed to said applications and declarations; and

The Commission having found that the consummation of so much of the aforesaid transactions as are specified in paragraphs 1, 2, 3, 6, and 7 above is necessary to effectuate the provisions of section 11 (b) (1) of the Act, and the Commission having considered the record and made and filed its findings and opinion herein;

It is ordered, That said applications and declarations, as amended, are, hereby, respectively, granted and permitted to become effective, subject to the conditions prescribed by Rule U-24.

It is further ordered, That the order of the Commission dated August 14, 1941, File No. 59-9, directing certain action to be taken by Standard Gas and Electric Company, pursuant to section 11 (b) (1) of said Act, including the divestment by Standard Gas and Electric Company of its interest in Oklahoma Gas and Electric Company, be, and hereby is supplemented and amended so as to include the following requirements:

Standard Gas and Electric Company and Oklahoma Gas and Electric Company are ordered and directed to take the action specified in paragraphs 1, 2, 3, 6, and 7 above as preliminary steps to the divestment by Standard Gas and Electric Company of its interest in Oklahoma Gas and Electric Company, and such steps are found to be necessary to effectuate the provisions of section 11 (b) (1) of the Act.

It is further ordered, That jurisdiction be and the same hereby is reserved for the purpose of taking such further action as the Commission may deem necessary and appropriate in the event Oklahoma Gas and Electric Company fails to amend its Trust Indenture dated December 1, 1936, to the Continental Illinois National Bank and Trust Company of Chicago, Trustee, in accordance with the stipulations contained in the amendment to said applications and declarations.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 43-17635; Filed, November 1, 1943; 10:09 a. m.]

[File Nos. 54-45; 59-48]

SOUTHERN UNION GAS COMPANY, ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of October A. D. 1943.

The Commission having by order dated September 19, 1942, entered pursuant to section 11 of the Public Utility Holding Company Act of 1935, directed, pursuant to section 11 (b) (1) of said Act, that Southern Union Gas Company (formerly named Texas Southwestern Gas Company), a registered holding company, divest itself of all its interest in, and of all ownership and control of, certain companies and certain properties designated in said order, and the order having provided that such divestment should be effective within one year from said date, unless such time should be further extended by the Commission; and

Southern Union Gas Company having filed an application requesting an extension of time for one year within which to comply with the divestment provisions of said order of September 19, 1942; and

The Commission having found that Southern Union Gas Company has been unable in the exercise of due diligence to comply with the divestment provisions of said order within the initial statutory period of one year from the date thereof, and that a limited extension of time is necessary and appropriate in the public interest and for the protection of investors and consumers; and that under the circumstances an extension shall be granted for a period of six months;

It is ordered, That Southern Union Gas Company be and it is hereby granted an additional period of six months from September 19, 1943 within which to comply with said provisions of said order of September 19, 1942, without prejudice, however, to the respondent to apply for an additional extension if the circumstances warrant.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-17636; Filed, November 1, 1943; 10:09 a. m.]

[File No. 812-336]

GENERAL CAPITAL CORPORATION AND OLD COLONY INVESTMENT TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of October, A. D. 1943.

General Capital Corporation ("General"), a registered open-end investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 22 (d) of said Act to permit the consummation of a proposed transaction with Old Colony Investment Trust ("Old Colony"), a registered closed-end investment company, in which General proposes to issue its shares without the imposition of a sales load.

The proposed transaction is part of a proposed plan of reorganization of both investment companies, which, in effect, will result in their combination. Under the terms of the proposed plan of reorganization, Old Colony is to call for redemption all of its outstanding debentures and is to pay or make provision for the payment of all of its liabilities other than liabilities to its shareholders as such. Thereafter, all of Old Colony's remaining assets (except a small cash reserve) will be transferred to General in

exchange for shares of General which, taken at net asset value, will equal the market value of the assets transferred. Old Colony will then liquidate and distribute the shares of General to its shareholders. Adjustments for fractional shares will be made from the cash reserve.

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on November 10, 1943, at 10:00 a. m., e. w. t., in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to General Capital Corporation, Old Colony Investment Trust and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-17637; Filed, November 1, 1943; 10:03 a. m.]