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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

EXAMINATIONS

Section 18.1 *Examinations* is amended to read as follows:

§ 18.1 *Examinations.* * * *

(b) Competitive examinations for original appointment will be held at such times and places and in such manner as the needs of the service require. From applicants granted ten-point preference, the Commission will accept at any time applications for examinations for which there are existing lists or for which lists are about to be established. From applicants granted five-point preference, the Commission will accept at any time within six months after their discharge from the armed services their applications for examinations for which there are existing lists or for which lists are about to be established. Examinations reopened for preference applicants will be scheduled as the needs of the service require but in any case not less frequently than once each month.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL, *President.*

NOVEMBER 18, 1943.

[F. R. Doc. 43-18744, Filed, November 22, 1943; 11:40 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[Bulletin NSCP-801]

PART 706—NAVAL STORES CONSERVATION PROGRAM

REVOCATION OF PROGRAM

By virtue of authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 (8 F.R. 3807), as amended by Executive Order No. 9334 (8 F.R. 5423), the order promulgating the Naval Stores Conservation Program for 1944, issued the 4th day of November 1943 (8 F.R. 15303), is hereby revoked and that program shall not become operative until further notice.

(49 Stat. 1148, 1915; 50 Stat. 329, 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 16 U.S.C. 1940 ed. 590g-590q; E.O. 9322 and E.O. 9334; 54 Stat. 676)

Issued at Washington, D. C. this 20th day of November, 1943.

WILSON COWEN, *Assistant War Food Administrator.*

[F. R. Doc. 43-18751; Filed, November 22, 1943; 11:34 a. m.]

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

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

DETERMINATION OF EQUIVALENT PRICE FOR ANIMAL FEED DRY SKIM MILK

Pursuant to § 927.10 of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, it is hereby determined that the price equivalent of hot roller process dry skim milk for "other brands, animal feed, carlots, bags, or barrels," as used in § 927.4 (a) (15) of the said order, is 9.60 cents per pound, and the market administrator under such order shall use such price in December 1943 in the computation of the price of Class V-B milk (as defined in such order), pursuant to § 927.4 (a) (15) of the order, for milk delivered in November 1943.

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

Issued at Washington, D. C., this 20th day of November 1943.

THOMAS J. FLAVIN, *Assistant to the War Food Administrator.*

[F. R. Doc. 43-18747; Filed, November 22, 1943; 11:34 a. m.]

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PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

DETERMINATION OF EQUIVALENT PRICE FOR ANIMAL FEED DRY SKIM MILK

Pursuant to § 927.10 of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, it is hereby determined that the price equivalent of hot roller process dry skim milk for "other brands, animal feed, carlots, bags, or barrels," as used in § 927.2 (e) (1) of the said order, is 9.64 cents per pound, and the market administrator under such order shall use such price in the computation and announcement of prices, pursuant to § 927.2 (e) (1)) of the order for Class I milk delivered in December 1943.

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

Issued at Washington, D. C., this 20th day of November 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-18746; Filed, November 22, 1943; 11:34 a. m.]

PART 961—MILK IN THE PHILADELPHIA, PA., MARKETING AREA

DETERMINATION OF EQUIVALENT PRICE FOR ANIMAL FEED DRY SKIM MILK

Pursuant to § 961.10 of the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, it is hereby determined that the price equivalent of hot roller process dry skim milk for "other brands, animal feed," as used in §§ 961.4 (a) (2) (ii) is 9.60 cents per pound, and the market administrator under such order shall use such price in calculating the Class II price for the month of November 1943, pursuant to § 961.4 (a) (2) of the order.

(E.O. 9322, 8 F.R. 3907; E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 20th day of November 1943.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 43-18748; Filed, November 22, 1943; 11:34 a. m.]

Chapter X—War Food Administration (Production Orders)

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

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Supplementary Order No. 1,[1] issued under Food Production Order No. 14,[2] is hereby amended as follows:

[1] 8 F.R. 13221, 13966.
[2] 8 F.R. 13217, 13283.

Paragraph (b) of § 1202.304 is amended to read:

(b) On or before November 5, 1943, each manufacturer shall make a written report, in the form set forth in Exhibit C attached hereto, to the State USDA War Board for each State with respect to the units of Schedule I equipment reported by him to the Director for distribution in such State pursuant to paragraph (a) of this section. Such report shall show the manufacturer's proposed distribution of such equipment by counties. This report is sometimes hereinafter referred to as the "county distribution plan." The State USDA War Board may, on or before December 10, 1943, change a county distribution plan by not more than 10 percent of the units of each type of equipment, but changes affecting more than 10 percent of any type of equipment may be made with the consent of the manufacturer. (This authority to change a county distribution plan shall not be construed to permit an increase in the total number of units of any type of equipment to be transferred in any State under such plan.) On or before December 10, 1943, the State USDA War Board shall notify the manufacturer of any change in his county distribution plan or that it will make no such change. (Other changes in a county distribution plan may be made under the provisions of paragraph (c) (2) of § 1202.305.)

Paragraph (d) of § 1202.304 is amended to read:

(d) On or before November 26, 1943, each State USDA War Board shall authorize each county farm rationing committee within the State to issue, beginning December 1, 1943, a specified number of purchase certificates for each type of Schedule I equipment. This authorization, however, shall not be more than the total number of units of such equipment which the State USDA War Board determines will probably be available for such county according to the county distribution plans. On or before December 15, 1943, each State USDA War Board shall notify each county farm rationing committee within the State of the number of units of each type of Schedule I equipment expected to be available for such county according to the county distribution plans. After receiving such notification no county farm rationing committee shall issue any purchase certificates (including purchase certificates issued on and after December 1, 1943) for such type of Schedule I equipment in excess of such number unless expressly permitted to do so by its State USDA War Board. The State USDA War Boards are hereby authorized to grant such permission.

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

Issued this 20th day of November 1943.

GROVER B. HILL,
War Food Administrator.

[F. R. Doc. 43-18750; Filed, November 22, 1943; 11:34 a. m.]

[FPO 13, Rev. 1]

PART 1226—ROTENONE INSECTICIDE

AGRICULTURAL USE OF ROTENONE INSECTICIDE

Section 1226.1 is hereby revised and amended in its entirety to read as follows:

§ 1226.1 *Rotenone insecticide*—(a) *What this order does.* This order tells how farmers and others may obtain rotenone insecticide for agricultural use, and also to what particular agricultural uses rotenone insecticide may be applied.

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

(1) "Rotenone insecticide" means any compound containing rotenone or the other active ingredients derived from the roots of derris, cubé, barbasco, tuba, or timbo, combined with other liquid or dry materials, either active or inert, which compound is suitable for use as an insecticide.

(2) "Dealer" means any person engaged in selling rotenone insecticide to any other person for use.

(3) "Person" means any individual, partnership, corporation, association, business trust, or any organized group of persons whether incorporated or not. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(4) "Director" means the Director of the Office of Materials and Facilities of the War Food Administration.

(c) *Permitted agricultural uses of rotenone insecticide.* (1) Agricultural use of rotenone insecticide is permitted for one or more of the following purposes only:

(i) *Commercial crops.* Peas (food, seed, and Austrian)—for the pea weevil and the pea aphid.

Cabbage and other cole crops—for worms, aphids, flea beetles, and harlequin bug.

Beans—for bean beetles.

Asparagus—for asparagus beetles on market shoots.

Sweet corn—for European corn borer.

Peaches, grapes, and small fruits—for Japanese beetle.

Strawberries—for spittle bug.

Raspberries and other brambles—for raspberry fruit worm.

Currants and gooseberries—for gooseberry fruit worm.

Cherries—for fruit fly.

Blueberries—for blueberry maggot.

(ii) *Non-commercial crops.* Vegetables and small fruits—for insects and mites in farm, home, and Victory gardens.

(iii) *Animal uses.* Cattle—for cattle grub and cattle lice.

Lambs—for sheep tick.

(iv) *Experimental purposes.* Use by any Federal, State or other established research organization for experimental purposes only.

(v) *Other agricultural uses.* Such other agricultural uses as the Director may authorize.

(2) No person shall purchase, at any one time, for use on non-commercial crops, in farm, home or Victory gardens,

rotenone insecticide in amounts of more than five pounds in a finished dust or one pint in a liquid form.

(3) No person shall use any rotenone insecticide containing more than one-half of one percent of rotenone as a dust on non-commercial crops, in farm, home or Victory gardens, and no person shall, unless authorized by the Director, use any rotenone insecticide containing more than three-fourths of one percent of rotenone for any other use as a dust except for the following:

(i) European corn borer—not more than one percent of rotenone;

(ii) Cattle grub—not more than two and one-half percent of rotenone;

(iii) Experimental uses—any percentage of rotenone content.

Rotenone dusts or powders with a rotenone content greater than three-fourths of one percent may be diluted in water by the user and applied as a spray or wash. Any person may use rotenone insecticides containing other active ingredients, activators or wetting agents.

(4) The preservation and conservation of any "food" as defined by paragraph 10 of Executive Order 9280, dated December 5, 1942, by the use of rotenone insecticide shall be deemed an agricultural use.

(d) *Restrictions on manufacturing and processing of rotenone.* The allocations to and uses by manufacturers and processors of rotenone and limitations upon the packaging and labelling of processed rotenone insecticide are not the subject of this order, but are regulated by War Production Board Conservation Order M-133, as amended.

(e) *Permitted deliveries of rotenone insecticide for agricultural use.* (1) Except for purchases of rotenone insecticide by a person for an agricultural use amounting to not more than five pounds in a finished dust or more than one pint in liquid form at any one time, no dealer shall deliver any rotenone insecticide to any person for such use unless he receives a certificate from the purchaser in substantially the following form:

The undersigned purchaser hereby certifies to the War Food Administration and to his dealer, pursuant to Food Production Order No. 13, Revision No. 1, that the _____ pounds— _____ of rotenone insecticide described gallons below hereby ordered for delivery in _____, 194__, will be used for the following purposes only _____ Month _____ _____ _____ Description of insecticide _____ _____ _____ _____ *Name of Purchaser.* _____ *Date*

The use which is to be made of the rotenone insecticide and the trade name of the insecticide must be indicated in the certificate. The certificate must be signed by the purchaser. Unless the dealer knows or has reason to believe that the certificate is inaccurate or false, he may rely upon the certificate as proof that the person signing it is entitled to receive rotenone insecticide under this order.

(2) No dealer shall deliver any rotenone insecticide pursuant to this order except in the original unbroken package, and no dealer shall deliver rotenone insecticide to any person for use for any purpose other than the uses permitted in paragraph (c) hereof.

(3) No person shall accept the delivery of any rotenone insecticide which he knows or has reason to believe is delivered to him in violation of this order.

(f) *Dealers' records and reports.* Dealers shall keep the certificates required by paragraph (e) (1) hereof on file for not less than two years. Dealers shall make such reports to the Director, concerning the acquisition, sale and delivery of rotenone insecticides as the Director may require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. (The record keeping requirement of this paragraph has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(g) *Audits and inspections.* Each dealer shall, upon request, submit his books, records, and accounts for audit and inspection by duly authorized representatives of the Director.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance with this order would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the relief sought. The Director, upon the basis of such application and other information, may take such action as he deems appropriate. The decision of the Director shall be in writing and shall be final and conclusive.

(i) *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, or who conspires with another person to perform any of such acts, is guilty of a crime and upon conviction may be punished by fine and imprisonment. In addition, any such person, by administrative suspension order, may be prohibited from receiving any deliveries of, or selling or otherwise disposing of, rotenone insecticide or any other material now or hereafter authorized to be rationed or allocated by, or subject to, the priority control of the War Food Administrator, and may be deprived of any priority assistance. Further, the Director may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of this order or any amendment or supplement thereto be denied the right to receive, use, sell or otherwise dispose of any other materials which now are or in the future may be under allocation.

(j) *Delegation of authority.* The administration of this Food Production Order No. 13, Revision No. 1, and the powers of the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director shall be assisted in the administration of this order by such employees of the War Food Administration as he may designate, and such employees are hereby authorized to administer the provisions of this order. The Director may delegate any of the powers conferred upon him by this order to any officer or employee of the War Food Administration.

(k) *Communications with War Food Administration.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the Office of Materials and Facilities, War Food Administration, Washington 25, D. C., Ref. FPO 13.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 9322, 9334, 9392; 7 F.R. 10179, 8 F.R. 3807, 5423, 14783)

Issued this 22d day of November 1943.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 43-18749; Filed, November 22, 1943; 11:34 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 75-2, Amdt. 5]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Director Food Distribution Order No. 75.2, § 1410.18, as amended (8 F.R. 15308), is further amended by inserting, immediately after the term "the War Shipping Administration" in (b) (1) thereof, the term "the Veterans Administration".

This amendment shall become effective at 12:01 a. m., e. w. t., November 22, 1943.

(E.O. 9280, 8 F.R. 10179; E.O. 9322; 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 75, 8 F.R. 11119)

Issued this 17th day of November 1943.

S. R. SMITH,
Acting Director of Food Distribution.

[F. R. Doc. 43-18596; Filed, November 18, 1943; 2:05 p. m.]

[FDO 67, Amdt. 1]

PART 1460—FATS AND OILS

INEDIBLE TALLOW OR GREASE

Pursuant to the authority vested in the War Food Administrator, Food Distribution Order 67 (8 F.R. 10479), issued by the War Food Administrator on July 26, 1943, is amended to read as follows:

§ 1460.27 *Restrictions relating to inedible tallow or grease*—(a) *Definitions.* (1) "Inedible tallow or grease" means all grades and qualities of inedible animal tallows, greases, and stearines produced therefrom; excluding garbage grease, wool (grease) fat, grease (lard) oil, neat's foot oil and stock, stearic acid, and red oil.

(2) "Person" means any individual, partnership, association, business trust,

corporation, or any organized group of persons whether incorporated or not.

(3) "Producer" means any person whose operations result in the production of inedible tallow or grease or a mixture of such products in any form.

(4) "Dealer" means any person who purchases inedible tallow or grease, or mixture of the same, in any form for resale, or who blends or mixes any such products so purchased for resale.

(5) "Manufacturer" means any person who uses inedible tallow or grease in the manufacture of any other product. For the purposes of this order, mixed fatty acids shall be considered as another product.

(6) "Inventory" means all quantities of inedible tallow or grease, owned by a manufacturer, dealer, or producer, and all of the inedible tallow or grease for which he holds a contract for delivery in the future; less the amount of inedible tallow or grease as such, which he has sold but not delivered. The term shall include all inedible tallow or grease, in process up to the point at which it ceases to exist as such, by reason of saponification, neutralization, pressing, distillation, or compounding with nonfatty materials.

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

(8) "Soap" means the water soluble product formed by the saponification or neutralization of fats, oils, rosins, or their fatty acids with organic, sodium or potassium bases, or any detergent composition containing such products.

(9) "Base period" means the period beginning on October 1, 1942 and ending on March 31, 1943.

(10) "Base period production" means the aggregate quantity of inedible tallow or grease produced by a producer during the base period.

(11) "Base period deliveries" means the total quantity of inedible tallow or grease delivered by a dealer to other persons during the base period.

(12) "Base period use" means, with repect to a manufacturer for whom a base period use has not been established under the provisions of paragraph (g) hereof, the total quantity of inedible tallow or grease used by such manufacturer during the base period, or, with respect to a manufacturer for whom a base period use has been established by the Director under the provisions of paragraph (g) hereof, the amount of inedible tallow or grease so established by the Director.

(13) "Commercial quantity" means a tank car, a tank truck, a carload of packages, or a truck load of packages.

(14) "Maximum unit" means the largest, single, segregate, commercial quantity of inedible tallow or grease which a person accepted delivery of during the base period.

(15) "Month" means calendar month.

(16) "Continental United States" means the forty-eight States of the United States and the District of Columbia.

(b) *Restrictions on acceptance of delivery.* (1) Subject to the provisions of paragraph (e) hereof, and except as provided for in paragraph (c) hereof, no manufacturer, other than a manufacturer of soap, shall accept delivery of inedible tallow or grease, unless and except as specifically authorized by the Director.

(2) Applications for authorization to accept delivery of inedible tallow or grease pursuant to the provisions of paragraph (b) (1) hereof, shall be filed on Form FDA-478 with the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref. FDO-67, on or before the fifteenth day of the month preceding the month in which such acceptance of delivery is to be made.

(3) Every manufacturer who has received an authorization pursuant to paragraph (b) (1) hereof to accept delivery of inedible tallow or grease shall attach to, or include in, his purchase order for such inedible tallow or grease a certificate in the following form, properly filled out and executed:

The undersigned hereby certifies to the War Food Administration and to _____ (supplier) that this certificate constitutes a part of an order by him to said supplier for _____ pounds of inedible tallow or grease to be delivered in _____ (month) 19____, that he has been authorized to so accept delivery of such inedible tallow or grease by the Director of Food Distribution, and that such acceptance of delivery by him will not cause his inventory of inedible tallow or grease to exceed the amount he is permitted under the terms of Food Distribution Order 67, as amended.

_____ (Name of purchaser)

By _____ (Authorized official)

_____ (Date)

However, no person shall attach to, or include in, any order for inedible tallow or grease, such a certificate, unless the person giving the order has been authorized by the Director to accept delivery of the inedible tallow or grease covered by the order.

(c) *Exceptions to paragraph* (b). Notwithstanding the provisions of paragraph (b) hereof, specific authorization from the Director shall not be required for the acceptance of delivery of inedible tallow or grease in any month by a manufacturer who does not accept delivery of more than 5,000 pounds of inedible tallow or grease in such month.

(d) *Restrictions on delivery.* No producer or dealer shall deliver inedible tallow or grease during any month to any manufacturer except a manufacturer who has been authorized by the Director to accept delivery under the provisions of paragraph (b) (1) hereof, unless and until he has, before the end of such month, delivered, offered to deliver, or made provision to deliver all inedible tallow or grease which is ordered from him in the period of 20 days immediately prior to the tenth day of such month, by means of any order which is certified in accordance with the provisions of paragraph (b) (3) hereof: *Provided, however,* That no producer or dealer shall be obligated to deliver, offer to deliver, or make provision to deliver on such certified orders in the aggregate, in any month, more inedible tallow or grease than 30% of the total amount of inedible tallow or grease delivered by him in such month, or to make delivery of any quantity of inedible tallow or grease other than a commercial quantity, or in an amount less than the smallest commercial quantity of inedible tallow or grease delivered by him in the base period; and no producer shall be required to deliver, offer to deliver, or make provision to deliver on such certified orders from any one plant operated by him more than 30% of the total deliveries of inedible tallow or grease made by him from such plant in such month.

(e) *Inventory limitations.* Except as provided in paragraph (f) hereof:

(1) No producer shall produce any inedible tallow or grease after the effective date of this amendment which will cause his inventory to exceed an amount equal to 1/12 of his base period production; and

(2) No dealer shall accept delivery of any inedible tallow or grease after the effective date of this amendment which will cause his inventory to exceed an amount equal to 1/12 of his base period deliveries; and

(3) No manufacturer shall after the effective date of this amendment accept delivery of inedible tallow or grease which will cause his inventory to exceed an amount equal to 1/3 of his base period use; and

(4) If a person's operations in inedible tallow or grease are such that under the terms of this order he may be classified as two or more of the following, to wit: a producer, a dealer, or a manufacturer, such person shall not produce or accept delivery of any inedible tallow or grease which will cause his inventory to exceed the largest amount he is permitted to have under one of the foregoing paragraphs hereof, to wit: (e) (1), (e) (2), or (e) (3).

(f) *Exceptions to paragraph* (e). Notwithstanding the provisions of paragraph (e) hereof:

(1) Any producer or dealer who is unable to sell his inedible tallow or grease at the applicable ceiling prices established by the Office of Price Administration may increase his inventory above the applicable inventory limitations of paragraph (e) hereof, and a manufacturer may increase his inventory above the applicable inventory limitations of said paragraph (e) by purchases of inedible tallow or grease at prices below the applicable ceiling prices established by the Office of Price Administration: *Provided, however,* That, if a producer or dealer exceeds the applicable inventory limitations of said paragraph (e) by reason of this exception, he shall not thereafter refuse or fail to deliver inedible tallow or grease to buyers offering to purchase at such ceiling prices until his inventory falls within the applicable inventory limitations of said paragraph (e); and no manufacturer whose inventory exceeds the applicable inventory limitations of said paragraph (e) by reason of purchases made pursuant to this

paragraph (f) (1) shall buy additional inedible tallow or grease at such ceiling prices until his inventory falls within the applicable inventory limitations of said paragraph (e).

(2) Any dealer may accept delivery of his maximum unit, if, at the time of such acceptance of delivery, his inventory does not exceed an amount equal to 1/24 of his base period deliveries.

(3) Any manufacturer may accept delivery of his maximum unit, if, at the time of such acceptance of delivery, his inventory does not exceed an amount equal to 1/6 of his base period use.

(4) Any manufacturer may accept delivery of inedible tallow or grease which was imported into the continental United States from a foreign country by such manufacturer or his agent, and may also accept delivery of inedible tallow or grease from a governmental agency, if such materials were imported into the continental United States from a foreign country, but if any such acceptance of delivery shall cause his inventory to exceed the applicable inventory limitations of paragraph (e) hereof, he shall not thereafter accept delivery of inedible tallow or grease, which was produced in the continental United States, until his inventory falls within the applicable inventory limitations of said paragraph (e).

(g) *Increases in base period use.* Any manufacturer who did not use inedible tallow or grease in the base period, or whose current requirements for such materials are greater than in the base period, may petition the Director in writing for the establishment of a larger base period use. The petition shall set forth all pertinent facts. Upon receipt of the petition the Director shall act thereon by either denying any relief or establishing a larger base period use for the petitioner.

(h) *Intra-company deliveries.* The restrictions of paragraphs (b) and (d) hereof, shall apply not only to transactions, involving delivery or acceptance of delivery, between separate persons who are producers, dealers, or manufacturers, including affiliates or subsidiaries, but to delivery by a branch of a single enterprise engaged in the activities of a "producer" to another branch of the same or any other enterprise under common ownership or control, which is engaged in the activities of a "manufacturer", and also to the acceptance of delivery by any such branch engaged in the activities of a "manufacturer."

(i) *Records and reports.* (1) Every person who makes delivery of inedible tallow or grease pursuant to an order which has been certified in accordance with the provisions of paragraph (b) (3) hereof, shall retain such order and the certificate in connection therewith, for a period of at least two years after the date of such delivery.

(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 inedible tallow or grease.

(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.

(j) *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 inedible tallow or grease 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.

(k) *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. Reference FDO 67. 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.

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

(m) *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.

(n) *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., Reference FDO-67.

(o) *Territorial extent.* This amendment shall apply only in the continental United States.

(p) *Effective date.* This amendment shall become effective at 12:01 a. m., e. w. t., November 20, 1943. However, with respect to violations of said Food Distribution Order 67, or rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 67 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

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

Issued this 17th day of November 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-18597; Filed, November 18, 1943; 2:05 p. m.]

Chapter XII—War Food Administration (Commodity Credit Orders)

[Order 6, Amdt. 1]

PART 1600—OILSEEDS

RESTRICTIONS ON PURCHASES AND USE OF SOYBEANS

Commodity Credit Corporation Order 6 (8 F.R. 12733) issued by the War Food Administrator on September 15, 1943, is hereby amended as follows:

1. By inserting after § 1600.6 (a) (7) the following additional provision:

(8) "Damaged soybeans" includes undamaged soybeans so commingled with damaged soybeans or foreign substances as to make separation impracticable.

2. By inserting after § 1600.6 (f) the following additional provision:

(g) *Purchase and sale of damaged soybeans by insurers.* Notwithstanding any other provision of this order, an insurer of soybeans which are damaged by any casualty, risk or event insured against, and any person acting on behalf of such insurer (all hereinafter called "such insurer"), may purchase and accept delivery of such damaged soybeans. In the event that such damaged soybeans are unsuitable for processing, manufacturing, or planting purposes, such insurer may sell and deliver and any other person may purchase and accept delivery of such damaged soybeans from such insurer and from any owner subsequent to such insurer for use as, manufacture into, and resale as feed or fertilizer.

3. By redesignating paragraphs (g) (h) (i) (j) (k) (l) (m) (n) and (o) as paragraphs (h) (i) (j) (k) (l) (m) (n) (o) and (p), respectively.

Effective date. This amendment shall become effective at 12:01 a. m., e. w. t., November 20, 1943. With respect to violations of said Commodity Credit Corporation Order 6, rights accrued, or liabili-

ties incurred, prior to the effective time of this amendment, said Commodity Credit Corporation Order 6, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

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

Issued this 19th day of November 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-18677; Filed, November 20, 1943; 11:20 a. m.]

[Order 7, Amdt. 1]

PART 1600—OILSEEDS

RESTRICTIONS ON PURCHASES AND USE OF COTTONSEED

Commodity Credit Corporation Order 7 (8 F. R. 12734) issued by the War Food Administrator on September 15, 1943, is hereby amended as follows:

1. By inserting after § 1600.7 (a) (7) the following additional provision:

(8) "Damaged cottonseed" includes undamaged cottonseed so commingled with damaged cottonseed or foreign substances as to make separation impracticable.

2. By inserting after § 1600.7 (e) the following additional provision:

(f) *Purchase and sale of damaged cottonseed by insurers.* Nothwithstanding any other provision of this order, an insurer of cottonseed which is damaged by any casualty, risk or event insured against, and any person acting on behalf of such insurer (all hereinafter called "such insurer"), may purchase and accept delivery of such damaged cottonseed. In the event that such damaged cottonseed is unsuitable for processing, manufacturing, seed sale, or planting purposes, such insurer may sell and deliver and any other person may purchase and accept delivery of such damaged cottonseed from such insurer and from any owner subsequent to such insurer for use as, manufacture into, and resale as feeder fertilizer.

3. By redesignating paragraphs (f) (g) (h) (i) (j) (k) (l) (m) and (n) as paragraphs (g) (h) (i) (j) (k) (l) (m) (n) and (o), respectively.

Effective date. This amendment shall become effective at 12:01 a. m., e. w. t., November 20, 1943. With respect to violations of said Commodity Credit Corporation Order 7, rights accrued, or liabilities incurred, prior to the effective time of this amendment, said Commodity Credit Corporation Order 7 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit action, or other proceeding with respect to any such violation, right or liability.

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

Issued this 19th day of November 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-18678; Filed, November 20, 1943; 11:20 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

CLAIMS UNDER 105TH ARTICLE OF WAR

Section 36.25 is amended to read as follows:

§ 36.25 *Claims under the one hundred fifth article of war*—(a) *Scope.* Claims for damage to or loss or destruction of property by persons subject to military law are subject to the limitations of paragraph (b) of this section, within the provisions of AW 105 (Sec. 1, Ch. II, Act June 4, 1920, 41 Stat. 808; 10 U. S. C. 1577) *Provided,* Such damage, loss, or destruction is caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent.

(b) *Limitations of application*—(1) *Claims payable under other regulations.* Claims for damage to or loss or destruction of property which are payable under the provisions of regulations in §§ 36.12–36.23 and 36.26 are not payable under the provisions of the regulations in this section.

(2) *Claims resulting from negigence.* Claims for damage to or loss or destruction of property resulting from simple negligence, whether or not within the scope of employment, are not payable under the provisions of these regulations.

(3) *Claims of subrogees.* Claims of subrogees are not within the provisions of the regulations in this section. Any portion of the claim covered by insurance will be disallowed.

(4) *Claims for personal injury or death.* Claims for personal injury or death are not payable under the provisions of the regulations in this section.

(5) *Acts or omissions within scope of employment.* Claims for damage to or loss or destruction of property resulting from acts or omissions while the offender is acting within the scope of his employment, even though otherwise within the scope of AW 105, are not payable under the provisions of the regulations in this section. See §§ 36.12–36.23.

(6) *Absence of riotous, violent, and disorderly conduct.* Claims arising from larceny, forgery, deceit, embezzlement, fraud, misappropriation, and misapplication, where the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by riotous, violent, or disorderly conduct, are not payable under the provisions of the regulations in this section.

(7) *Government property.* Reimbursement for damage to or loss or destruction of property of the United States may not be required under the provisions of the regulations in this section.

(c) *Procedure*—(1) *Sections 36.1–36.10 applicable.* So far as applicable, the procedure set forth in §§ 36.1–36.10 will be followed as to claims within the provisions of the regulations in this section. The claims officer will constitute the board of officers under AW 105.

(d) *Conditions of payment.* Prior to payment of any claim within the provisions of the regulations in this section each of the following conditions must be fulfilled:

(1) Amount of the damage, loss, or destruction must be determined.

(2) Claim must relate to property only.

(3) Claims resulting from simple negligence will not be recognized.

(4) Riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or reckless disregard of property rights, must be a proximate cause.

(5) Subrogation claims will not be recognized.

(6) Payment must be recommended in the claims officer's report and approved personally by the offender's commanding officer.

(7) Commanding officer personally must have ordered a stoppage of pay against the offender.

(8) Claims payable under the provisions of §§ 36.12–36.23 are not payable under the provisions of the regulations in this section.

(9) Foreign claims payable under the provisions of § 36.26 are not payable under the provisions of the regulations in this section.

(10) Personnel claims payable under the provisions of Army Regulations are not payable under the provisions of the regulations in this section.

(Sec. 1, Ch. II, act of June 4, 1920, 41 Stat. 808; 10 U.S.C. 1877) [Pars. 3, 4, 5 and 7, AR 25-80, 3 July 1943]

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

[F. R. Doc. 43-18717; Filed, November 22, 1943; 10:05 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administration of Civil Aeronautics, Department of Commerce

[Amdt. 52]

PART 601—DESIGNATION OF CENTRAL CONTROL AIRPORTS

MUNICIPAL AIRPORT, ROCHESTER, MINN.

NOVEMBER 8, 1943.

Acting pursuant to the authority vested in me by section 303 of the Civil Aeronautics Act of 1938, as amended, and § 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 and Name of Airport

Rochester, Minn., Municipal Airport.

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

C. I. STANTON,
Administrator.

[F. R. Doc. 43-18633; Filed, November 20, 1943; 12:26 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

CLASSIFICATION OF ACCOUNTS FOR UTILITY COMPANIES

Acting pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 15 and 20 (b) thereof, the Securities and Exchange Commission hereby amends § 250.27 [Rule U-27] by designating as paragraph (a) thereof the rule as presently in effect, and by adding thereto the following paragraph (b):

§ 250.27 *Classification of accounts prescribed for utility companies not already subject thereto.* * * *

(b) All references, in the systems of accounts made applicable by paragraph (a) hereof, to the authority prescribing the same and to orders and instructions by, and reports to, said authority, shall be deemed to refer to the Securities and Exchange Commission as the "Commission" thereby designated.

Effective November 17, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18648; Filed, November 19, 1943; 3:01 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50967]

PART 56—EXTENSIONS OF TIME PURSUANT TO PROCLAMATION OF THE PRESIDENT UNDER SECTION 318, TARIFF ACT OF 1930

MERCHANDISE IN GENERAL ORDER AND BONDED WAREHOUSES

Extensions of one-year period for merchandise in general order and three-year period for merchandise in bonded warehouse authorized.

§ 56.1 *Periods of time prescribed in sections 491, 557, and 559, Tariff Act of 1930, as amended, extended; conditions.* (a) Pursuant to the authority contained in the proclamation of the President dated November 4, 1943,[1] the one-year period prescribed in section 491, Tariff Act of 1930, as amended, or the three-year period prescribed in sections 557 and 559 of the said act, as amended, as the case may be, is hereby extended for one year in each case wherein the respective period has expired on or after December 7, 1942, or shall have expired hereafter and during the continuance of the unlimited national emergency proclaimed on May 27, 1941, and wherein the collector of customs concerned shall have been furnished with:

(1) A certificate of the Foreign Economic Administration that such original or further extension, as the case may be, will not impede the war effort, and,

(2) If the merchandise is charged against an entry bond, the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension had been granted, or an additional bond with acceptable sureties to cover the period of the extension, or

(3) If the merchandise is charged against a carrier's bond, the agreement of the principal on such bond to the extension and the agreement of the sureties on such bond to remain bound under the terms and conditions of the bond to the same extent as if no extension had been granted.

(b) Pursuant to the same authority and subject to the same conditions, such one-year period or such three-year period, as the case may be, is hereby extended for an additional period of one year from and after the expiration of the immediately preceding extension if such expiration occurs during the continuance of the aforesaid national emergency. (Secs. 318, 624, 46 Stat. 696, 759; 19 U. S. S. 1318, 1624. Proc. No. 2599, Nov. 4, 1943; 8 F.R. 15359)

§ 56.2 *Certificate of the Foreign Economic Administration.* (a) Applications for the issuance of a certificate by the Foreign Economic Administration that the extension or further extension desired will not impede the war effort shall be made to that Administration by the party in interest but shall be submitted through the collector of customs at the port where the entry bond is on file or the port where the charge against the carrier's bond was made, as the case may require. In the case of merchandise in general order which has not been charged against a carrier's bond or which does not remain charged against such bond, the application shall be made through the collector of customs at the port where the merchandise is stored.

(b) Such applications shall be in substantially the following form:

(Place)

(Date)

FOREIGN ECONOMIC ADMINISTRATION,
Washington, D. C.

(Through the collector of customs ------ ----------)
(Place)

GENTLEMEN:

In accordance with the provisions of Treasury Decision 50967, dated November 19, 1943, application is hereby made for the issuance of a certificate by you that an extension (or a further extension) of the applicable period prescribed in section 491 or sections 557 and 559, Tariff Act of 1930, as amended, for one year in the case of the imported merchandise described below will not impede the war effort:

Quantity and full description of merchandise: ----------

Where imported: ----------
Date of importation: ----------
Kind of entry (if made) number, and date: ----------
(Warehouse, T & E, I T, etc.)
Port where entry was made: ----------
Name and address of—
Consignee: ----------
Actual owner: ----------
Present location of merchandise:

(Street address)

(City) (State)
Additional information: ----------
(Here state whether
---
any previous extension has been allowed or
---
application made for such extension, and, if
---
so, the details thereof)

Respectfully,

(Name of applicant)

By ----------
(Name and official title)

Date: ----------

Respectfully forwarded:

Collector of Customs

(c) Such applications shall be submtted to the collector of customs in triplicate and shall be stamped by him to show the date of receipt in his office. The collector shall promptly examine the application for the purpose of determining whether the customs information given therein is in accordance with the records of his office. If the information given is found to be in accordance with such records, the collector shall promptly forward the original and one copy of the application to the Foreign Economic Administration, Washington, D. C., and shall retain the third copy for his files. If the collector finds that the information given in the application is not in accordance with his records, he shall require the applicant to make the necessary corrections or to submit a correct application.

(d) If the Foreign Economic Administration determines that the proposed extension will not impede the war effort, a certificate to that effect, addressed to the Commissioner of Customs in care of the collector of customs, will be indorsed on the two copies of the application received by it. If such certificate will not be issued by the Foreign Economic Administration, advice to that effect, addressed to the Commissioner of Customs in care of the collector of customs, will be indorsed on the two copies received by it. In either case, the indorsed original will be returned directly to the collector of customs and the second copy will be retained by the Foreign Economic Administration for its files.

(e) The collector shall inform the applicant of the action taken on the application by the Foreign Economic Administration. If the Administration advises that the certificate will not be issued, the merchandise will be subject to sale in accordance with section 491 or 559, Tariff Act of 1930, as amended. (Secs. 318, 624, 46 Stat. 696, 759; 19 U. S. C. 1318, 1624. Proc. No. 2599, Nov. 4, 1943; 8 F. R. 15359.)

§ 56.3 *Extension of bonds.* (a) In cases where the merchandise is covered by a warehouse entry bond, customs

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[1] 8 F.R. 15359.

Form 7555, and an extension or further extension of the three-year period prescribed in sections 557 and 559, of the act, is desired, the principal on the bond shall, in order to obtain the benefit of such extension, furnish to the collector of customs at the port where the bond is on file an agreement in the following form:

EXTENSION OF WAREHOUSE ENTRY BOND

Whereas, in Treasury Decision 50967 of November 19, 1943, issued pursuant to authority contained in the President's proclamation dated November 4, 1943, the three-year warehousing period for imported merchandise prescribed in sections 557 and 559, Tariff Act of 1930, as amended, was extended for one year and further extended for additional periods of one year each from and after the expiration of the immediately preceding extension, provided, among other things, that in each case the sureties on the entry bond agree to remain bound under the terms and conditions of the bond to the same extent as if no extension had been granted, and

Whereas, the warehouse entry bond described below was furnished in connection with the warehouse entry indicated, and it is now desired to extend the liability under such bond for a period of one year from the date of maturity of the bond_____:[1]

Port of _____
Bond No. _____ dated _____
Warehouse entry No. _____
Merchandise _____
Date of importation _____

Now, therefore, this is to certify that _____, principal, and_____, and _____, sureties, on the warehouse entry bond referred to above, hereby stipulate and agree that their liability under said bond _____[1] shall continue unchanged and in full force and effect to the same extent as if no extension had been granted for a period of one year from the date of maturity of the bond _____.[1]

Witness our hands and seals this _____ day of _____, 1943. Signed, sealed, and delivered in the presence of—

_____ _____
(Name) (Address)
_____ _____
(Name) (Address)
[SEAL] _____
(Principal)
_____ _____
(Name) (Address)
_____ _____
(Name) (Address)
[SEAL] _____
(Surety)
_____ _____
(Name) (Address)
_____ _____
(Name) (Address)
[SEAL] _____
(Surety)

[1] Here insert the words "as extended" if a previous extension has been allowed.

(b) If the prinicpal on a warehouse entry bond desires to furnish a new bond to cover the period of extension in lieu of furnishing an agreement in the form prescribed in paragraph (a) of this section, the facts in such case shall be submitted to the Bureau by the collector for instructions as to the form in which the new bond shall be furnished.

(c) In cases in which the merchandise was entered for warehouse and charged against a general term bond for entry of merchandise, customs Form 7595, or charged against a blanket smelting and refining bond in the form prescribed in T. D. 50267, the facts in such cases shall be submitted to the Bureau by the collector for instructions as to the form in which the agreement of the principal and sureties on the bond shall be furnished.

(d) In those cases in which the merchandise remains charged against a carrier's bond, customs Form 3587, and an extension is desired, the agreement of the principal and sureties on such bond shall be furnished to the collector of customs at the port where the charge was made in the following form:

EXTENSION OF CARRIER'S BOND

Whereas, in Treasury Decision 50967 of November 19, 1943, issued pursuant to authority contained in the President's proclamation dated November 4, 1943, the one-year period prescribed in section 491, Tariff Act of 1930, as amended, was extended for one year and further extended for additional periods of one year each from and after the expiration of the immediately preceding extension, provided, among other things, that in each case in which the merchandise remains charged against a carrier's bond the principal on such bond shall agree to the extension and shall furnish the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension had been granted, and

Whereas, the carrier's bond described below was furnished in connection with the entry for transportation in bond indicated, and it is now desired to extend the liability under such bond for a period of one year from the date of maturity of the bond_____:[1]

Name of carrier:_____
Date of bond:_____
Date of approval by Bureau of Customs:_____
Class and number of transportation in bond entry:_____dated_____
Port where charge against bond was made:_____
Merchandise: _____
Date of importation:_____

Now, therefore, this is to certify that _____, principal, and _____, and _____, sureties, on the carrier's bond referred to above, hereby stipulate and agree that their liability under said bond _____[1] shall continue unchanged and in full force and effect to the same extent as if no extension had been granted for a period of one year from the date of maturity of the bond _____.[1]

Witness our hands and seals this _____ day of _____, 194__. Signed, sealed, and delivered in the presence of—

_____ _____
(Name) (Address)
_____ _____
(Name) (Address)
[SEAL] _____
(Principal)
_____ _____
(Name) (Address)
_____ _____
(Name) (Address)
_____ _____
(Name) (Address)
[SEAL] _____
(Surety)
_____ _____
(Name) (Address)
[SEAL] _____
(Surety)

[1] Here insert the words "as extended" if a previous extension has been allowed.

(e) The agreement of the principal and sureties on the warehouse entry bond or carrier's bond, as provided for in paragraphs (a) and (d) of this section, may be furnished to the collector of customs in advance of the receipt by the collector of the required certificate of the Foreign Economic Administration. (Secs. 318, 624, 46 Stat. 696, 759; 19 U.S.C. 1318, 1624. Proc. No. 2599, Nov. 4, 1943; 8 F.R. 15359).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

NOVEMBER 19, 1943.

[F. R. Doc. 43-18731; Filed, November 22, 1943; 10:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—United States Employees' Compensation Commission

Subchapter A—United States Employees Compensation Act

[Administrative Order 4]

CIVIL EMPLOYEES OF UNITED STATES INJURED IN BRAZIL

FOREIGN ECONOMIC ADMINISTRATION AUTHORIZED TO PROCESS CLAIMS

By virtue of the authority vested in the United States Employees' Compensation Commission by the Employees' Compensation Act of September 7, 1916, as amended, the Foreign Economic Administration is authorized to process claims, to make initial payments of compensation, and to furnish other benefits initially, as provided by such Act of September 7, 1916, as amended, and pursuant to the regulations of the Commission promulgated thereunder (20 CFR, Chapter I, Subchapter A) and such supplementary instructions as may from time to time be issued by the Commission in cases of civilian employees of the United States who are injured, while in the performance of their duties for the United States in employment in Brazil, South America.

As used herein the phrase "to process claims" means (a) to receive, assemble, and file reports of injury, medical reports, reports of investigation, and other papers relating to cases of injury; (b) to make investigations and to secure necessary supplementary information in connection with cases or claims; (c) to obtain medical examinations; (d) to arrange for medical, surgical, and hospital services and supplies in the treatment and care of employees in disability cases; (e) to examine and adjudicate claims for compensation in injury cases, including making of findings of fact and award; (f) to prepare vouchers for local disbursement of benefits and local payment of medical and other expenses; (g) to review cases for readjustment of compensation.

As used herein the phrases "to make initial payments of compensation" and "to furnish other benefits initially" means the payment of compensation in cases of injury, and the furnishing of any other benefits provided for by such Act, except compensation for death, for a period not to exceed 180 days.

The action of the Foreign Economic Administration in any case, and the payments made under this authority, are subject to final review by the Commission and readjustment if found necessary.

Order approved by the Commission November 6, 1943.

W. D. DRISCOLL,
Assistant Secretary.

[F. R. Doc. 43-18671; Filed, November 20, 1943; 10:05 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 2, Rev. VI]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 2 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision VI of October 7, 1943 (8 F.R. 13883), is hereby promulgated.[1]

By direction of the President:

CORDELL HULL,
Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
LEO T. CROWLEY,
Administrator,
Foreign Economic Administration.
PERCY L. DOUGLAS,
Acting Coordinator of Inter-American Affairs.

NOVEMBER 19, 1943.

[F. R. Doc. 43-18681; Filed, November 20, 1943; 12:26 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5306]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME FOR FILING RETURNS

Section 29.53-1 of Regulations 111 (Part 29, Title 26, Code of Federal Regulations, Cumulative Supplement) is amended to read as follows:

§ 29.53-1 *Time for filing returns.* In general, returns of income must be filed on or before the 15th day of the third full calendar month following the close of the taxable year. This rule is subject to several exceptions, in which the time for filing is as follows:

(a) In the case of a return of a nonresident alien individual, at the time prescribed in section 217.

(b) In the case of a return of a nonresident foreign corporation, at the time prescribed in section 235.

(c) In the case of a return for a fractional part of a year beginning in 1942 and ending in 1942, on or before March 15, 1943.

(d) In the case of a final return of a decedent for a fractional part of a year beginning in 1943 and ending in 1943, on or before March 15, 1944.

(e) In the case of a final return of a decedent for a fractional part of a year beginning in 1942 and ending in 1943, or beginning in 1943 and ending in 1944, or beginning in 1944 or subsequent years, on or before the 15th day of the sixth full calendar month following the close of the fractional part of the year.

(f) In the case of any return for a fractional part of a year (except returns specified in paragraphs (c) and (d), above), the Commissioner may, upon a showing by the taxpayer of unusual circumstances, prescribe a later time for the filing of the return, but such time shall not be later than the 15th day of the 15th full calendar month ending after the beginning of the fractional part of the year.

A corporation going into liquidation during any taxable year may, upon the completion of such liquidation, prepare a return for that year covering its income for the part of the year during which it was engaged in business and may immediately file such return with the collector. See also section 148 (d) and (e).

For provisions relating to certain cases in which the time for filing income tax returns is postponed by reason of a member (whether or not the taxpayer) of the military or naval forces of the United States serving on sea duty or outside the continental United States, by reason of any other individual (whether or not the taxpayer) being outside the Americas, or by reason of a locality being an area of enemy action or control, see Treasury Decision 5279, set forth in paragraph 111a of the Appendix to these regulations. See such Treasury decision also for the circumstances under which the time for filing income tax returns of the spouses of such members or of such other individuals is in certain cases postponed. See such Treasury decision also as to the time for filing income tax returns of China Trade Act corporations.

(Sec. 62 of the Internal Revenue Code, 53 Stat. 32; 26 U.S.C., 1940 ed., 62)

[SEAL] ROBERT E. HANNEGAN,
Commissioner of Internal Revenue.

Approved: November 19, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-18670; Filed, November 20, 1943; 10:03 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 521—EMPLOYMENT OF APPRENTICES

DIAMOND CUTTING INDUSTRY

The following regulations, Part 521, §§ 521.001 to 521.005 (Regulations Applicable to the Employment of Apprentices in the Diamond Cutting Industry) are hereby issued. These regulations are issued pursuant to section 14 of the Fair Labor Standards Act of 1938 and § 521.3 of regulations, Part 521, as amended, issued thereunder, and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall continue in force and effect until hereafter modified.

Sec.
521.001 Applicability.
521.002 Definitions.
521.003 Apprentice wage rates.
521.004 Penalties.
521.005 Petition for amendment of regulations.

AUTHORITY: §§ 521.001 to 521.005, inclusive, issued under sec. 14, 52 Stat. 1068; 29 U. S. C. 214.

§ 521.001 *Applicability.* The provisions of §§ 521.001 to 521.005 shall apply to all apprentices employed in the diamond cutting industry and shall be deemed supplemental to regulations, Part 521.

§ 521.002 *Definitions.* (a) As used in these regulations, the term "apprentice" shall mean a person, at least 16 years of age (except where a higher age standard is fixed by Federal or State law, or municipal ordinance), who is employed to learn a skilled trade pursuant to the terms of a written apprenticeship agreement with the employer, which agreement provides (1) for not less than 4,000 hours of reasonably continuous employment for such person, and (2) for participation of the apprentice in an approved schedule of work experience through employment, and (3) for at least 144 hours per year of supplemental instruction at classes in subjects related to that trade: *Provided,* Such classes are available in the community.

(b) The term "diamond cutting industry" shall mean the sawing, cutting, lapping, brilliandeering and setting of diamonds.

(c) The term "Mainland branch of the diamond cutting industry" shall mean that branch of the industry which is located in the continental United States.

§ 521.003 *Apprentice wage rates*—(a) *Mainland apprentice rates.* Apprentices in the Mainland branch of the diamond cutting industry shall not be employed at wage rates lower than the minimum applicable under section 6 of the Fair Labor Standards Act.

(b) *Puerto Rican apprentice rates.* Apprentices in the Puerto Rican branch of the diamond cutting industry shall not be employed at wage rates lower than the following:

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[1] Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

Period of employment:	*Minimum wage rates (cents per hour)*
1st through 3d months	15
4th through 6th months	20
7th through 9th months	25
10th through 12th months	30

and thereafter the piece rates established in the amended apprenticeship standards approved by the Federal Committee on Apprenticeship effective November 20, 1943, but in no case less than the applicable minimum under section 6 of the Fair Labor Standards Act.

§ 521.004 *Penalties.* Section 15 of the Fair Labor Standards Act makes it unlawful for any person to violate the provisions of regulations, Part 521, and subjects any such person to the penalties provided by sections 16 and 17 of the act.

§ 521.005 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing special regulations may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon examination of the petition, the Administrator or his authorized representative finds that reasonable cause for amendment of the regulations has been shown, the Administrator or his authorized representative will either schedule a hearing, with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, both in support of and in opposition to the proposed changes.

Signed at New York this 18th day of November 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-18752; Filed, November 19, 1943; 4:54 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

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

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-416]

ST. LOUIS STEEL PRODUCTS CO.

St. Louis Steel Products Company of St. Louis, Missouri, appealed from Suspension Order No. S-416 which was issued on September 6, 1943. In connection with the appeal, evidence was presented to the Chief Compliance Commissioner indicating that the suspension order would have too harsh an effect upon the appellant's business. The Chief Compliance Commissioner has, therefore, determined that Suspension Order S-416 should be terminated as of November 17, 1943.

In view of the foregoing, *It is hereby ordered,* That Suspension Order No. S-416 (§ 1010.416) be revoked.

Issued this 19th day of November 1943.

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

[F. R. Doc. 43-18644; Filed, November 19, 1943; 1:07 p. m.]

PART 3270—CONTAINERS

[Schedule E as Amended Nov. 20, 1943 to Limitation Order L-103]

GLASS CONTAINERS FOR PROTECTIVE COATINGS

§ 3270.51 *Schedule E to Limitation Order L-103*—(a) *Definitions.* For the purposes of this schedule:

(1) "Protective coatings" means paints (including paste water paints), varnishes, lacquers, shellacs, stains, linseed oil, turpentine, benzine, mineral spirits, varnish and paint removers, thinners and driers. The term shall not include inks or artists' supplies.

(2) A "standard glass container for protective coatings" means:

(i) A glass container described in Exhibits E-1 to E-6, inclusive, of this schedule;

(ii) A glass container described in Exhibits 10-14, 10-28, 10-77, 12-96, 51-86, 51-88, 51-92, 51-94, 51-96, 51-98, 80-25, 80-50, 80-75, 80-76 and 80-96 of Limitation Order L-103;

(iii) Any glass container which was completely manufactured on or before December 20, 1943, and which is constructed in accordance with the specifications and design prescribed by any of the following: Exhibits 10-20, 10-40, 10-48, 10-67, 10-72 and 12-86 of Limitation Order L-103; former Exhibits 1, 2 and 7 of this Schedule as amended April 5, 1943;

which possesses the finish prescribed for the respective container in the said exhibits or any other finish which is interchanged therewith in accordance with paragraph (g) of Limitation Order L-103.

(b) *Restrictions on use.* With the exceptions set forth in paragraph (c) of this schedule, on and after January 1, 1943,

(1) No person shall use a glass container other than a standard glass container as herein defined for the packaging of protective coatings for sale or for sample purposes.

(2) [Deleted April 5, 1943]

(3) No person shall use any standard glass containers with a finish larger than 38 mm. for the packing, for sale or for sample purposes, of shellacs and clear varnishes, and jobbing items (including but not limited to linseed oil, turpentine, benzine, mineral spirits, lacquer thinners, varnish and paint removers, and driers).

(c) *Exceptions.* (1) Nothing in this schedule shall prevent the use for the packaging of protective coatings of any non-standard glass containers which were completely manufactured on or before the 1st day of February, 1943, and in the hands of the user thereof on or before the 1st day of March, 1943.

(2) Nothing in this schedule shall restrict the sale, delivery, use or manufacture of glass containers, made from a mold actually in existence on the 7th day of December, 1942, which have an overflow capacity of between 65 and 70 fl. oz. or between 130 and 140 fl. oz.; but such molds may not be replaced except in accordance with paragraph (d) of this schedule.

(3) Lettering on standard glass containers for protective coatings shall be limited to the manufacturers' identification (which may include trademark, name, symbol), place of manufacture, date of manufacture by year, design number, and mold or cavity number.

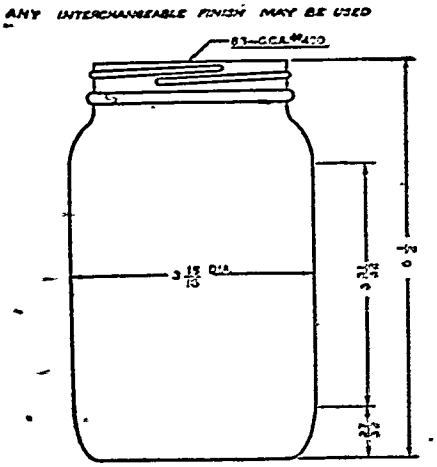
(d) *Manufacture.* On and after the 7th day of December, 1942, no molds may be manufactured for a protective coating jar or finish which does not conform to the specifications of a standard glass container for protective coatings, nor may any mold for a glass container for protective coatings be replaced—whether because of wear or for any other reason—except by a mold which conforms to the said specifications.

Issued this 20th day of November 1943.

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

EXHIBIT 1

Standard Glass Container—Paint

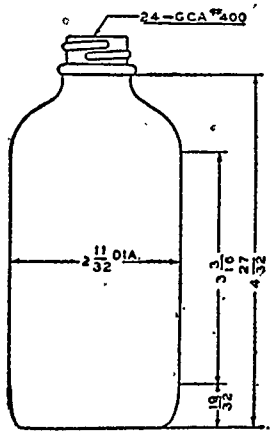


Overflow capacity: 34 ozs.
Glass weight: 14½ ozs. maximum.

EXHIBIT 2

Standard Glass Container—N. M. Round

ANY INTERCHANGEABLE FINISH MAY BE USED

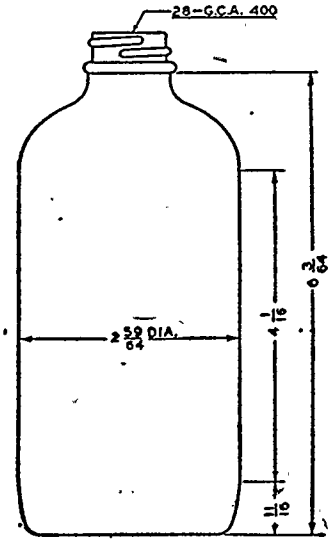


Capacity: 8 ozs.
Glass weight: 5¾ ozs. maximum.

EXHIBIT 3

Standard Glass Container—N. M. Round

ANY INTERCHANGEABLE FINISH MAY BE USED

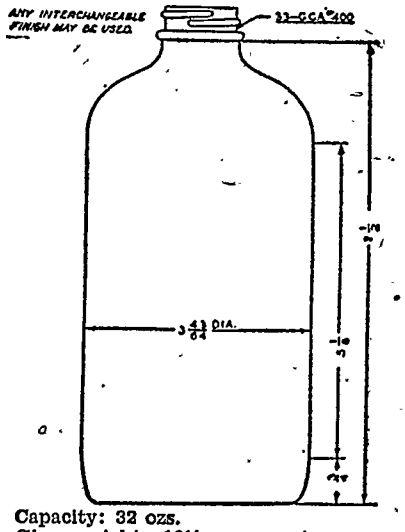


Capacity: 16 ozs.
Glass weight: 9 13/16 ozs. maximum.

EXHIBIT 4

Standard Glass Container—N. M. Round

ANY INTERCHANGEABLE FINISH MAY BE USED

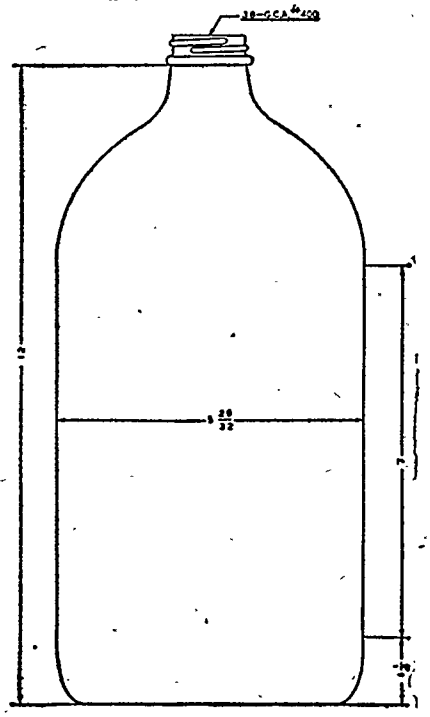


Capacity: 32 ozs.
Glass weight: 16⅛ ozs. maximum.

EXHIBIT 5

Standard Glass Container—N. M. Round

ANY INTERCHANGEABLE FINISH MAY BE USED

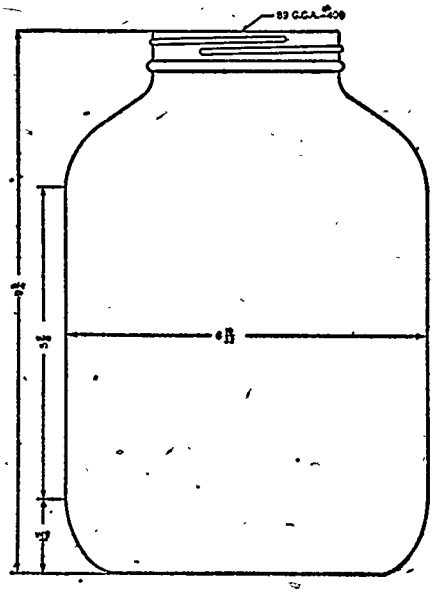


Capacity: 128 ozs.
Glass weight: 50 ozs. maximum.

EXHIBIT 6

Standard Glass Container—Paint

ANY INTERCHANGEABLE FINISH MAY BE USED



Overflow capacity: 136 ozs.
Glass weight: 49 ozs. maximum.

[F. R. Doc. 43-18673; Filed, November 20, 1943; 11:13 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-357 as Amended Nov. 17, 1943 [1]]

METALLIC SODIUM

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

§ 3293.561 *Allocation Order No. M-357*—(a) *Definitions.* For the purposes of this order:

(1) "Metallic sodium" means the element sodium in its metallic state.

(2) "Producer" means any person who manufactures metallic sodium or who has it produced for him under toll agreement.

(3) "Dealer" means any person who buys metallic sodium for the purpose of resale as such.

(4) "Supplier" means a producer or a dealer.

(5) "Consumer" means any person who uses metallic sodium.

(b) *Restrictions on delivery.* On and after December 1, 1943 no person shall deliver or accept delivery of metallic sodium except to the extent authorized by War Production Board. Any person accepting delivery of metallic sodium shall use it only for the purposes specified by War Production Board.

(c) *Exemption for small deliveries.* On and after December 1, 1943 any dealer or consumer may accept delivery in any calendar month of 100 pounds or less of metallic sodium without authorization from War Production Board. However, no authorization is necessary for a dealer to resell or for a consumer to use metallic sodium acquired under the provisions of this paragraph.

(d) *How a purchaser obtains authorization.* Each consumer and dealer who wishes to accept delivery of metallic sodium shall file application with the Chemicals Division, War Production Board, for authorization to do so on Form WPB 2945 (formerly PD-600) on or before the 10th of the month before the calendar month in which delivery is requested. However, application for December delivery should be filed as soon as possible. Instructions for filling out this form are set forth in Appendix A of this order. One copy of Form WPB 2945 will be returned to the purchaser on which the War Production Board will indicate the quantity of metallic sodium which may be accepted and the end use to which it may be put.

(e) *How the seller obtains authorization.* Each person who wishes to deliver metallic sodium shall file application with the Chemicals Division, War Production Board, for authorization to do so on Form WPB 2946 on or before the 20th of the month preceding the cal-

[1] This document is a restatement of Amendment 1 to M-357 which appeared in the FEDERAL REGISTER of November 19, 1943, page 15736, and reflects the order in its completed form as of November 17, 1943.

endar month in which delivery is to be made. However, applications for December delivery should be filed as soon as possible after November 20, 1943. Instructions for filling out this form are set forth in Appendix B. One copy of Form WPB 2946 will be returned to the applicant on which War Production Board will indicate the quantity of metallic sodium which may be delivered.

(f) *Over-riding War Production Board directions.* War Production Board may at any time issue special directions to any person with respect to the use or delivery of metallic sodium, notwithstanding the other provisions of this order.

(g) *Orders not delivered.* If delivery of an order of metallic sodium is not made for any reason, the supplier shall immediately notify the Chemicals Division, War Production Board, and shall not deliver or use the quantity of metallic sodium covered by the order until further authorized by War Production Board.

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

(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.

(j) *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. Ref: M-357.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 17th day of November 1943.

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

APPENDIX A—INSTRUCTIONS FOR FILING APPLICATION ON FORM WPB 2945 (FORMERLY PD-600) FOR SPECIFIC AUTHORIZATION TO ACCEPT DELIVERY AND USE METALLIC SODIUM

(1) *Form WPB-2945; where obtained.* Copies of Form WPB 2945 may be obtained at local field offices of War Production Board.

(2) *Who should file.* Any person desiring to accept delivery of metallic sodium including any producer who desires to use a part or all of his own production of metallic sodium shall file Form WPB 2945.

(3) *Number of copies.* Five copies shall be prepared. Three copies (one of which should be certified) should be forwarded to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-357, one copy should be forwarded to the supplier, and the remaining copy may be retained by the applicant for his files.

(4) *Number of sets.* Separate sets of Form WPB 2945 shall be prepared and submitted for each delivery destination of the applicant.

(5) *Special instructions for filling out form.* Follow the instructions on the form, except where they conflict with the special instructions given below:

Heading. Under "Name of chemical", specify "Metallic Sodium"; under "For month of", specify the month in which delivery is to be accepted; under "WPB Order No.", specify "M-357"; under "Unit of measure", specify "pounds"; and otherwise fill in as indicated.

Table I. Specify in the heading the month and year for which authorization for use or acceptance of delivery is sought.

Columns to be left blank. Do not fill in Columns 1, 11, 15b and 15c.

Column 3. Indicate the primary product to be manufactured from metallic sodium. If the metallic sodium is to be sold for export, specify "export". If it is to be resold, specify "resale".

Column 4. Indicate the specific ultimate end use of the primary product. If metallic sodium is purchased for export, the word "export" should appear in Column 3, and opposite it, in Column 4, should appear the name of the individual company or governmental agency to whom or for whose account the metallic sodium will be exported, and the country of destination. The export license number must also appear unless the shipment is for Lend-Lease, in which case merely specify the Lend-Lease contract or serial number. If the export is not for Lend-Lease, all three copies of WPB 2945 must be sent to the Foreign Economic Administration with your application for an export license. Foreign Economic Administration will then affix the export license number to the forms and forward to War Production Board. If "resale" is listed in Column 3, suppliers shall write opposite it in Column 4 "upon further authorization". If "inventory" is listed in Column 3, write opposite it in Column 4 "to hold subject to further authorization".

APPENDIX B—INSTRUCTIONS FOR FILING SUPPLIER'S APPLICATION ON FORM WPB 2946 (FORMERLY PD-601) FOR SPECIFIC AUTHORIZATION TO DELIVER METALLIC SODIUM

(1) *Form WPB 2946, where obtained.* Copies of Form WPB 2946 may be obtained at local field offices of War Production Board.

(2) *Number of copies.* An original and three copies should be prepared. File the original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-357. The third copy may be retained for your files.

(3) *Special instructions for filling in form.* Follow the instructions on the form except where they conflict with the specific instructions given below:

Heading. Under "Name of chemical", specify "Metallic sodium"; under "WPB Order No.", specify "M-357"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "pounds"; check whether you are a producer or a distributor; under "Name of company", specify your name and address of plant or warehouse from which shipment will be made.

Table I—Column 1. Specify the names of customers. A producer requiring permission to use a part or all of his own production of metallic sodium shall list his own name in Column 1 as customer. After completing the list of customers, insert "Total small order deliveries (estimated)" for the metallic sodium delivered pursuant to paragraph (c) of this order.

Columns 3 and 5A. Columns 3 and 5A should be left blank.

Table II—Column 8. Column 8 should be left blank.

Columns 9 and 11. In Columns 9 and 11, distributors should show receipts of material from producers.

[F. R. Doc. 43-18675; Filed, November 20, 1943; 11:13 a. m.]

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

[Direction 1 to Priorities Reg. 18]

PLACING OF ORDERS FOR CERTAIN PRODUCTS

The following direction is issued pursuant to Priorities Regulation 18:

(a) *Purpose.* In order to assure the efficient scheduling of certain products, it is necessary that purchase orders for delivery of these products, in 1944 be placed by specified times.

(b) *Placing of orders for listed products.* Every person who knows that he will need delivery in 1944 of any product listed in this direction must place all of his purchase orders for such products for delivery in the first or second quarter of 1944 before January 1, 1944; and for delivery in the third or fourth quarters before March 1, 1944. This direction does not authorize any person to request delivery in advance of his actual required date.

(c) *Unfillable orders shall not be accepted.* No producer of a product listed in this direction shall accept an order if, on the basis of his orders on hand bearing equal or higher priority ratings, he does not expect to be able to fill it by the requested delivery date.

(d) *Late orders.* No person shall place or accept any purchase order for a product listed in this direction which is received after the deadline specified in paragraph (b) above, unless specifically authorized by the War Production Board, or unless the order is rated AAA.

(e) *Procedure for authorization to place late orders.* Application for authorization to place orders after the deadline specified in paragraph (b) above must be made in writing by the purchaser and shall be filed with the War Production Board, Washington, D. C., in triplicate, naming the producer on whom the purchase order is to be placed. Authorization of the War Production Board will either be forwarded to the applicant to accompany his purchase order, or will be included in directions to the supplier to accept or schedule the order. In any case where the purchaser has received authorization from the War Production Board to place the purchase order under paragraph (d) of M-293 or under any other order of the War Production Board which requires specific authorization of purchase orders, he need not make application under this paragraph but may accompany his purchase order with a statement that he has received specific authorization. Such a purchase order is specifically authorized within the meaning of this direction.

(f) *Exceptions.* This direction does not apply to: (1) Orders for listed products required for maintenance, repair or operating supplies as identified by the symbol MRO or other appropriate symbol; (2) Orders placed with or by persons who take physical delivery of the product for resale; (3) Orders for used or second hand products; or (4) Orders for products in Group B below in any case where all orders placed with the producer for delivery of the same item on the list to the customer in the same calendar quarter do not exceed $10,000.

(g) *Communications.* All communications regarding this direction should be addressed to the War Production Board, Washington 25, D. C., Reference: PR-18, Direction 1.

(h) *List of products.* This direction applies to the following products:

Group A: The following internal combustion engine accessories and components:

Camshafts
Carburetors
Crankshafts
Electric starting motors
Fuel injection equipment
Generators
Magnetos
Mechanical governors
Piston rings
Pumps

Radiators
Valves, automotive type
Heavy duty automotive type components: Axles, brakes, tires, transmissions, wheels
Group B:
Anti-friction bearings
Boilers: steel: pressure 100 pounds or more per square inch, land and marine
Compressors
Diesel engines
Fluid power system
Heat exchangers
High pressure blowers
Industrial type wet cell batteries
Motors and generators, electric
Motor controls, electric
Turbines: steam
Turbine generators
Valves, control
Valves, high pressure—limited to plug valves, steel valves, and safety and relief valves
Pumps, industrial and marine

Issued this 19th day of November 1943.

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

[F. R. Doc. 43-18649; Filed, November 19, 1943; 4:27 p. m.]

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

[Interpretation 8 of Priorities Reg. 1]

EFFECT OF INVENTORY AND SMALL ORDER PROVISIONS ON SEPARATE OPERATING UNITS OF THE SAME COMPANY

The following interpretation is issued with respect to Priorities Regulation 1.

(a) If an individual plant, branch store, division or other operating unit normally keeps separate inventory from the rest of the corporation or firm, inventory restrictions in WPB orders and regulations apply to it separately. Thus, although another unit may have exceeded an inventory limit, this does not prevent a unit which has not exceeded it from acquiring additional inventory within the limit.

(b) Likewise, if an order of the War Production Board provides an exemption for small purchases, an operating unit which normally buys separately need not consider purchases made by other units in determining whether it comes within the exemption.

(c) It may happen that the same operating unit will be treated separately for purposes of inventory restrictions but not for purposes of small order exemptions. For example, if a distributor purchases centrally for direct shipment to several outlets which keep separate inventories, the outlets are treated separately for purposes of inventory restrictions but the central purchasing agency must include all its purchases in determining whether a transaction comes within a small order exemption.

(d) This interpretation applies only in cases where a contrary rule is not expressly stated in the applicable War Production Board order or regulation. Also it only applies where the regular business practice of the unit in question is to keep a separate inventory or to buy separately. It does not apply if the regular practice has been changed just for the purpose of coming within this interpretation.

Issued this 22d day of November 1943.

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

[F. R. Doc. 43-18724; Filed, November 22, 1943; 10:57 a. m.]

PART 1212—INDIAN KYANITE

[Revocation of General Conservation Order M-143]

Section 1212.1 *General Conservation Order No. M-143* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under Order No. M-143 prior to revocation.

Issued this 22d day of November 1943.

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

[F. R. Doc. 43-18725; Filed, November 22, 1943; 10:55 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-292 as Amended Nov. 22, 1943]

FOOD PROCESSING MACHINERY

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of materials used in the production of food processing machinery, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1226.77 *General Limitation Order L-292*—(a) *Definitions.* For the purpose of this order:

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

(2) "Processor" means any person to the extent that he is engaged in the business of preparing, processing, canning, packing or packaging human or animal foods or tobacco for distribution (except food for consumption on the premises). A person shall not be deemed to be a processor to the extent that he is engaged in the production of food or tobacco, but an operator of a processing plant located on a farm and engaged in the business of preparing, processing, canning, packing or packaging human and animal food for distribution shall be deemed a processor. The term "processor" does not include governmental agencies processing food for governmental use, charitable institutions processing food for their own use, or educational institutions.

(3) "Food processing machinery" means new, used, reconditioned and rebuilt machinery and equipment, of the kinds specified in Schedule A hereto, with a sales value of $50 or more for any single new machine or piece of equipment or $300 for any single used, rebuilt or reconditioned machine or piece of equipment; excluding (i) refrigerating machinery and equipment as defined in Limitation Order L-38, (ii) machinery and equipment used on a farm or a fishing vessel for production and handling of food or tobacco prior to delivery to a processor, (iii) scales and balances as defined in Limitation Order L-190, (iv) conveying machinery as defined in Limitation Order L-193, (v) machinery and equipment used for packaging, filling or labeling containers, except as otherwise indicated in Schedule A, and (vi) oil processing machinery and equipment used in processing, or in connection with processing, animal, fish and vegetable fats, oils and greases.

(4) "Manufacturer" means any person engaged in the fabrication, assembly, reconditioning or rebuilding of food processing machinery; and includes subsidiaries and affiliates of any such person.

(5) "Dealer" means any person engaged in the business of acquiring food processing machinery for resale; but the term shall not include any manufacturer.

(6) "Approved order" means any order of the following kinds:

(i) An order for any food processing machinery bearing a preference rating of AA-5 or higher assigned on Form WPB-617 formerly PD-200.

(ii) An order for canning machinery or equipment as described in Schedule A to be delivered to a processor located within the territorial limits of the United States and Canada, bearing a preference rating of AA-5 or higher assigned on Form WPB-576 formerly PD-285.

(iii) An order for dairy, egg, or poultry processing machinery or equipment as described in Schedule A to be delivered to a processor located within the territorial limits of the United States and Canada, bearing a preference rating of AA-5 or higher assigned on Form WPB-748 formerly PD-414.

(iv) An order for food processing machinery approved by the War Production Board pursuant to subparagraph (b) (2) hereof; or

(v) Any order for food processing machinery (except canning, machinery or equipment or dairy, egg or poultry processing machinery or equipment or meat canning, meat packing and meat processing machinery or equipment, to be delivered to a processor located within the territorial limits of the United States and Canada) bearing a preference rating of AA-5 or higher assigned on Form WPB-541 (formerly PD-1A).

(vi) An order for meat canning, meat packing, and meat processing machinery and equipment, as described in Schedule A, to be delivered to a processor located within the territorial limits of the United States and Canada bearing a preference rating of AA-5 or higher assigned on Form WPB-3155.

(7) "Order" means any commitment or other arrangement for the delivery of food processing machinery, whether by sale, lease, consignment, or otherwise.

(b) *Restrictions on orders and deliveries.* (1) On and after June 15, 1943, no manufacturer, dealer, or processor shall accept any order for food processing ma-

chinery unless the order is an approved order. On and after June 30, 1943, no manufacturer, dealer, or processor shall deliver any food processing machinery and no person shall accept delivery of food processing machinery from any manufacturer, dealer, or processor, except pursuant to an approved order. However, these restrictions on the sale, delivery and acceptance of delivery of food processing machinery shall not prohibit any person from obtaining any complete piece of food processing machinery in accordance with CMP Regulation 5 or 5A if it is for replacement of an existing piece of machinery and if it does not cost over $250 in the case of CMP Regulation 5 or $100 in the case of CMP Regulation 5A. Any person applying or extending a preference rating under CMP Regulation 5 or 5A for replacement may add to the certificate applying or extending the rating a statement substantially as follows: "This order is for replacement of existing machinery." Any person receiving an order bearing a certification and rating with this statement shall be entitled to rely on the representation of the certification unless he knows or has reason to believe it to be false.

(2) A manufacturer or dealer may apply for approval of orders received by him prior to June 5, 1943, to be delivered on or after June 30, 1943, by filing in triplicate a list of such orders together with the following information with respect to each:

Name and address of customer and date of order.
Description of food processing machinery ordered.
Expected delivery date.
Rating and source thereof (i. e., Form PD-1A, PD-285, etc.) if known.
Percentage of completion of order and amount of additional material necessary.
Use to be made of machine.

(3) Any person applying or extending a preference rating assigned to an "approved order" may add to the certificate applying or extending the rating a statement of the source of the rating substantially as follows: "This rating has been assigned on Form as provided in Limitation Order L-292." (The appropriate form number should be inserted in the blank space by the purchaser.) Any person receiving an order bearing a certification and rating with this statement shall be entitled to rely on the representation of the certification unless he knows or has reason to believe it to be false.

(c) *Restrictions on manufacture.* On and after June 30, 1943, no manufacturer shall fabricate or assemble any new machinery or equipment of the kinds listed on Schedule B hereto, or any parts therefor. The provisions of this paragraph apply to all kinds of food processing machinery and equipment listed on Schedule B regardless of whether the sales value of any item is less than $50. The limitations and restrictions of this paragraph shall not apply to (1) the completion of any food processing machine or piece of equipment for which parts weighing, in the aggregate, not less than 75% of the weight of the finished machine or piece of equipment were fabricated prior to June 5, 1943 to the extent that they could not be used either as maintenance or repair parts for other kinds of food processing machinery or in the assembly of food processing machinery not subject to the restrictions of this paragraph; or (2) the fabrication or assembly of maintenance and repair parts or parts used in the reconditioning or rebuilding of used food processing machinery. As used in this paragraph "maintenance" shall mean the upkeep of food processing machinery in sound working condition; and "repair" shall mean the restoration, without change of design, of any portion of food processing machinery to sound working condition, when such portion has been rendered inoperative or unsafe or unfit for service by wear and tear, damage, destruction or failure of parts, or other similar causes.

(d) *Simplification and standardization.* (1) On and after June 30, 1943, no manufacturer of dairy, egg, or poultry processing machinery or equipment shall fabricate or assemble any machinery or equipment of the kinds listed in Schedule C except in the size, style, or model therein prescribed.

(2) On and after June 30, 1943, no manufacturer of canning machinery or equipment shall fabricate or assemble any type or kind of machinery or equipment in more than one model for any one operation on any food or food product; except that a second model may be fabricated and assembled if it will provide at least 50% greater food processing capacity than that of the smaller model produced by the same manufacturer and performing the same operation on the same food or food product. In any event no manufacturer shall fabricate or assemble more than two models of any type or kind of machine. The provisions of this subparagraph shall not be construed to limit or restrict the number of sizes in any model which may be produced.

(3) Prior to June 30, 1943, each manufacturer of canning machinery and equipment shall file with the War Production Board on Form WPB-1902, formerly PD-754, a list of the models, and of the sizes thereof, which he proposes to manufacture in accordance with the restrictions of subparagraph (d) (2); and thereafter, unless otherwise directed by the War Production Board such manufacturer shall be permitted to produce only the models so reported.

(4) Notwithstanding any other provision of this paragraph (d) no manufacturer shall be prohibited from completing any machine or piece of equipment for which parts weighing in the aggregate not less than 75% of the weight of the finished machine were fabricated prior to June 5, 1943, to the extent that they could not be used either as maintenance or repair parts for other kinds of food processing machinery or in the assembly of food processing machinery in compliance with the restrictions of this paragraph (d).

(e) *Conservation of critical materials.* On and after June 30, 1943, no manufacturer shall fabricate or assemble any food processing machinery or equipment of the kinds listed in Schedule D, or repair parts therefor, otherwise than in accordance with the restrictions on the use of materials contained in that schedule. The restrictions of this paragraph (e) apply to all items listed in Schedule D and repair parts for them, regardless of whether the sales value of any of those items is less than $50. However, the provisions of this paragraph shall not prohibit:

(1) The assembly of any machinery or equipment from parts fabricated prior to June 5, 1943, or

(2) The fabrication of repair parts for food processing machinery which was fabricated prior to June 30, 1943, if and to the extent that parts fabricated in accordance with the restrictions of Schedule D would not be interchangeable with the parts to be repaired or replaced because of a change in materials used.

(f) *Exemptions.* (1) The limitations and restrictions of subparagraph (b) (1) shall not apply to:

(i) Orders from or deliveries to a manufacturer or dealer to enable him to fill approved orders which he has actually received, or to replace machinery delivered by him to fill approved orders;

(ii) The seizure or transfer of food processing machinery upon distraint or levy, or upon default in the terms of a conditional sales agreement, chattel mortgage, pledge, or other security agreement;

(iii) The transfer of food processing machinery at judicial or sheriff's auction or sale, tax sale, or other similar transaction conducted by a judicial or other legal officer;

(iv) The transfer of food processing machinery by will or intestacy, or by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, or receivership, proceedings or pursuant to any assignment for the benefit of creditors;

(v) The transfer of food processing machinery as part of a merger, consolidation, sale and purchase of assets, sale and purchase of stock, or lease of plant, involving all or substantially all the assets of a business, where no liquidation or dismemberment of assets is involved or contemplated;

(vi) The transfer of food processing machinery within a plant or from one plant or branch to another under common control, but not the transfer from a plant manufacturing the machinery to a plant which will use it;

(vii) The transfer of food processing machinery as a trade-in for other food processing machinery where the latter is delivered pursuant to an approved order;

(viii) The transfer of food processing machinery to be scrapped for its material content;

(ix) The transfer of any interest in a written instrument evidencing a lien upon or claim against food processing machinery: *Provided however,* That nothing in this subdivision (ix) shall be construed to permit the physical delivery of the food processing machinery involved;

(x) The return of any leased food processing machinery by the lessee to the lessor upon the expiration, termination or cancellation of the lease; or to

(xi) An order for or delivery of food processing machinery to be used directly by the Army, or Navy, Maritime Commission, or War Shipping Administration.

(xii) The transfer of food processing machinery from a processor to a manufacturer or dealer;

(xiii) Any order placed by a manufacturer for food processing machinery to be incorporated into other food processing machinery.

(2) The limitations and restrictions of paragraphs (c) and (d) shall not apply prior to September 3, 1943, to any order for or delivery of food processing machinery to be used directly by the Army, Navy, Maritime Commission or War Shipping Administration.

(g) *Production quotas.* (1) The War Production Board may at any time, by amendment to this order, adopt schedules prescribing the number of units of food processing machinery of any kind which may be fabricated and assembled by any manufacturer. On and after the date of issuance of any such schedules (or such other date as shall be specified in the schedule), no manufacturer shall fabricate or assemble more units of any kind of food processing machinery than the number thereof specified in such schedule.

(2) Unless and until the War Production Board shall otherwise provide by schedules adopted in accordance with the provisions of paragraph (g) (1) above:

(i) During the period from January 1, 1943, to September 30, 1943, no manufacturer shall fabricate or assemble any kind of food processing machinery in excess of the number of units of such kind fabricated and assembled by him during the similar period in 1942. However, a manufacturer may fabricate or assemble the quantity of meat canning, meat packing and meat processing machinery and equipment which will require a gross tonnage of controlled materials not exceeding the gross tonnage of the kinds of such materials used by him for this purpose during the first nine months of 1942. In any case where the restrictions of this subparagraph would prevent a manufacturer from filling any orders which he received prior to June 5, 1943, rated AA-3 or higher, he may fabricate and assemble the necessary number of additional units to enable him to fill such orders.

(ii) During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall fabricate or assemble any kind of food processing machinery in excess of 50% of the annual average number of units of such kind of machinery which he fabricated and assembled during the calendar years 1939, 1940 and 1941. However, a manufacturer may fabricate or assemble the quantity of meat canning, meat packing and meat processing machinery and equipment which will require a gross tonnage of controlled materials not exceeding 50% of the annual average gross tonnage of the kinds of such materials used by him for this purpose during the calendar years 1939, 1940 and 1941.

(3) The quota provisions of paragraph (g) (2) do not apply to the fabrication or assembly of food processing machinery to fill specific orders actually received by a manufacturer for food processing machinery to be used directly by the Army, Navy, Maritime Commission or War Shipping Administration, or for export outside the territorial limits of the United States and Canada.

(4) The War Production Board may at any time prescribe a production schedule for any manufacturer in respect to any kinds or styles of food processing machinery, regulating the time in which such items shall be produced and the number of units of a model to be produced in any one size. From and after the receipt of any such schedule, the manufacturer may carry on production only in accordance with the schedule. The provisions of this subparagraph shall not be construed to affect the other provisions of this order regulating the aggregate number and kinds of machines or pieces of equipment which may be produced by any manufacturer.

(h) *Miscellaneous provisions*—(1) *Reports.* On or before the 20th day of June and of each succeeding calendar month, each manufacturer shall file a report on Form WPB-2721.

(2) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

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

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

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C. Ref.: L-292.

NOTE: The reporting requirement of paragraph (b) (2) has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of November 1943.

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

SCHEDULE A

Machinery and equipment included in definition of "Food Processing Machinery," under paragraph (a) (3).

1. Baking machinery and equipment.
2. Brewing and winery machinery and equipment, including bottling, bottle capping and bottle labeling machinery and equipment but excluding refrigeration machinery and equipment.
3. Canning machinery and equipment. This term includes all preparation machinery and equipment, filling, labeling and casing machinery, and change parts for different can or container sizes, used in the canning, dehydrating, freezing and fresh packing of fruits, vegetables, fishery products (including fishery by-products) and all other human or animal food, but excluding (1) preparation equipment for meat and meat products (2) home canning and home dehydrating equipment (3) container sealing and closing and jar capping machines (4) refrigeration equipment, and (5) steam jacketed kettles, regardless of any use to which they may be put, which are designed to use steam at working pressures of less than 90 pounds per square inch, as governed by Limitation Order L-182.
4. Coconut shredding and processing equipment.
5. Coffee, tea, cocoa, and spice grinding and processing equipment, 1 H. P. and larger.
6. Confectionery machinery and equipment.
7. Dairy, egg and poultry processing machinery and equipment used in the commercial processing of milk and milk products, eggs and poultry including bottling, bottle capping and bottle labeling machinery and equipment but excluding (1) machinery or equipment used on a farm for the production and handling of milk, eggs or poultry prior to delivery to a processor and (2) machinery or equipment covered by the provisions of Limitation Order L-257.
8. Flour, grain, feed milling and processing machinery and equipment.
9. [Deleted Nov. 22, 1943]
10. Macaroni processing machinery and equipment.
11. Meat canning, meat packing and meat processing machinery and equipment. This term includes all machinery and equipment used in the preparation and processing of meat products, filling, labeling and casing machinery, but excluding (1) home canning equipment, (2) container sealing and closing and jar capping machines, and (3) refrigeration equipment.
12. Non-alcoholic beverage manufacturing machinery and equipment including bottling, bottle capping and bottle labeling machinery and equipment but excluding refrigeration machinery and equipment.
13. Sugar processing machinery and equipment.
14. Tobacco processing machinery and equipment.
15. Seed cleaning equipment.

SCHEDULE B

Food Processing Machinery and Equipment which cannot be manufactured unless specifically provided for under the terms of paragraph (g) (1).

1. The following items of baking machinery and equipment:
   a. Angel food pan washing machine.
   b. Cake slicing machine.
   c. Dough brakes.
   d. Dough hopper (ind. unit).
   e. Doughnut machines.
   f. Vibrating screens.
   g. Filling machines.
   h. Fruit cleaning machines.
   i. Icing machines.
   j. Oven and conveyor dump units excluding dump racks.
   k. Pan greasers.
   l. Pan washing machines.

m. Pie pan washing machines.
n. Retarding dough box.
o. Sack cleaners.
p. Sweet and plain roll tables.
q. Sweet roll cutting machines.
r. Trolleys.
s. Trough dividing boards.
t. Chocolate melting kettles.
u. Dough sheeting and stamping machines.
v. Enrobers.
w. Icing trolleys.
x. Marshmallow depositors.
y. Oil spraying machines.
z. Sandwich machines.
aa. Spreading machines.
bb. Sugar topping machines.
cc. Sugar wafer machines.

2. All brewing and winery machinery and equipment, including bottling, bottle capping and bottle labeling machinery and equipment but excluding refrigeration machinery and equipment.

3. All coconut shredding and processing equipment.

4. Coffee, tea, cocoa and spice grinding and processing equipment except equipment by and for the direct use of the Army, Navy, Maritime Commission and War Shipping Administration, and except equipment used in the manufacture of soluble and dehydrated coffee.

5. All confectionery machinery.

6. The following items of dairy machinery and equipment:
a. Automatic pasteurizing and holding controls for vat pasteurizers.
b. Batch measures.
c. Batch weighers.
d. Butter wrappers.
e. Butter cutters—power driven.
f. Fruit feeders.
g. Flavor tanks for ice cream mix.
h. Ice cream freezers, except on order by and for the direct use of the Army, Navy, Maritime Commission and War Shipping Administration.
i. Ice cup—package fillers.
Coating and dipping machines, all types.
Bar and popsicle machinery
j. Ice cream cutting and wrapping machines.
k. Homogenizers for whole fluid milk.
l. Milk bottle hooding machines.
m. Milk irradiator.
n. Milk bottle case washers.
o. Paper bottle filling machines.
p. Soft curd machinery.
q. Vacuum milk samplers.
r. [Revoked Sept. 6, 1943]
s. Foam destroyers.
t. Multiple effect vacuum pan.
u. Automatic pocket type holding systems.
v. Milk can washers for handling chained type covers.
w. All sanitary fittings for dairy machinery and equipment except the following, as set forth in the International Association of Milk Dealers Code:
#2C—ell.
#2F—ell, one end threaded.
#6—tee, one end recessed.
#7—tee.
#9—cross.
#10C—valve.
#11C—valve, 3 way.
#13H—union nut.
#13SH—union nut.
#14—union ferrule.
#14A—union ferrule.
#14R—union ferrule, recessless
#15—union ferrule, threaded.
#15A—union ferrule, threaded.
#15R—union ferrule, threaded, recessless.
#16A—cap.
#17—coupling.
#20—pipe clamp, tapped ¾" I. P. T.
#21—nipple adapter.
#22—coupling adapter.
#23A—thermometer ferrule, fine thread.
#23B—thermometer ferrule.
#24—pipe hanger clamp ⅜" I. P. T.
#25H—malleable wrench.
#26D—ell 45°.
#31R—reducing ferrule, concentric.
#32—eccentric reducing ferrule.
#32-15—reducing ferrule, eccentric, small end.
#32-R—eccentric reducing ferrule, flat face.
#33B—can filler.
#38—vat outlet.
#43—tank outlet.
#45H—check valve, hexagon nut.
#45V—check valve.
#30W—angle valve, inlet recessed.
#30WC—angle valve 90°.
#31—concentric reducing ferrule.
#60T—compression valve, tee.
#60C—compression valve, cross.
#60Y—compression valve, straightway.
#60R—compression valve, recessless.
#3147B—safety by-pass or pressure relief valve.

7. The following items of egg machinery and equipment:
a. Egg graders, hand.
b. Egg graders, power.

8. The following items of flour and grain milling machinery:
a. Mixers (molasses, etc.).
b. Pellet machines.

9. The following items of meat canning, meat packing and meat processing machinery and equipment:

1. Meat slicing and grinding machines and power driven saws, except:

(a) Machines used in commercial meat packing houses;

(b) Freezing equipment;

(c) On order by and for the direct use of the Army, Navy, Maritime Commission and War Shipping Administration.

10. All macaroni processing machinery and equipment except drier.

11. Non-alcoholic beverage manufacturing machinery including bottling machinery and equipment but excluding refrigeration equipment and excluding fresh fruit and vegetable juice machinery.

12. The following items of Poultry Machinery and Equipment:
a. Blood cups.
b. Poultry killing machines.
c. Waxers, poultry.
d. Wax extractors, poultry.

13. Sugar processing machinery and equipment.

14. All tobacco processing machinery and equipment.

SCHEDULE C—SIMPLIFICATION SCHEDULE FOR DAIRY MACHINERY AND EQUIPMENT

[Permitted styles, sizes and capacities per manufacturer. Nearest standard style and size or capacity formerly manufactured.]

NOTE: Items "Cheese vats" and "Pumps, sanitary (b)" amended, Nov. 22, 1943.

Type of machine	Style	Size or capacity
Babcock testers	1 (motor driven)	3 (8, 12 & 24 short bottle).
		2 (24 & 36 long bottle).
	1 (hand operated)	2 (4 and 12 bottles).
Butter cutters, hand	1 (manual)	2 (30 and 60 lbs.).
Bottle cappers, hand	1	1.
Cheese curd mills	1 (portable)	2 (8" and 12").
Cheese hoops	1 style each size	5 (Cheddar, Longhorn, Daisies, Twin, Leaf).
Cheese presses	1 (manual)	3 (1, 2 & 3 row convertible 3 lengths to 24").
Cheese vats	1 (wood body only for capacity of 400 gallons and over).	5 (100, 200, 800, 1,200 & 1,400 gals.).
Cheese vat agitators	1	16" to 22".
Churns, butter wood barrel	1 (roll-less)	3 (1,000, 1,500 & 2,000 lbs.).
Churns, small	1	3 (under 1,000 lbs.).
Clarifiers	1 (airtight, for eggs or upon application* for replacement or size conversion for milk).	3 (6,000, 12,000 & 20,000 lbs. per hour milk basis).
Coolers, Heater and Preheaters	4 (internal tube, plain surface, cabinet surface, plate).	Upon application.*
Dehydrators or driers for milk and eggs.	2 (roll and spray)	Drier rolls—3 sizes only. Spray—as approved for projects on WPB-617.
Fillers for dairy products:		
(a) Hand	1	2 (2 and 4 valves).
(b) Power	1	4 (frame and bowl sizes).
Fillers for evaporated milk	1	3 (one size only for each of 3 size cans).
Filters	2 (cloth and screen)	Existing.
Forewarmers	1	2 (300 and 600 gallons).
Hot wells	1 (single well)	2 (500 and 1000 gallons). Smaller sizes upon application.*
Homogenizers for evaporated and dehydrated milk and ice cream.	1 (up to 5000 lbs. pressure)	4 (frame and head sizes).
High pressure sanitary pumps	1 (up to 7000 lbs. pressure)	2 (frame and head sizes).
Paraffining equipment	1	2 (cheddar and warehouse).
Pasteurizers:		
(a) Cheese	2 (tubular and plate)	Upon application.*
(b) Coil	1	4 (300, 600, 800 and 1,000 gals.).
(c) Plate	2 (screw type)	2 size plates.
(d) Vat and starter can	1 for each size	7 (50, 100, 200, 300, 500, 800 and 1,000 gals.).
Pumps, sanitary:		
(a) Centrifugal	1	4 (1", 1½", 2" and 3").
(b) Positive	1 (rotary only)	3 (1", 1½" and 2").
Separators, open and closed type	1 (open)	4 (1,000, 2,000, 7,000 and 11,000 lbs. per hour).
	1 (closed)	3 (3,500, 7,000 and 11,000 lbs. per hour).
Tanks, receiving	1	5 (100, 200, 600, 1,000 and 1,500 gals.).
Tanks, storage:		
(a) Open top	1 (non-refrigerated)	3 (300, 500 and 1,000 gallons).
(b) Cylindrical	2 (horizontal and vertical, non-refrigerated).	3 (84", 96", 120" diam. minimum 2,000 gallons).
Vacuum pans	2 (coil or tubular single effect only).	2 (60" and 72"). Smaller sizes upon application.*
Washers:		
Hand milk bottle	1	2 (1 and 3 brush).
Sterilizer can	1	1.
Milk bottle, soaker type	3	4 (20, 48, 72 and 120 B. P. M.). Larger sizes upon application.*
Milk can, rotary	1	2 (3 and 6 C. P. M.).
Milk can, straightaway	1 for each size. (Single and double tank permitted in each style).	3 (4-6, 8-10, and 12-14 C. P. M.).
Weigh cans	2 (1 compartment)	2 for each style.
	1 (2 compartments, small, no dump hopper).	1.
	1 (2 compartment, large dump hopper optional).	1.
Weighing receiving unit	1	1 (not to exceed 50 gal. weigh cans).

*On any applicable form specified in paragraph (a) (6).

SIMPLIFICATION SCHEDULE FOR EGG PROCESSING EQUIPMENT

Type of machine	Style	Size or capacity
EGG BREAKING EQUIPMENT		
Egg breaking cups	1	1 not over 3 eggs per cup
Egg breaking knife	1	1 10½".
Egg breaking separator	1	1 1⅛".
Egg breaking tray	1	1 medium 11½ x 10 x 1¼".
Egg breaking tray grid	1	1 medium 11¼ x 9 x ¾".
Egg candlers, hand	1	1 1 hole.
Egg candlers, flash	1	1 three dozen.
Egg churns	2	2 500 lbs. and 800 lbs. eggs.
Egg crushers (frozen) Sanitary.	1	1.
Egg hashers	1	1.
Egg leaker trays & grid	1	1 13 x 13 x 3½".
Egg suckers	1	1.
Egg treating machines	[1] 1	1 16–20 cases per hour.
Egg washers	2	2 six and ten cases per hour.
Sterilizer	1	1 40 x 44 x 30" (16 ga. Galv.).

[1] Tray type.

SIMPLIFICATION SCHEDULE FOR POULTRY PROCESSING EQUIPMENT

Type of machine	Style	Size or capacity
Cooling racks for dressed poultry.	1	1 180 birds.
Eviscerating equipment	1	3 60 ft. 20–26 birds per minute.
	1	32 ft. 10–15 birds per minute.
	1	Cafeteria tray top, hand.
Feather driers	1	2 5,000 and 8,000 birds per day.
Feather wringers	1	1.
Giblet cleaning equipment.	[2] 1	1.
Live poultry holding trucks.	[3] 2	2 8 and 16 compartment.
Packing bench & tables.	1	1 36 x 46.
Picking machines:		
(a) Automatic	1	1.
(b) Hand fed	[4] 1	3 (1, 2 or 3 operators each)
Rubber fingers	1	1.
Pinning conveyors	1	2.
Scalding machines	1	2 Poultry size and Turkey size.
Shackles	[5] 2	2 Poultry size and Turkey size.
Tanks and wash sinks	1	2 Poultry size and Turkey size.

[2] Loose pans.
[3] Metal or wood.
[4] Motor driven drum.
[5] Plain and locking.

SCHEDULE D—CONSERVATION PROVISIONS

NO. 1—DAIRY EQUIPMENT

1. As used herein "contact parts" mean those parts of dairy equipment which come in direct contact with dairy or egg products and the fittings to hold such parts in place. "Corrosion points" mean those parts or fittings, stationary or movable, which are exposed to corrosive action from food products, water, or brine and which, if corroded, will interfere with the normal operation of the machinery or equipment.

2. No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium or alloys containing these metals other than as impurities shall be used for parts, finishings or plating except as otherwise specifically permitted in this schedule "D"—1.

3. Copper and copper base alloys are permitted only in electrical conductors, bearings, valves, instruments, motors, worm driven gears, and cappers for dairy products, and in contact parts and corrosion points for the following equipment:

Babcock testers (cups only)
Cheese pasteurizers
Clarifiers—Sanitary, all types for milk and eggs
Coolers, heaters, preheaters—Sanitary, all types for milk and eggs
Dehydrators for milk and eggs
Fillers for dairy products
Filters for milk and eggs
Forewarmers
Hot Wells
Homogenizers and high pressure sanitary pumps
Pasteurizers, coil, vat and plate type
Separators
Tanks, storage and receiving, sanitary, for milk and egg products.
Vacuum pans
Washers
(a) Bottle, hand
(b) Milk bottle, soaker type
(c) Can
Weigh cans
Weighing receiving units.

4. Chromium or nickel or stainless steel alloys containing these metals may be used only in contact parts and corrosion points for the following equipment:

Clarifiers
Coolers, heaters and preheaters
Spray dehydrators
Fillers
Filters
Forewarmers
Hot wells
Homogenizers
High pressure sanitary pumps
Pasteurizers
Centrifugal pumps
Separators
Tanks, storage and receiving, sanitary, for milk and egg products.
Vacuum pans
Weigh cans
Weighing receiving units.

5. Secondary copper—nickel alloys (white metal) made only from scrap or remelt, may be used for capping equipment, pumps (centrifugal, positive and high pressure), sanitary fittings, and contact parts and corrosion points of dairy equipment.

6. Tin may be used for solder and for plating or coating parts which come in contact with milk or egg products.

7. Rubber can only be used for gaskets, filling valves and couplings.

8. Zinc for protective coating is permitted.

9. Aluminum may be used in the following items if permitted by the Aluminum Order M-1-1 or by any authorization or appeal under that order:

Babcock testers.
Butter cutters
Cappers for dairy products, not installed on the filler, single head
Dehydrators for milk and eggs, roll or spray
Fillers for bottle milk and other dairy products, including evaporated milk
Filters for milk and eggs
Pasteurizers
Tanks, open top, receiving or storage, not insulated
Washers, milk bottle

NO. 2—EGG EQUIPMENT

No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium, iron and steel or alloys containing these metals other than as impurities shall be used for parts, finishes, or plating except in bearings, valves, instruments, motors, or solder, or to the extent permitted below:

Equipment	*Permitted metals*
Egg breaking cups; Egg breaking knife; Egg breaking tray; Egg breaking tray grid; Egg breaking separator	Chrome or nickel stainless steel only where in contact with egg or egg product.
Egg candlers, flash	Iron or steel except in benches.
Egg churns; Egg hashers; Egg crushers (sanitary) for frozen eggs	Chrome or nickel stainless steel, secondary copper nickel alloy (white metal) made only from scrap or remelt and tin coated iron or steel, and only where in contact with egg or egg product. Balance of equipment iron or steel.
Egg suckers; Egg leaker trays and grids; Egg treating machines	Iron, zinc for galvanizing.
Egg tables; Egg washers	Iron and steel.

NO. 3—POULTRY EQUIPMENT

No more than 12% crude rubber may be used in rubber fingers. No aluminum, cadmium, bismuth, tin, magnesium, copper, zinc, nickel, chromium, iron and steel or alloys containing these metals other than as impurities shall be used for parts, finishes, or plating except in bearings, instruments, valves, motors, solder, or to the extent permitted below.

Equipment	*Permitted metals*
Cooling racks for dressed poultry.	Iron or steel in axles, casters and hangers only.
Eviscerating equipment.	Iron and steel, zinc for galvanizing top only.
Feather driers	Iron or steel—12 gauge or lighter except in base.
Feather wringer	Iron and steel, zinc for galvanizing.
Giblet cleaning equipment.	Iron and steel, zinc for galvanizing.
Live poultry holding trucks.	Iron and steel, zinc for galvanizing.
Packing bench and tables.	Galvanized iron for top only.
Picking machines	Iron and steel, zinc for galvanizing on drum only.
Pinning conveyors	Iron and steel.
Scalding machines	Iron and steel.
Shackles	Iron and steel, zinc for galvanizing.
Sterilizers	Iron and steel, zinc for galvanizing.
Tanks and wash sinks.	Iron and steel.

NO. 4—CANNING MACHINERY AND EQUIPMENT

(A) As used herein "contact parts" mean those parts of a food processing or packing machine or item of equipment which come in direct contact with the edible portion of the food product being processed at any stage of the processing operation.

(B) No stainless steel shall be used except in:

1. Contact parts for machinery processing fishery products, citrus products, pineapples, tomatoes and tomato products, vinegar and vinegar products, sauerkraut, chickens, mayonnaise, apples and apple products, riced potatoes for dehydration, and cranberries and cranberry products.

2. Cutting knives as used in food processing equipment for peeling, coring, extruding, slicing or dicing.

(C) No copper other than for electrical conductors shall be used except for contact

parts for acidulous fruits and vegetable products, or in steam-jacketed kettles and in tubing for cooking coils.

(D) No bronze or other copper base alloys shall be used except in—

1. Bearings, gears and fittings;
2. Parts which are in contact with corrosive glues in labeling and sealing machines or with brine and salt water;
3. Contact parts of equipment handling acidulous fruit, acidulous vegetables or fishery products;
4. Bearings and packing glands in fresh fruit, vegetable and fishery products, grading, packing and treating equipment.

(E) No copper-nickel alloy shall be used except secondary copper-nickel alloy made from reprocessed scrap. This alloy is permitted in

1. Filling chambers, plunger valves for fillers and contact parts in pumps for baby foods, citrus, and pineapple products;
2. Pump parts that come in contact with hydrochloric solution or brine in fresh fruit, vegetable and fish washing and treating equipment.
3. Contact parts for machinery processing fishery products, citrus products, pineapples, tomatoes and tomato products, vinegar and vinegar products, sauerkraut, chickens, mayonnaise, apples and apple products, riced potatoes for dehydration, and cranberries and cranberry products.

(F) No nickel shall be used except in pineapple screens.

(G) No monel metal shall be used except for bolts, nuts, nails and rods in fresh fruit and vegetable washing and treating equipment.

(H) No aluminum shall be used. However, this provision shall not prohibit the use of low-grade aluminum, as defined in Order M-1-i, in contact parts of citrus fruit extractors and citrus fruit presses.

(I) No structural steel framework shall be used in the building of viners or viner feeders, pea and bean cleaners or recleaners or shaker shoes, except that rerolled rails may be used in the structural framework of cleaners, recleaners and shaker shoes.

(J) No tin shall be used except in the plating (including hot dipping and hot wiping) of contact parts and in solder.

(K) No rubber shall be used in any canning machinery or equipment, except the following items in which only reclaimed rubber shall be permitted:

1. Apron flaps and viner screens (which shall be impregnated fabric with coating not to exceed 1/64" thickness on each side);
2. Inspection tables, conveyors and sorting belts for fruits and vegetables (which shall be only impregnated fabric with coating on one side not to exceed 1/64" and coating on other side not to exceed 1/32");
3. Belts or rolls for can and bottle unscramblers and fruit and vegetable dicers, slicers, slitters, and cutters, which shall be only impregnated fabric with coating on one side not to exceed 1/4" in thickness (a coating of 5/16" is permitted when applied to slicer rolls);
4. Baffle strips and separators in continuous peelers;
5. Green corn husking rolls; grading ropes for vegetable graders.
6. Valve seals, rings, washers, hoses and displacement members in filling machines; spacing rolls and seaming pads in labeling machines; type and typeholders in can and package marking devices; food rolls for green corn-cutting machines; gaskets for vacuum pans, centrifuges, heaters and batch peelers; pump parts; and hose, tubing and baffles in fresh fruit and vegetable grading, packing and treating equipment.

(L) No temperature and pressure automatic recording control instruments (industrial type) shall be furnished except on continuous cookers, continuous blanchers, continuous preheaters, continuous scalders, continuous juice tanks and food dehydrators.

(M) No metallic paints or filling coats shall be used.

(N) No ball bearing metal rollers shall be used on washing, sorting, packing, scalding, peeling or blanching tables.

(O) Retort cages, crates or covers shall be of the perforated type made of sheet steel, 14 gauge in thickness or less.

(P) No sanitary pumps shall be variable speed driven.

(Q) No nickel silver (copper-nickel-zinc-alloy) having a nickel content in excess of 18% shall be used except in pulper screens, juice extractor screens, and finisher screens, with a perforation of .040 inches diameter or smaller.

[F. R. Doc. 43-18726; Filed, November 22, 1943; 10:56 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5A as Amended Nov. 22, 1943]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES FOR GOVERNMENTAL AGENCIES AND INSTITUTIONS

§ 3175.5a *CMP Regulation 5A*—(a) *Purpose and scope.* (1) The purpose of this regulation is to provide for governmental agencies and for institutions a uniform procedure for obtaining maintenance, repair and operating supplies, both in the case of controlled materials obtained by use of allotment symbols under the Controlled Materials Plan and in the case of materials or products obtained by preference ratings. Any agency or institution affected by this regulation requiring maintenance, repair and operating supplies, in any form, in such quantities as are available from warehouses or distributors under CMP Regulation No. 4 or at retail without preference ratings or allotments, may obtain the same without using the procedure provided in this regulation, but subject to all applicable limitations in War Production Board regulations and orders.

(2) The provisions of this regulation shall not apply to any governmental agency or to any institution to the extent that it is engaged in the following services or industries: gas, light, power, water, central heating, or the operation of a sanitary sewerage system or a storm sewerage system combined with a sanitary sewerage system for general use by the public, or to communications (in so far only as communications are provided for in Orders U-3 and U-4).

(3) *Governmental agencies and institutions in the Dominion of Canada.* The provisions of this regulation shall be available to those governmental agencies and institutions in the Dominion of Canada which may on application by the Department of Munitions and Supply, Ottawa, Canada, be authorized by the War Production Board to operate under it subject to such conditions as may be set out in the authorization. Any such agency or institution in Canada receiving such authority shall use the following certification instead of any certification prescribed in this regulation, and shall not use the alternative form of certification prescribed in CMP Regulation No. 7:

The undersigned purchaser certifies, subject to the penalties of section 16 of the Canadian Wartime Industries Control Board Regulations, to the seller, to the Canadian Priorities Officer, and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized, under applicable Canadian orders, and under applicable War Production Board regulations or orders, 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 or symbol which the undersigned has placed on this order.

(4) The provisions of this regulation shall not apply to Claimant Agencies as defined in CMP Regulation No. 1, except to such extent as may be specifically provided by order of the War Production Board. Any Claimant Agency which desires that this regulation be made applicable to any of its departments or activities may make application therefor by letter in triplicate addressed to the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A.

(b) *Definitions.* The following definitions shall apply for the purpose of this regulation.

(1) "Governmental agency" means any governmental agency in the United States, its territories or possessions, federal, state, county, municipal or local except any agency specifically excluded from this regulation by order of the War Production Board. The term also includes any governmental agency in the Dominion of Canada which has been authorized to operate under this regulation pursuant to the provisions of paragraph (a) (3) hereof.

(2) "Institution" means any institution within the United States, its territories or possessions, public or private, including but not limited to, schools, colleges, libraries, hospitals, welfare establishments and churches, and also includes any institution in the Dominion of Canada which has been authorized to operate under this regulation pursuant to the provisions of paragraph (a) (3) hereof.

(3) "Educational institution" (see Schedule II) means, (i) any elementary or secondary school, and any college or university maintained and operated by any state or any political subdivision thereof, including school districts and cities, or by any agency of the Federal Government, its territories or possessions, or the District of Columbia;

(ii) Any other school, college or university which offers a curriculum substantially the same as that offered by a school, college or university maintained and operated by any state or any political subdivision thereof or the District of Columbia;

(iii) Any school, college, or university which is conducting one or more of the following programs as established and supervised by the United States Office of Education:

(*a*) Vocational Education for War Production Workers,

(*b*) Engineering, Science and Management War Training,

(*c*) Rural War Production Training;

(iv) Any school, college or university, which pursuant to letter of intent from, or contract with, the Army or Navy of the United States is engaged in housing,

feeding or training any unit of military personnel;

(v) Any school, college or university which is specifically authorized by the War Production Board to operate under this regulation as an educational institution. Application for such authorization shall be by letter in triplicate stating the relevant facts addressed to the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A.

(4) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition, and "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: *Provided*, That 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, except as provided in paragraph (b) (6) of this regulation.

(5) "Operating supplies" means any material or product which (i) is essential for conducting any activity or rendering any service by any governmental agency or by any institution and (ii) is consumed in the course of conducting such activity or rendering such service and (iii) does not constitute capital equipment. Materials included in any finished product produced by a governmental agency or an institution which are normally chargeable to operating expense may also be treated as operating supplies.

(6) Minor capital additions may be obtained under the procedures provided for in this regulation for obtaining maintenance, repair and operating supplies where the cost of the minor capital addition does not exceed $100 (excluding the purchaser's cost of labor) for any one complete capital addition. The term "one complete capital addition" includes a group of items customarily purchased together and all items which would normally be purchased as part of a single project or plan. No capital addition shall be subdivided for the purpose of coming within this paragraph, and where the capital addition involves construction, authorization to construct must be obtained to the extent required by Conservation Order L-41 or by any other applicable order or regulation of the War Production Board.

(7) Production material required by a governmental agency or an institution for physical incorporation in products manufactured by it, which products it sells for use as maintenance, repair or operating supplies, may be obtained as provided in CMP Regulation No. 1 and in CMP Regulation No. 3, and such production materials shall not be deemed maintenance repair or operating supplies, as to such agency or institution.

(c) *Controlled materials*—(1) *Steel and copper.* Subject to the quantity restrictions contained in paragraph (f) of this regulation, any governmental agency or any institution engaged in any activity or rendering any service listed in Schedule I or Schedule II attached to this regulation, requiring delivery after March 31, 1943, of any controlled material (as defined in CMP Regulation No. 1) except aluminum, for maintenance, repair or operating supplies in the conduct of such activity or service, may obtain the same by placing on or accompanying its delivery order with substantially the following certificate (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO 5A—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the controlled materials covered by this order are required for essential maintenance, repair or operating supplies, to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5A and that delivery thereof will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

An order bearing such certification shall constitute an authorized controlled material order.

(2) *Aluminum.* Any governmental agency or any institution engaged in any activity, or rendering any service listed in Schedule I or II, requiring aluminum in any of the forms or shapes constituting a controlled material, for essential maintenance, repair or operating supplies, where the use of other materials for the purpose is impracticable, may obtain the same from a controlled materials producer or from a distributor specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale, in an amount of not to exceed 500 pounds from all sources during any one calendar quarter: *Provided*, That any order placed pursuant to this paragraph (c) (2) shall be endorsed with or accompanied by substantially the following certificate (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

CMP allotment symbol MRO-5A—The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the materials covered by this order are required for essential maintenance, repair or operating supplies to be used for a purpose listed in Schedule I or Schedule II of CMP Regulation No. 5A; that the use of other materials for such purpose is impracticable; and that the amount of aluminum covered by this order, together with all other amounts received by, or on order for delivery to, the undersigned, from all sources, for such purpose during the same quarter, will not exceed 500 pounds.

Any producer or warehouse receiving an order bearing such certificate shall be entitled to rely thereon and may fill the order, unless he knows or has reason to believe the certificate to be false. An order bearing such certification shall constitute an authorized controlled material order.

(3) Any governmental agency or any institution engaged in any activity or rendering any service listed on Schedule I or II, which needs aluminum in any of the forms or shapes constituting a controlled material in amounts aggregating more than 500 pounds from all sources during any one calendar quarter for use as essential maintenance, repair or operating supplies where the use of other material for such purpose is impracticable, may apply for an allotment of the amount thereof in excess of 500 pounds during any one calendar quarter by letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington, D. C., Ref: MRO. The letter should contain substantially the information called for by paragraphs (d) (1) to (6) of Supplementary Order M-1-i, as amended March 10, 1943. If the application is granted, the applicant will receive an allotment number or symbol, and may place an authorized controlled material order by endorsing an order with such allotment number or symbol and the certification prescribed in paragraph (s) (3) of CMP Regulation No. 1 or in CMP Regulation No. 7, executed as provided in such regulations.

(d) *Preference ratings for maintenance, repair and operating supplies.* (1) Subject to the quantity restrictions contained in paragraph (f) of this regulation, orders by any governmental agency or institution calling for delivery after March 31, 1943, of maintenance, repair or operating supplies other than controlled materials (regardless of whether such supplies be Class A products, Class B products, or other products or materials) are hereby assigned preference ratings as follows:

(i) AA-1 for maintenance or repair of facilities required for any activity or service listed in Schedule I or for necessary operating supplies for such activity or service;

(ii) AA-2 for maintenance or repair of facilities required for any activity or service listed in Schedule II or for necessary operating supplies for such activity or service;

(iii) AA-5 for necessary maintenance or repair of facilities required for any activity or service not listed in Schedule I or Schedule II or for necessary operating supplies for any such purpose.

(iv) For maintenance, repair and operating supplies for any building devoted primarily to any service or activity listed in Schedule I or Schedule II, the rating assigned to that service is hereby assigned.

(2) Any agency or any institution which maintains a central stores system where it is impracticable to charge purchases for inventory against a particular service or activity, may establish a scale of percentages for each rating, for each class of items, based upon withdrawals from the central stores system during the calendar year 1942 (or its fiscal year ending nearest to December 31, 1942) by the various agencies and institutions (and departments thereof) and may apply the appropriate percentage of each rating to its purchases for the central stores system. In the alternative, any such agency or institution may apply to the War Production Board, pursuant to the provisions of paragraph (k) for the as-

signment of ratings for such stores system.

(3) A preference rating assigned under this paragraph (d) shall be applied only by use of the following certification (or the alternative form of certification provided in CMP Regulation No. 7) signed manually or as provided in Priorities Regulation No. 7:

Preference rating -------- (specify rating): MRO 5A. The undersigned certifies, subject to the criminal penalties for misrepresentation contained in section 35 (A) of the United States Criminal Code, that the items covered by this order are required for essential maintenance, repair or operating supplies; that this order is rated and placed in compliance with CMP Regulation No. 5A and that the delivery requested will not result in a violation of the quantity restrictions contained in paragraph (f) of said regulation.

(4) A person with whom a delivery order is placed bearing a preference rating assigned by this regulation may, subject to the limitations contained in CMP Regulations Nos. 1 and 2, extend the rating in the manner provided in CMP Regulation No. 3 (using the endorsement therein specified or the alternative form of certification provided in CMP Regulation No. 7).

(e) *Departments engaged in several activities.* If any governmental agency or any institution, or any department or unit thereof, is engaged in several activities which are not assigned the same preference rating and if it is impracticable to apportion maintenance, repair and operating supplies between such activities, the principal activity alone shall be considered for the purpose of determining whether controlled materials may be obtained under paragraph (c) of this regulation, and also for determining which preference ratings may be applied under paragraph (d).

(f) *Quantity restrictions.* (1) No governmental agency and no institution which uses the allotment symbol or preference ratings assigned by this regulation to obtain any maintenance, repair and operating supplies shall order for delivery during any calendar quarter maintenance, repair or operating supplies in an aggregate amount exceeding 30 percent of its aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or its fiscal year ending nearest to December 31, 1942), except that any governmental agency or any institution engaged in an activity which normally requires a greater amount of maintenance, repair or operating supplies during certain seasons than others may use such allotment symbol or preference ratings to order for delivery during any calendar quarter up to, but not in excess of, its aggregate expenditures for maintenance, repair and operating supplies during the corresponding quarter of 1942 (or of such fiscal year). In neither case, however, shall any governmental agency or any institution use such allotment symbol or preference ratings to obtain maintenance, repair and operating supplies during the 12 months ending March 31, 1944, in an amount exceeding its aggregate expenditures for maintenance, repair and operating supplies during the calendar year 1942 (or such fiscal year). In determining the dollar amount of expenditures for maintenance, repair and operating supplies permitted under this paragraph (f) there shall be included not only expenditures for supplies obtained by use of the allotment symbol or preference ratings hereby assigned, but also expenditures for supplies which are obtained without the use of such symbol or ratings plus amounts expended in acquiring minor capital additions under paragraph (b) (6) of this regulation. Expenditures during the base period shall be computed in the same way except that amounts expended in acquiring minor capital additions during the base period shall not be included.

(2) A governmental agency or institution which has several departments, branches or units which maintain separate records of maintenance, repair and operating supplies, shall treat each of them separately for purposes of complying with the provisions of subparagraph (1) of this paragraph (f).

(3) In the case of a governmental agency or an institution or any department thereof which was not in operation during the base period specified in subparagraph (1) of this paragraph (f), such agency, institution or department may take, as a base, its expenditures for maintenance, repair and operating supplies during the first quarter of 1943, or during the portion thereof when such agency, institution or department was in operation, reasonably adjusted for seasonal or other variable factors: *Provided,* That it first notifies the War Production Board in writing of the base which it is taking, the reasons therefor, and the nature of any adjustments made. In the case of a governmental agency, or institution or department thereof starting operations after February 28, 1943, maintenance, repair and operating supplies may be acquired pursuant to this regulation in the minimum amounts necessary for operation, without other restrictions, up to $500 per quarter. If more than this amount is required, application shall be made to the War Production Board for a specific quota. In any case where the base provided in subparagraph (1) or by this subparagraph (3) is deemed too low for necessary operations, application may be made for modification thereof by filing a letter in triplicate with the Government Division, War Production Board, Washington 25, D. C., stating the relevant facts.

(4) The restrictions contained in this paragraph (f) shall apply in addition to any quantitative restrictions contained in any order in the "P" series, unless the particular P order expressly provides that the restrictions of this regulation shall be inapplicable.

(5) The quantity restrictions in this paragraph (f) shall not apply to any governmental agency or any institution which during the calendar year 1942 (or fiscal year ending closest to December 31, 1942) used for maintenance, repair and operating supplies, materials of the aggregate value of not exceeding $1,000 and whose estimated requirements for material to be used for maintenance, repair and operating supplies during any calendar year (or corresponding fiscal year) does not exceed $1,000 provided that a practical working minimum inventory is not exceeded. If the actual requirements for maintenance and repair and operating supplies for such year should prove to be in excess of $1,000 such agency or institution shall not, during such year, accept any deliveries of material to be used for maintenance, repair or operating supplies if such deliveries when taken together with other deliveries within such year would in the aggregate exceed $1,000. In such case such agency or institution may apply for a specific quota pursuant to the provisions of paragraph (k) of this order.

(6) The War Production Board may, by further regulations or orders, require specified persons or classes of persons, to file applications or reports regarding their requirements of maintenance, repair and operating supplies and may prescribe specific quantitative limits for the same either larger or smaller than the limits provided in this paragraph (f).

(g) *Form WPB-837 (PD-408) discontinued.* Form WPB-837 (PD-408) has been discontinued as of September 30, 1943. Orders placed before that date to which the ratings or MRO symbol assigned on that form were applied may nevertheless be filled.

(h) *Special provisions relating to use of MRO symbol and preference ratings.* (1) Any person (such as the operator of a toll bridge or a contract garbage collector) who, pursuant to franchise from, or contract with, any governmental agency, performs any service for such agency may use the same allotment symbol and preference rating to obtain maintenance, repair and operating supplies required for such service, which such governmental agency would be entitled to use if it performed such service itself. In computing quantity restrictions under paragraph (f) hereof such service shall be treated as if it were performed by a single department of such governmental agency.

(2) Any person (such as a service repair shop) engaged in the business of doing maintenance or repair work for any governmental agency or any institution may use the same allotment symbol and preference rating to obtain materials needed in the performance of the work which such governmental agency or institution would be entitled to use if it did the work itself. The cost of materials used in the performance of maintenance or repair work shall be treated as expenditures of such agency or institution for the purpose of computing its quantity restrictions under paragraph (f). A person engaged in such business may, instead, request an allotment of controlled materials and a preference rating by applying to the War Production Board, on Form CMP 4-B, but if he does so he must use that method exclusively and may not use such customer's rating or symbol.

(3) Any governmental agency or any institution or any department, branch or unit thereof which is engaged in producing any product or conducting any business listed in Schedule I or Schedule II of CMP Regulation No. 5 may, to the ex-

tent, but only to the extent, that it is so engaged use the applicable rating assigned by CMP Regulation No. 5 and the symbol MRO-5A to obtain maintenance, repair and operating supplies required in conducting such business, but in so doing such agency or institution shall be deemed to operate under this regulation and shall be subject to all of the terms and provisions hereof.

(4) When any building is leased to a governmental agency or institution the landlord may use the same allotment symbol and preference rating to obtain maintenance, repair and operating supplies required for such building, which such governmental agency or institution would be entitled to use if it owned and maintained such building itself; but if the building is occupied by several tenants and the supplies are not for the benefit of a single tenant, the landlord may use a tenants' rating and symbol only if 75 per cent or more of the leased property is used in activities or services on Schedule I or II of this regulation, and in such case, unless all of such activities and services are listed in Schedule I, only the AA-2 rating may be used. In computing quantity restrictions under paragraph (f) hereof, such building shall be treated as if it were maintained by a single department of a governmental agency or institution.

(i) *Penalties for misrepresentation or diversion.* (1) The placing of any order bearing a certification or symbol as provided by this regulation shall constitute a representation, subject to the criminal penalties of section 35 (A) of the United States Criminal Code (18 U. S. C. 80), that the person placing the order is entitled, under the terms of this regulation to the use of the symbol or preference rating indicated thereon.

(2) No person shall use for any purpose other than essential maintenance, repair or operations, any supplies obtained pursuant to this regulation, or use any supplies obtained under a preference rating assigned by this regulation for a purpose to which a lower rating, or no rating, is assigned. Any such use shall constitute a crime punishable by fine or imprisonment or both. Physical segregation of inventories is not required, provided the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(j) *Inventory restrictions.* Nothing in this regulation shall be deemed to authorize any governmental agency or any institution to receive any delivery of maintenance, repair or operating supplies if acceptance thereof would increase its inventory above a practicable working minimum as provided in § 944.14 of Priorities Regulation No. 1, or would exceed the inventory limitations prescribed for such person by CMP Regulation No. 2 or by any other applicable regulation or order of the War Production Board.

(k) *Additional assistance in individual cases.* Any governmental agency or any institution requiring maintenance, repair or operating supplies which is unable to obtain them with the rating assigned to it by this regulation, and any such agency or institution requiring any controlled material, except aluminum, for maintenance, repair or operating supplies which is not listed in Schedule I or II and which is unable to obtain it from a warehouse or distributor under CMP Regulation No. 4 may apply to the War Production Board on Form PD-1A for a higher rating, or the right to use the MRO symbol to obtain controlled materials, other than aluminum. Such form shall bear a notation to the effect that the material applied for is required for maintenance, repair or operating supplies and that applicant is operating under CMP Regulation 5A. Application for an increase in the quantity of expenditures for maintenance, repair and operating supplies permitted by paragraph (f) of this regulation, shall, however, be made by filing a letter in triplicate with the Government Division, War Production Board, Washington, D. C., Ref: CMP Regulation 5A, stating the relevant facts.

(l) *Effect on other orders and procedures.* (1) The preference ratings assigned by this regulation shall supersede the preference ratings assigned by all orders in the "P" series for maintenance, repair and operating supplies with respect to materials or products to be delivered after March 31, 1943, except as may be otherwise provided by amendments of such orders specifically providing to the contrary.

(2) Subject to paragraph (l) (1) of this regulation, all of the terms, provisions and restrictions contained in all orders in the "P" series, including definitions, requirements for making applications and filing reports and other restrictions, except as otherwise provided in paragraph (f) (4) of this regulation shall, subject to the inventory restrictions of CMP Regulation No. 2, remain in full force and effect until modified or revoked, except that this regulation shall be wholly inapplicable to any activity or service covered by any "P" order if such "P" order specifically so provides.

(3) In addition, each governmental agency or institution which, in accordance with existing priorities procedures not covered by "P" orders, is required to file applications or reports with respect to its requirements for, or use of, maintenance, repair or operating supplies, or is limited in the amount of such supplies, which it is permitted to acquire or use, shall continue to comply with such procedures until the same are modified or revoked.

(4) When an order in the "E," "L" or "M" series assigns a specific preference rating to deliveries of any particular material to be used by a particular industry or for a specific purpose, such preference rating shall control and the preference ratings hereby assigned may not be applied. For example, Order M-41 assigns a rating of A-10 to deliveries of chlorinated hydrocarbon solvents for use in the fumigation of stored products, including grain. A person who needs a chlorinated hydrocarbon solvent for such purpose may apply a rating of A-10 to its delivery and must not apply a rating assigned by this regulation.

(5) Nothing in this regulation shall be construed to relieve any governmental agency or institution from complying with any applicable priorities regulation or order of the War Production Board (including orders in the "E", "L" and "M" series) or with any order of any other competent authority.

(m) *Reclassification of activities.* Any governmental agency or any institution which is of the opinion that any activity in which it is engaged should be listed in Schedule I, if it is listed in Schedule II, or should be listed in either Schedule I or Schedule II, if it is not listed in either of such schedules, may apply to have such activity so listed by filing a letter, in triplicate, with the Government Division, War Production Board, Washington 25, D. C., Ref: CMP Regulation 5A setting forth the relevant facts and the reasons why it considers such request should be granted. The War Production Board may cause such activity to be listed in one of the schedules attached to this regulation or, in special cases, may permit the applicant to operate under this regulation to the same extent as though its activity were included in one of such schedules.

(n) *Records.* Each governmental agency and institution or other person 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, and used, which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(o) *Communications.* All communications concerning this regulation should be addressed to: Government Division, War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 5A.

(p) *Restrictions on use of ratings.* The preference ratings assigned by this regulation shall not be used to get any of the items shown on List A or B of Priorities Regulation No. 3.

Issued this 22d day of November 1943.

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

SCHEDULE I—PREFERENCE RATING AA-1

NOTE: Schedule I amended Nov. 22, 1943.

Hospitals.
Refuse and garbage collection and disposal.
Communicable disease control.
Alcan, Richardson, Steese, Glenn, Pan-american and Trans-Isthmian highways.
Public transportation facilities.
Docks, wharves and terminals.
Police and law enforcement agencies.
Anti-espionage and anti-sabotage activities—Federal agencies only.
Fire protection.
Beacons, markers, and radio devices employed as aids to navigation.
U. S. Post Office Department.

SCHEDULE II—PREFERENCE RATING AA-2

NOTE: Schedule II amended Nov. 22, 1943.

Public streets, highways and roads.
Airports and flight strips.
Dams, levees and revetments.

Drainage and irrigation.
Canals—waterways.
Flood control facilities.
Mineral resources: exploration for (governmental agencies only).
Storm sewers.
Street lighting, by governmental agencies which are not engaged in the business of furnishing electric power for use by the public, except in cases where equipment is maintained by a utility company.
Supplying gas, water, electric power, or central steam heating, by a governmental agency, when such service is for its own use exclusively.
Public dispensaries, clinics and health stations, governmentally-owned or operated not for profit.
Penal institutions and prisons including prison industries.
Mine safety.
Printing and publishing.
United States Mint.
United States Bureau of Printing and Engraving.
Processing, warehousing, distribution, preparation, serving and inspection of food by Governmental agencies only.
Over-all administration including staff services, such as fiscal, procurement, personnel, etc., by Governmental agencies only.
Repairs made necessary by reason of any breakdown of plumbing, heating, electrical wiring or equipment, or elevator service in any building or to provide against imminent breakdown of any such facilities by Governmental agencies only.
Publicly-owned buildings which are used for governmental activities.
Educational institutions.

INTERPRETATION 1

Interpretations of the various provisions of CMP Regulation No. 5 are equally applicable to the corresponding provisions of CMP Regulation No. 5A. In most cases, the provisions of the two regulations are similar although there are several important differences and, therefore, care should be exercised to ascertain that the provision of CMP Regulation No. 5 covered by a particular interpretation corresponds in substance to the provision of CMP Regulation No. 5A to which it is sought to be applied. (Issued April 20, 1943.)

INTERPRETATION 2

An association or corporation, operated not for profit, organized for the purpose of fighting and controlling forest fires, and which, through its employees, is actually engaged in the activity of fighting and preventing forest fires, may use the rating assigned by CMP Regulation 5A to the activity of "fire protection" to obtain maintenance, repair and operating supplies required for such activity, but excluding all items on List A of said regulation. (Issued May 10, 1943.)

[F. R. Doc. 43-18727; Filed, November 22, 1943; 10:55 a. m.]

PART 3286—MISCELLANEOUS MINERALS[1]

[General Conservation Order M-162, as Amended Nov. 22, 1943]

PLATINUM

The fulfillment of requirements for the defense of the United States has made it necessary that any possible shortage in the supply of plantinum for defense, for private account and for export be avoided; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3286.41[1] *General Conservation Order M-162*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* As used in this order:

(1) "Platinum means the metal platinum, and platinum salts, compounds, alloys, or mixtures, containing more than two per cent platinum by weight, in any form, including crude ores, matte, residues, sponge, bar, sheet, wire, semi-fabricated forms and partially fabricated products. It also includes scrap and secondary materials, the platinum content of which is more than two per cent by weight. It does not include finished parts, articles, or equipment, regardless of platinum content.

(2) "Jewelry" means rings, bracelets, pins, brooches, pendants, chains, earrings, combs, head or hair ornaments, buckles, buttons, cuff links, studs, badges, insignia, medals, medallions, and all other articles of personal adornment. The term also means tableware, flatware, hollow ware, cigarette cases, watch cases, candlesticks, pencils, pens (except pen-point tips), toilet sets, picture frames, and musical instruments.

(3) "Consumer" means a person who purchases, accepts delivery of, or owns finished parts, articles, or equipment containing plantinum, other than jewelry, for use for any purpose other than resale or investment.

(4) "Processor" means a person who uses platinum by incorporating it physically in the parts, articles, or products which he manufactures, and includes a person who produces dental alloys.

(5) "Dealer" means a person who makes a regular business at an established address in continental United States of buying and selling platinum.

(6) "Distributor" means a person who makes a regular business at an established address in continental United States of acting as buying or selling agent for dealers or processors of platinum.

(7) "Refiner" means a person regularly engaged in the business of refining and separating platinum group metals.

(8) "Supplier" means any person who imports, smelts, alloys, melts, or refines platinum or who sells platinum to processors.

(9) "Process" means cut, draw, machine, stamp, melt, alloy, cast, forge, roll, turn, spin, or otherwise shape. It also means assemble. The term does not include buffing, or polishing an assembled article.

(10) "Put into process" means the first change by the processor in the form of material from that form in which it is received by him.

(11) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding stones or finished parts to an otherwise finished article when the placing of one or more stones or finished parts, or the size or type of one or more stones or finished parts, is determined by the choice of the ultimate consumer or the use to which the ultimate consumer is to put the article.

(12) The terms "deliver" and "receive" shall be deemed to include deliveries and receipts under toll agreement.

(13) "Finished parts, articles, or equipment" means products which are finished to the extent that they are ready for their final end use without further processing or are ready for attachment to equipment or parts of equipment which are not platinum.

(14) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of wear, failure, obsolescence, or other reason.

(c) *Restrictions on sale, purchase, delivery, receipt, and manufacture.* (1) After May 30, 1942, no person shall sell, transfer, or otherwise deliver platinum except to a person known by the seller or transferor to be a refiner, a dealer, a distributor, a processor, or a consumer of platinum. No person, after May 30, 1942, shall purchase or accept delivery of platinum unless he is a refiner, a dealer, a distributor, a processor, or a consumer of platinum.

(2) On and after October 31, 1942, no supplier shall sell or deliver platinum to any processor for use in the manufacture of jewelry.

(3) On and after October 31, 1942, no processor shall purchase or receive platinum for use in the manufacture of jewelry.

(4) On and after October 31, 1942, no processor shall put into process any platinum in the manufacture of jewelry.

(5) On and after October 31, 1942, a processor in the manufacture of jewelry may continue the processing of any platinum which had already been put into process on such date, provided the processing thereof will be completed by January 1, 1943. On and after January 1, 1943, no processor shall process in any way any platinum in the manufacture of jewelry.

(6) The restrictions of paragraphs (c) (2) and (c) (3) shall not be deemed to prohibit the sale, delivery, purchase, or receipt of jewelry or parts thereof which are finished and complete except for adding stones or other finished parts and polishing.

(d) *Scrap restrictions.* (1) No processor shall purchase or accept delivery of any platinum if he owns or has in his possession more than a thirty days' accumulation of scrap, exclusive of sweepings, unless such accumulation aggre-

[1] Formerly Part 1256, § 1256.1.

gates less than 25 ounces, platinum content, or unless it is in the process of being refined.

(2) No person shall sell or deliver scrap except to a distributor, a dealer, or a refiner: *Provided,* That dental alloy scrap may be sold to a person who produces dental alloys.

(e) *Inventory restrictions.* No processor or consumer shall purchase or accept delivery of platinum in the form of raw materials, semi-processed materials, sub-assemblies, finished parts, or finished products, nor shall he put into process any raw material in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material or products in excess of a minimum practicable working inventory. As applied to a processor, the foregoing provision means that in no event shall the platinum content of his total inventory in all forms exceed the amount of platinum contained in the final products required to meet delivery demands for a period of sixty days. The platinum content of scrap in the process of being refined need not be considered as in inventory for the purpose of this paragraph.

(f) *Reports.* (1) Each processor and each consumer who purchases in any calendar month 100 ounces or more (platinum content) of platinum or of finished products, exclusive of jewelry, containing platinum, or who has in any calendar month an inventory of 200 ounces or more (platinum content) of platinum or of finished products, exclusive of jewelry, containing platinum, shall file Form WPB 3330 with the War Production Board on or before the 20th day of the following month.

(2) Every person affected by this order shall file with the War Production Board such other reports and questionnaires as the War Production Board shall from time to time prescribe, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(3) The reporting requirements of this order have received the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(g) [Revoked Nov. 22, 1943]

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in duplicate, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(i) *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, Miscellaneous Minerals Division, Washington, D. C., Ref.: M-162.

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

Issued this 22d day of November 1943.

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

INTERPRETATION 1

MEANING OF THE TERM "PROCESS"

The sizing of already completed jewelry, other than rings, for the ultimate consumer does not constitute processing where such sizing involves only the removal and not the addition of platinum. In the case of completed rings, such sizing does not constitute processing where the sizing requires either the removal or the addition of platinum for the purpose of sizing alone.

The repair of already completed platinum jewelry for the ultimate consumer does not constitute processing, provided no additional platinum is added. Repair means only restoration to usable condition in original form, shape, or design; it does not include any alteration or change in such original form, shape, or design. (Issued Dec. 19, 1943.)

INTERPRETATION 2

MEANING OF THE TERM "ASSEMBLE"

Subparagraph (b) (11) of General Conservation Order M-162 states: "The term 'assemble' shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom * * *." Some question has arisen as to whether or not this exception permits a processor after January 1, 1943, to assemble findings which he has purchased from other processors. It has been the custom of the trade for findings manufacturers to deliver to manufacturers of completed jewelry findings which will then be assembled from time to time, as the need arises, by the manufacturer of the completed jewelry.

The assembly of findings in the case described comes within the meaning of the term "assemble" as such term is used in the order and is prohibited after January 1, 1943. The quoted exception applies only to a case where an article of completed jewelry, for convenience in packing and shipment, is customarily delivered to a sales outlet in knockdown or unassembled form. The distinguishing points of the exception are that the various parts being shipped together are all designed for assembly into a single completed article, that convenience in packing and shipping requires shipment of the article in unassembled form, and that shipment of the particular article in such unassembled form is an established custom in the trade. (Issued Jan. 4, 1943.)

[F. R. Doc. 43-18728; Filed, November 22, 1943; 10:55 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Interpretation 2 of General Limitation Order L-199 [1]]

PLUMBING AND HEATING TANKS

The following interpretation is issued with respect to General Limitation Order L-199.

The definition of "tank" in paragraph (a) (1) includes tanks produced for underfired storage water heaters, and consequently the restrictions in the text of the order apply to such tanks, but none of the schedules attached to the order apply to them.

Issued this 22d day of November 1943.

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

[F. R. Doc. 43-18719; Filed, November 22, 1943; 10:56 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L-325]

35 MM MOTION PICTURE PROJECTION EQUIPMENT AND ACCESSORIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used to produce 35 mm motion picture projection equipment and accessories, 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:

§ 3302.31 *Limitation Order L-325*—(a) *What this order does.* This order regulates the production and distribution of new 35 mm motion picture projection equipment and 35 mm motion picture projection accessories.

(b) *What "35 mm motion picture projection equipment" means.* "35 mm motion picture projection equipment" means complete projectors, projector mechanisms, pedestals, bases, complete sound systems, sound heads, amplifiers, loud speakers, projection arc lamp houses, complete projection arc current converting devices, and complete portable projectors, for use in exhibiting 35 mm film.

(c) *What "new equipment" means.* "New equipment" means any 35 mm motion picture projection equipment which has never been used or which has been used only for demonstration, trial loans, repair loans, and the like.

[1] Interpretation #1, issued January 26, 1943, is superseded, as it relates to a previous version of the order which was completely rewritten as of September 22, 1943.

(d) *What "35 mm motion picture projection accessories" means.* "35 mm motion picture projection accessories" means take-up reels, change-over devices, automatic enclosed rewinders, hand rewinders, nitrate film storage cabinets, steel fireproof booth tables, and film splicers, for use in exhibiting 35 mm film.

(e) *What "repair units" means.* "Repair units" means any parts or assemblies specially designed for use in the 35 mm motion picture projection equipment and accessories listed above, and used to fix them when they have been broken down or are about to break down.

(f) *Restrictions on production of 35 mm motion picture projection equipment.* A manufacturer may produce 35 mm motion picture projection equipment only under the following circumstances. He may manufacture new equipment for stock to the extent permitted by written instructions from the War Production Board. In general the War Production Board in giving such permission will take into consideration Critical Labor Market Areas. In addition, he may produce as much new equipment as the War Production Board gives him written permission to sell or lend, except in those cases in which the War Production Board tells him the equipment must be shipped from stock and may not be replaced.

(g) *How to ask for permission to produce new equipment for stock.* If a manufacturer feels that his stock of new equipment is too small for proper operation of his business, he may ask for permission to produce new equipment for stock by sending a letter in triplicate to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L-325. In this letter he should state the number of units of each type of new equipment which he shipped in 1941, and the number of units of each type of new equipment which he has in his current stock. He should also state what would be his minimum economical production run. If the War Production Board agrees that the manufacturer's stock is too small for proper handling of the volume of business which that manufacturer may reasonably expect, it will give him written instructions permitting him to produce a limited amount of new equipment for stock.

(h) *How much new equipment the War Production Board will permit manufacturers to sell or lend.* The War Production Board will give written permission to manufacturers to sell or lend new equipment only to the extent necessary to carry out an authorized program of the War Production Board. Within the limits of this program the War Production Board expects to permit each manufacturer to sell or lend to the United States Army, the United States Navy, the United States Maritime Commission and the War Shipping Administration as much new equipment as is necessary to meet their requirements for his brand of equipment. No manufacturer will be given permission to sell or lend new equipment to anyone other than those agencies if it will interfere with deliveries to those agencies on their required delivery dates. Moreover, no manufacturer producing equipment for those agencies will be given permission to sell or lend additional new equipment to them if the production of this additional equipment by the required delivery date will interfere with punctual delivery of the equipment already being produced by that manufacturer for those agencies.

(i) *Restrictions on sale and lending of new equipment.* Commencing December 6, 1943, a person may sell or lend new equipment only when he has written permission from the War Production Board, with the following exception. A person does not need written permission from the War Production Board to lend new equipment to a theatre in an emergency for a period of not more than sixteen weeks, while the theatre's equipment is being repaired or replaced. At the end of the sixteen weeks the equipment must be returned by the theatre unless the War Production Board has given written permission to continue the lending of the equipment. An emergency exists when a theatre's equipment has broken down or is about to break down.

(j) *How to ask for permission to sell or lend new equipment.* Under ordinary circumstances a person who wants to ask for permission to sell or lend new equipment must use Form WPB-3253 for that purpose. A person who wants to ask for permission to sell or lend new equipment to the Army of the United States, the Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or to persons buying or borrowing equipment pursuant to the Lend-Lease Act, must use Form WPB-3254. Copies of these forms may be secured through the Service Equipment Division of the War Production Board, Washington 25, D. C., Ref: L-325. All requests for permission to sell or lend new equipment should be sent to the foregoing address only. In emergencies of the type described in paragraph (i) a person may telephone or telegraph for permission to sell new equipment, but he may not sell the equipment until he receives written permission to do so.

(k) *Effect of permission to sell or lend electronic equipment.* Some 35 mm motion picture projection equipment is electronic equipment within the meaning of Order L-265. When the War Production Board gives permission in writing to sell or lend new equipment, the order of the person receiving the equipment is to be considered as rated A-1-a for purposes of Order L-265.

(l) *Restrictions on production of 35 mm motion picture projection accessories.* No manufacturer may produce any 35 mm motion picture projection accessories except to fill rated orders, and to maintain a minimum practicable working inventory of finished accessories ready for shipment on rated orders.

(m) *Distributors' purchases from manufacturers restricted to WPB-547 ratings.* Notwithstanding Priorities Regulation No. 3, a person buying 35 mm motion picture projection accessories from a manufacturer for resale from stock may not extend to the manufacturer a rating received from one of his customers. He may use only the ratings assigned to him by the War Production Board on Form WPB-547 (formerly PD-1X).

(n) *Effect of this order on the production and distribution of repair units.* This order does not restrict either the production or distribution of repair units. Theatres and distributors will continue to secure repair units in the same way as they secured them prior to the issuance of this order. For example, component parts of electronic equipment are to be secured as provided in Order L-265.

(o) *Bureau of the Budget approval.* The various requests for authorization contemplated by this order and the reporting requirement in paragraph (g) have the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(p) *Appeals.* An appeal from the provisions of this order may be made by filing Form WPB-1477 (formerly PD-500) in triplicate with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(q) *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 22d day of November 1943.

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

[F. R. Doc. 43-18721, Filed, November 22, 1943; 10:56 a. m.]

PART 3302—SERVICE EQUIPMENT

[Preference Rating Order P-148]

MATERIALS FOR RURAL WATER WELLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used by water well drillers and others 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.

§ 3302.36 *Preference Rating Order P-148*—(a) *What this order does.* This order assigns the CMP allotment number S-4, and the preference rating, AA-3, to purchases of materials by water well drillers for use in drilling and repairing the wells which supply water for rural homes, rural schools, farms, and other rural and suburban purposes.

(b) *Well drillers may get materials only for certain kinds of wells.* Water well drillers may use the allotment number and preference rating assigned by this order only to get materials, including operating supplies, for drilling, casing and repairing water wells which supply water for agricultural, domestic, or other use in rural and suburban areas. In no case may a water well driller use the allotment number or the preference rating assigned by this order to get materials for drilling, casing or repairing any well which supplies water to a business establishment in an incorporated city or town, to an industrial plant, to a municipal water system, to a water system operated by a public utility, or to a transportation facility, such as a railroad.

(c) *What drilling and casing a water well means.* Drilling and casing a water well means the drilling of the well and the insertion of pipe into the earth to enable water to reach the earth's surface. Also, when a pump is used, drilling and casing includes the laying of pipe on the surface of the earth to enable the water from the well to reach the pump. Any other use of pipe to conduct water on the surface is not considered drilling or casing. Hence, a water well driller may not get pipe under this order for such use. Also, drilling and casing a water well does not include installation of a pump. Hence, a water well driller may not get pumps or pump parts under this order.

(d) *How a water well driller may get materials.* A water well driller may use the CMP allotment number, S-4, and the preference rating, AA-3, by placing a certification on his purchase order in substantially the following form:

---------- The undersigned certifies, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that he is a water well driller entitled to make this purchase under Order P-148.

If he is buying steel in the forms listed at the end of CMP Regulation No. 1, he should put the words, "CMP Allotment Number S-4" in the blank space at the beginning of the certification. If he is ordering other materials, he should put the words, "Preference Rating AA-3: S-4," in the blank space. He should then sign the certification himself, or in the way explained in Priorities Regulation No. 7. An order bearing this signed certification with the allotment number added is an authorized controlled material order under all CMP regulations.

A water well driller may not use the CMP Allotment Number, S-4, to buy either copper or aluminum in the forms listed at the end of CMP Regulation No. 1. If a water well driller needs either of those materials for rural water wells, he should submit Form CMP-4B to the War Production Board, Washington 25, D. C., with a full explanation of the reasons why such materials are required.

If a water well driller needs a preference rating higher than AA-3 to get a particular kind of materials, he should apply on Form WPB-541 (Form PD-1A) to a local field office of the War Production Board.

(e) *Inventory restriction.* A water well driller may not use the allotment number or the preference rating assigned by this order to get a larger inventory of any kind of materials than he will need for doing business in the usual way during the sixty days after the materials are delivered to him.

(f) *This order does not provide for maintenance and repair of drillers' equipment.* Water well drillers may not use the preference rating and CMP allotment number assigned by this order to make minor capital additions to their outfits, or to get materials for maintenance and repair of their rigs and other equipment. Some materials for this purpose may be obtained under CMP Regulation No. 5. Additional information about maintenance, repair, and capital additions may be obtained from the nearest War Production Board field office.

(g) *Water well drillers may not get rationed equipment under this order.* Water well drillers may not use the preference rating and CMP allotment number assigned by this order to get irrigation or drainage pumps, wind mills, deep or shallow well domestic water systems, power pumps, or water well casing not fabricated by pipe mills.

(h) *Effect of other orders and regulations.* (1) No item appearing on List A or List B of Priorities Regulation No. 3 may be bought by a water well driller by using the CMP allotment number or the preference rating assigned by this order.

(2) Certain orders of the War Production Board require special applications for some materials and parts. A water well driller will not be able to buy these materials and parts by using the CMP allotment number or the preference rating assigned by this order. Generally his supplier or the local field office of the War Production Board can tell him whether a special application is needed.

(3) Water well drillers buying and using materials bought under this order are subject to all applicable provisions of the other orders and regulations of the War Production Board as amended from time to time. Information concerning these orders may be secured from any local field office of the War Production Board.

(i) *Information.* Further information concerning this order may be obtained from any local field office of the War Production Board or by writing to the War Production Board, Washington 25, D. C., Ref.: P-148.

(j) *Penalties for violating this order.* Any person who wilfully violates any provisions of this order or falsifies the certificate prescribed in paragraph (d), or who conceals any material information or furnishes false information to any department or agency of the United States is guilty of a crime. If convicted, he may be punished by fine or imprisonment. He may also be deprived of any or all priorities assistance. For example, he may be prohibited from getting, delivering, processing, or using anything which is subject to priority control by the War Production Board.

Issued this 22d day of November 1943.

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

[F. R. Doc. 43-18722; Filed, November 22, 1943; 10:57 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[Limitation Order L-114, as Amended Nov. 22, 1943]

SAFETY EQUIPMENT

The fulfillment of requirements for the defense of the United States has created shortages in the supplies for the war effort, for private account and for export, of materials entering into the production of safety equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3296.31[1] *General Limitation Order L-114*—(a) *Definitions.* For the purposes of this order:

(1) "Safety equipment" means equipment and devices designed primarily to promote safety or to prevent or reduce accidents, injuries, occupational hazards or diseases, including but not by way of limitation, the following articles: guards, goggles, shields, safety cans, oily waste cans, harnesses, headgear, belts, shoes, safety clothing, masks, respirators, inhalators, resuscitating apparatus, hazard measuring devices, protective creams, treads, and warning signs. The term shall not include any automotive or traffic equipment or devices.

(2) "Hazard measuring devices" means devices or instruments designed to detect, indicate, measure or record the presence of poisonous or combustible gases or other harmful substances in the atmosphere for the purpose of promoting safety or preventing or reducing occupational accidents, diseases and hazards of all types. The term shall not include "industrial instruments" as defined in Limitation Order L-134, nor "laboratory equipment" as defined in Limitation Order L-144.

(3) "Safety clothing" means apparel containing special features or constructions designed primarily to protect the wearer from occupational injuries. The term does not include clothing designed primarily for protection against weather or for general work purposes.

(b) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) below, no person shall incorporate in the manufacture of safety equipment, or in any component part thereof, any of the following materials: aluminum, asbestos cloth, chromium, copper, copper base alloys, nickel, corrosion resisting steel, alloy steel tin, synthetic plastics, rubber, synthetic rubber or elastic fab-

[1] Formerly § 3296.36.

ric, as defined in Conservation Order M-174.

(c) *General exceptions.* Paragraph (b) shall not apply to safety equipment assembled or manufactured:

(1) Prior to May 5, 1942, or from parts which were finished and ready for assembly on said date, provided such safety equipment is delivered to fill purchase orders bearing preference ratings of A-10 or higher, or

(2) From materials to the extent permitted in Appendix A hereof, or

(3) For delivery to or for the account of, the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics or the government of any country entitled to deliveries under the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided, and to the extent that the materials designated in paragraph (b) are necessary for efficient functioning and required endurance of safety equipment intended for use:

(i) In or on completed vehicles, aircraft, or ships, or

(ii) Outside of continental United States, or in Alaska, or

(iii) In the protection of military or naval personnel while not engaged in production, maintenance, or repair.

(4) Any order or contract from any agency or government mentioned in paragraph (c) (3) requiring the incorporation or use of scarce materials designated in paragraph (b) shall constitute a representation that the conditions exist under which such scarce materials may be incorporated or used within the terms of this order. Said representation may be relied on by the person with whom the purchase order or contract is placed, his sub-contractors, and suppliers.

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

(e) *Records.* All persons to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

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

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(h) *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.

(i) *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.

(j) *Communications.* All reports required to be filed hereunder and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref.: L-114.

(k) *Effect of other orders.* With respect to the use of the materials named herein for incorporation in the products named herein, or in component parts thereof, this order shall be subject to all other orders to conserve specific raw materials (M orders), and all orders providing for a preference rating in deliveries, or for allocation, as are now or may hereafter be in effect.

Issued this 22d day of November 1943.

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

APPENDIX A

Pursuant to the provisions of paragraph (b) of the above order, the following materials may be used to the extent indicated:

(1) Asbestos cloth in protective clothing, for industrial operations involving intense heat or handling of hot objects or for fire-fighting.

(2) Copper or copper base alloys, other than nickel silver, when essential to the proper functioning of:

(a) Eyelets, rivets, and fasteners worn on the person where the use of non-sparking or non-corrosive material is essential for specific safety purposes and eyelets having a diameter of 1/16 inch or less for safety equipment where steel eyelets in available sizes cannot be used.

(b) Frames, side screen binders and temples for spectacle type industrial goggles and frames for slip-overs for industrial spectacles.

(c) Valves, unions, ferrules, tubing, connections, housings, non-sparking fittings, fastenings, gaskets, pins, probe tubes, orifices, regulators and bearings, for respirators, gas masks or hazard measuring devices through which explosive, toxic, or corrosive gases, dusts or fumes may pass.

(d) Valves, tubing, manifolds, chambers, gaskets, discs, breaker valves, unions, connections, mouthpieces, orifices and facepiece parts on safety equipment through which oxygen or air under pressure is conducted.

(e) Conductors of electricity for safety devices and appliances.

(f) Lens retaining rings and fittings on gas mask facepieces.

(g) Exhalation and inhalation valve inserts and angle tubes for gas masks, air line respirator and breathing apparatus, face and mouth pieces.

(h) Tubing and fittings in hazard measuring devices.

(i) Screen for mask type industrial goggles or hoods.

(j) Bridge clips for molded industrial goggles.

(k) Cylinders, valves, tubing and regulators for compressed air, mechanical guarding devices.

(l) Internal valve mechanisms of safety filling cans with flexible pouring spouts, provided that the net weight of copper base alloy shall not exceed two ounces per can and that such alloy shall not be used in screens (or parts thereof) designed for non-flash-back or strainer purposes.

(m) Wire mesh for side screens for industrial goggles.

(3) Nickel in:

(a) Nickel silver for any part (except (i) side shields and (ii) core wire for plastic type spectacles) of spectacle type industrial goggles until, but not after, October 22, 1944. (The nickel silver shall contain not more than 10% nickel. Furthermore, no manufacturer of spectacle type industrial goggles shall use any nickel silver in the manufacture of spectacle type industrial goggles unless he knows or has reason to believe that at least 90% of the nickel content of the nickel silver was obtained from scrap; and no producer of nickel silver shall sell or deliver any nickel silver to a manufacturer of spectacle type industrial goggles for use in manufacturing such industrial goggles unless he knows or has reason to believe that at least 90% of the nickel content of the nickel silver was obtained from scrap.)

(b) Nickel silver for the following, but not to exceed 10% nickel in such alloy:

(i) Valve inserts for respirators.

(ii) Reducing, admission, dilution, check and safety valve pins, stems, plungers, inserts, screws, spiders, sleeves, yokes and bearings on gas masks breathing apparatus or hazard measuring devices.

(c) Leaded nickel silver for industrial goggle frame screws and rivets but not to exceed 18% nickel in such alloy.

(d) Nickel plating for:

(i) Spectacle type industrial goggles and slip-overs for industrial spectacles.

(ii) Safety and admission valves, saliva tubes and mouthpieces for oxygen breathing apparatus; facepiece check valve bodies for inhalators; and check valves for hose masks; to the extent necessary for the efficient functioning of the named parts.

(e) Nickel silver (containing not more than 10% nickel in the alloy) for spring clips, lugs, fasteners and clamps on slip-overs for industrial spectacles.

(4) Alloy steel in:

(a) Oxygen cylinders for breathing apparatus and inhalators, to the extent required to meet the specifications of the Interstate Commerce Commission.

(b) Foot guards and toe guards (where the use of any less critical material is not practicable), to the extent necessary to provide adequate protection against impact injuries, provided that only NE 8630 or a lower grade steel may be used.

(5) Tin in solder as permitted by Conservation Order M-43, as amended from time to time.

(6) Synthetic plastics in:

(a) Protective hats and caps.

(b) Face shields.

(c) Industrial goggle frames.

(d) Lenses and laminated glass.

(e) Respirator and gas mask parts.

(f) Mounting panels, rheostats, connections, plugs, and insulation in cases, for hazard measuring devices when necessary for efficient operation.

(g) Safety clothing.

(h) Salt tablet dispensers.

(i) Machine guards.

(j) Industrial goggle headbands.

(7) Rubber and synthetic rubber, to the extent permitted by Rubber Order R-1, as amended, or to the extent permitted by any relief granted pursuant to an appeal taken in accordance with the provisions of that order.

(8) Elastic fabric in safety equipment to the extent necessary for efficient functioning and required endurance, except that when elastic fabric is used in headbands for cup type industrial goggles the length of such elastic fabric shall not exceed 21 inches.

(9) Aluminum (primary or secondary) in the following safety equipment, where the use of any other less scarce material is not practicable (Magnesium should be used in place of aluminum for these items where the use of magnesium is practicable.):

(a) Supplied-air mask and hood inhalation and exhaust valves, lens retaining assembly, and hood interliner.

(b) Respirator, inhalation and exhaust valves, screw caps, cartridge and filter body assemblies.

(c) Gas mask angle, Y and T tubes, inhalator and exhaust valves and tube inserts.

(d) Oxygen breathing apparatus angle tubes, Y-tubes and breathing tube inserts.

(e) Industrial goggle cups side shields and lens retaining rings.

(f) Machine guards, to the extent authorized by the War Production Board. (Application for authorization to use aluminum in machine guards must be made by addressing a letter in duplicate to the Safety and Technical Equipment Division, War Production Board, Washington, D. C. The letter should specify the weight, form, and alloy of aluminum needed and the reasons why aluminum is required in the particular case.[1]

(g) Protective safety hats.

(10) Aluminum (low grade sand castings) in the following safety equipment:

(a) Saw guards, shaper guards and jointer guards (point of operation types).

(b) Hazard measuring devices.

(c) Inhalators and/or resuscitators.

(d) Oxygen breathing apparatus reducing valve housings.

(e) Grinding, buffing and polishing wheel eye-guard shields (point of operation types).

(f) Supplied-air masks and hoods.

[F. R. Doc. 43-18720; Filed, November 22, 1943; 10:57 a. m.]

PART 3133—PRINTING AND PUBLISHING

[General Limitation Order L-245, Amdt. 1]

BOOKS

Section 3133.17 *General Limitation Order L-245* is hereby amended by adding a new paragraph (j) as follows:

(j) A publisher who places a bona fide print order for the production of one or more books in 1943 and who, because of production delays beyond his control at the printing level, finds that the paper cannot be put into process before December 31st, 1943, may add to his 1944 quota the tonnage involved, provided that he files with the War Production Board on or before December 31, 1943 a letter setting forth the weight of paper to be added to his 1944 quota, the name of the printer with whom the order has been placed, and the date of such order.

Issued this 20th day of November 1943.

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

[F. R. Doc. 43-18674; Filed, November 20, 1943; 11:13 a. m.]

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

Subchapter C—Director, Office of War Utilities

PART 4501—COMMUNICATIONS

[Utilities Order U-2 as Amended Nov. 20, 1943]

GENERAL CONSERVATION ORDER FOR TELEPHONE INDUSTRY

§ 4501.1 *Utilities Order U-2*—(a) *Definitions.* (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 within, to, or from the United States, its territories or possessions.

(2) "Exchange line plant" means all that portion of an operator's local wire or cable distribution system which extends from the central office main frame, exclusive of poles, crossarms, insulators, and non-metallic conduit, and associated hardware and guys, and exclusive of drop and block wires.

(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) "Drop and block wire" means the portion of a customer's circuit (whether aerial or underground) extending from the inside wire (usually at the station protector or connecting block), or from the station equipment when no inside wire is involved, to the point of connection with the general overhead or underground system. This includes such circuit, carried by means of wire or small cables, extending to the cable terminal in cases where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system, and also includes brackets, bridle rings, insulators, knobs, span clamps, screws, sleeves, strand, tubes, and other material used in the installation of drop and block wires; and the pipes or other protective covering for underground service connections.

(5) "Station installations" means the wires (or small cables) from the station apparatus to the point near the entrance to the building where the drop or block wire or cable terminates, or to the junction boxes where the house cable or other cable terminates; the wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems; the wires (or small cables) used to connect private branch exchange switchboards or their distributing frames with terminal stations located in the same building; and the clamps, cleats, connecting blocks, ground wire, ground rods, nails, station protectors, screws, and other material used in the installation of station apparatus and inside wires. The cables referred to above are the small cables used in station installations instead of wires, such as those run from wall outlets or floor terminals to the station appartus. Inside wires (or small cables) installed specifically to serve as trunk, battery, or generator circuits from a private branch exchange to the point of connection with the permanent house or outside cables or wires shall be considered as a part of the station installation. The term "station installations" does not include the telephone instrument or other "station apparatus."

(6) "Schedule A service" means service to the extent required for the proper discharge of duties in the direct defense, public health, welfare and security categories listed on Schedule A attached.

(7) "Interim service" includes all service installed or reconnected on and after April 15, 1943 which requires an allocation or assignment of exchange central office station terminal equipment or exchange line plant. It also includes any service installed prior to that date according to a contract specifying that the service was on an interim basis.

(b) *Conservation.* (1) Operators shall conserve scarce and critical materials by the employment of all practical methods.

(2) Operators shall discontinue the placing of open copper wire in exchange line plant.

(3) Operators shall discontinue the further installation of dial P. B. X. systems and dial private intercommunicating systems. This provision does not prevent the installation of systems of less than 100 lines where the equipment is already in the stock of the operator or can be obtained from the stock of another operator. Nor does it bar additions to dial systems. Nor does it bar

moves for the same business service within the same exchange area, or to a contiguous exchange area of the same operator, so long as no addition to exchange central office equipment or exchange line plant is made except for a Schedule A business service.

(c) *Availability of facilities for essential uses.* (1) Exchange line plant, exchange central office equipment, or telephone sets made available through normal disconnections shall be used to take care of current applications for Schedule A service and service essential to producers of substantial quantities of food, before other applications for service are cared for.

(2) Idle facilities may be reserved to the extent operators find necessary to meet promptly the known or fairly anticipated requirements for Schedule A service and to provide for essential public pay station service.

(3) To the extent necessary to meet minimum needs for Schedule A service and for essential public pay station service, operators shall make available additional exchange central office equipment or exchange line plant by regrading any service or disconnecting "interim service" under the following provisions:

(i) "Interim service" shall not be subject to disconnection so long as it continues to meet the requirements of Schedule A service, essential public pay station service, or service essential to the producers of substantial quantities of food.

(ii) Regrading is to be done only when current installations of central office equipment permit. Regrading of Schedule A service and of business service is to be done only if regraded service meets minimum service needs.

(iii) In so far as practical these steps shall be taken in the following order. Regrading shall precede disconnection. Residence service shall be regraded or disconnected before business service. Any regrading or disconnection shall be in the reverse order of the dates of connection at the existing locations, that is, the most recent shall be regraded or disconnected first.

(d) *Limitations on additional telephones.* (1) Main stations. Operators shall limit the number of main telephone stations, including P. B. X. trunks, connected to any central office to 105% of the number the central office was designed to serve under pre-war engineering and operating practices. This provision has the following exclusions and exceptions:

(i) Main stations do not include extensions or P. B. X. stations.

(ii) If the number of main stations connected to a central office on March 25, 1943 exceeded the 105% limit, the number need not be reduced so long as service is satisfactory.

(iii) The 105% limitation need not be applied to a single-office exchange which is designed to serve less than 1,000 main stations.

(iv) The War Production Board may approve a percentage other than 105% for any central office.

(2) Residence extension service. Operators shall not install or reconnect residence extension telephones, residence extension bells or residence P. B. X. telephones, nor as a substitute provide additional main lines or stations on party lines, nor install jacks and plugs for residence service. This provision has the following exclusions and exceptions.

(i) Jacks already in place may be reconnected provided that no more than one telephone and one bell shall be furnished with the telephone line with which the jacks are associated.

(ii) Temporary installations of one residence extension may be made when the operator finds it essential in cases of serious illness.

(iii) For practicing physicians and surgeons, the following services may be provided, but the operator shall supply the minimum which will meet professional requirements. The operator may install two jacks and make the main station telephone a portable telephone, or, as an alternative, install one extension telephone or, as an alternative, install two jacks for use with a single portable extension telephone. The operator may also provide a connection with an answering bureau.

(iv) The installation and reconnection in residence quarters of telephones connected to private branch exchanges serving hotels, apartment houses, etc., may be made to the extent that no more than one such telephone may be provided in any residence quarters.

(e) *Limitation on drop and block wire.* Except when necessary to meet the needs for Schedule A business service or for essential public pay station service, operators shall limit the further installation of drop and block wire to the following lengths. In exchanges serving more than 1,000 main stations, aerial drop and block wire shall not exceed one pole-to-pole span along any pole line from the point of connection with existing plant. If this span is less than 75 feet, two pole-to-pole spans are permitted. In exchanges serving 1,000 main stations or less, drop and block wire shall not exceed two pole-to-pole spans. However, the drop wire may be extended beyond the limits specified to a messenger strand attachment in the next adjacent span and to a single pole outside the line, when this is necessary to provide clearance over a street or to clear a tree or other obstacle. An underground drop and block wire shall not exceed 500 feet.

(f) *Limitation on replacements.* Operators shall not make replacements of equipment and facilities (other than poles, crossarms, insulators and nonmetallic conduit, associated hardware and guys and station installations) unless essential for one of the following reasons:

(1) To maintain or protect existing service.

(2) To provide a permanent installation in lieu of one temporarily made to meet an exigency.

(3) To provide for decreased service demands or for the regrading provided for in paragraph (c).

(4) To make necessary replacements for supplying the residence extension service which is permitted for practicing physicians and surgeons in paragraph (d) (2) (iii) and for reconnecting jacks in paragraph (d) (2) (i).

(5) To effect a change in the "class" or "grade" of service, provided the change is not otherwise prohibited by this order. The "classes" of service involved are business, residence, semi-public, residence coin; the "grades" of service involved are individual, two-party, four-party, multi-party.

(6) To provide station wiring plan key arrangements which conserve one or more telephones.

(g) *Limitation on additions.* Operators shall not add exchange central office equipment or exchange line plant unless essential for one of the following reasons:

(1) To maintain or protect existing service.

(2) To meet the known or fairly anticipated needs of Schedule A business service or to provide essential public pay station service where facilities cannot be made available through regrading or disconnection as provided in paragraph (c) above.

(3) To provide cable terminals required in existing exchange line plant to make available for immediate use facilities not otherwise usable for known demands. But additional terminals shall only be supplied where warranted by sound engineering practices.

(h) *Non-applicability to certain replacements and additions.* (1) The terms of this order shall not prohibit wire communications projects approved by the War Production Board on Forms WPB-617 (PD-200), WPB-2774 (UF-30), WPB-1696 (PD-685) or other appropriate form.

(2) Nor do they prohibit the completion of a project the physical installation of which was started at a time when the project was permitted by Order L-50 or an earlier issue of Order U-2.

(i) *Producers of substantial quantities of food.* Nothwithstanding other provisions of this order, additions to the

exchange open wire line plant and drop wire plant to provide service which is essential to the operations of a producer of substantial quantities of food may be made to the following extent. The addition must be limited to two spans of insulated paired wire, including the pole-to-house span, and 100 pounds of steel or iron wire in the case of a grounded circuit or 200 pounds in the case of a metallic circuit for each qualified subscriber connected. The portions of the steel or iron wire classed as "exchange line plant" and "drop and block wire" shall not affect these limits. The addition may include poles, crossarms, hardware and other material used in the installation of open line wire and drop wire. An addition for a group of subscribers as a single project may be made under the terms of this paragraph if the aggregate amount of steel or iron wire required for the entire project divided by the number of qualified subscribers does not exceed the limit specified.

(j) *Exemption of armed forces.* The restrictions of paragraphs (b) (2), (b) (3) and (f) shall not apply to facilities for the official use of the armed forces.

(k) *Engineering and planning.* Except in respect to poles, crossarms, insulators and non-metallic conduit, and associated hardware and guys, all operators shall:

(1) Engineer all replacements or additions to exchange plant so as to limit the margins for expected growth of requirements of Schedule A business service and essential public pay station service, to one-half the period for which provision would be normally made, but in no event to exceed three years.

(2) Engineer all replacements or additions to toll plant, so as to limit the margins for expected growth of service requirements to a period not in excess of one-half the period for which provision would be normally made, but in no event to exceed a period of three years: *Provided, however,* That this requirement shall not require the limitation of the margins of such growth to a period less than one year, *and provided, further,* that conductors in cables designed or suitable for use with carrier current systems may be provided (but not equipped) in such numbers that, when fully utilized by present or immediately contemplated carrier current system technique, they will provide for margins for expected growth of one-half the normal provision for such growth, even though such provision exceeds a three-year period.

(l) *Reports.* All operators affected by this order shall execute and file with the Office of War Utilities such reports as the Director, Office of War Utilities, shall from time to time require; subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(m) *Records.* Each operator affected by this order shall keep and preserve for not less than two years accurate and complete records concerning his use of steel or iron wire and number of main telephone stations connected under the provisions of paragraph (i) subject to the inspection of the duly authorized representatives of the War Production Board.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing Form WPB-2117 (PD-761), giving all information required by said form.

(o) *Violations.* Any person who wilfully violates any provision of the 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.

(p) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U-2.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 20th day of November 1943.

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

SCHEDULE A—CATEGORIES TO BE ACCORDED PREFERENCE IN OBTAINING SERVICE TO THE EXTENT REQUIRED FOR THE PROPER DISCHARGE OF DUTIES IN DIRECT DEFENSE, PUBLIC HEALTH, WELFARE AND SECURITY

1. *Armed forces and government.* (a) Official Army, Navy, Marine Corps and Coast Guard Units. Office of Civilian Defense Units.

(b) Official Federal, State, county, and municipal government services.

(c) Official agencies of foreign governments.

2. *War production and directly related activities.* (a) Business concerns furnishing material, equipment or facilities under prime or subcontracts to the Armed Forces of the United States (or their suppliers). Petroleum operators, for their oil or gas producing or drilling operations. The business offices of persons who regularly perform special services for these business concerns, such as consulting engineers, chemists, lawyers, and accountants. The business offices of persons rendering special service in connection with construction of defense projects authorized by the War Production Board, such as contractors, engineers, and architects. Labor unions having bona fide collective bargaining agreements with business concerns identified in this Schedule A.

(b) Public transportation, pipe line companies, all types of public utilities.

(c) Business concerns who regularly maintain or service equipment essential to the Armed Forces, war production, public transportation, public utilities, and pipe line companies.

3. *Public health and welfare.* (a) Public or private organizations directly serving the public safety, health or welfare, such as: hospitals, clinics, sanitoria; physicians, surgeons, dentists, nurses, nurses' registries, veterinarians, ambulance services, manufacturers or distributors (wholesale and retail) of drugs, surgical, medical, hospital or dental supplies or equipment; mortuaries, burial service organizations; the American Red Cross and similar agencies.

(b) Philanthropic and eleemosynary organizations recognized as such by the Bureau of Internal Revenue, including their fund-raising offices; United Service Organizations and other similar organizations; religious establishments and their officiating clergy; Christian Science Practitioners; public and private schools.

(c) Press associations, newspapers, radio broadcasting stations.

(d) The business or management offices of new housing developments.

(e) Food processing, food distribution (wholesale and retail) and food storage organizations.

[F. R. Doc. 43-18676; Filed, November 20, 1943; 11:13 a. m.]

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

[Direction 1 under Supplementary Utilities Order U-1-g]

TEMPORARY EXTENSIONS TO SERVE CHRISTMAS LIGHTING DISPLAYS

The following direction is issued pursuant to Supplementary Utilities Order U-1-g.

Notwithstanding the terms of Supplementary Utilities Order U-1-g, no producer may construct a temporary extension to serve an electric lighting display for decorative or ornamental purposes related to the celebration of Christmas.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 22d day of November 1943.

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

[F. R. Doc. 43-18723; Filed, November 22, 1943; 10:57 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348[1] Amdt. 14]

LOGS AND BOLTS

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

Maximum Price Regulation No. 348 is amended by the addition of Appendix C, Table 1.

APPENDIX C—SOUTHERN AREA

TABLE 1

Area: Alabama, the counties of Baldwin, Choctaw, Clarke, Conecuh, Marengo, Mobile, Monroe, Washington and Wilcox; *Mississippi,* the counties of Clarke, George, Greene and Wayne.

The area is divided by zones as follows:

Zone 1: Alabama—Baldwin and Mobile counties and those portions of Washington, Clarke and Monroe counties south of Township line between Township 5 North and 6 North; Mississippi—All of George and Greene counties.

Zone 2: All of Conecuh county, the remainder of Washington, Clarke and Monroe counties north of Township line between Townships 5 North and 6 North, and that portion of Choctaw county which is south of the Township line between Township 11 North and Township 12 North; Mississippi—All of Wayne county.

Zone 3: Alabama—that part of Choctaw county which is north of the Township line between Township 11 North and Township 12 North, and the entire counties of Marengo and Wilcox; Mississippi—All of Clarke county.

Species covered: All commercial trees of the following species—Cypress (Taxodium distichum), Poplar (Liriodendron tulipifera), Sweet Gum (Liquidamber styraciflua), Black Gum (Nyssa sylvatica), Tupelo Gum (Nyssa acquatica), Beech (Fagus grandifolia), Sycamore (Platanus occidentalis), Hackberry (Celtis occidentalis), Shortleaf Pine (Pinus echinata), Longleaf Pine (Pinus paulustris), Slash Pine (Pinus caribaea), Loblolly Pine (Pinus taeda), and all other southern pine species of the Genus Pinus. Also all commercial species of the following genera: Oak (Quercus), Magnolia (Magnolia), Cottonwood (Populus), Maple (Acer), Basswood (Tilia), Willow (Salix), Elm (Ulmus), Hickory and Pecan (Hicoria), Ash (Fraxinus) and any other commercial hardwood species found in the area.

Scaling and grading rules: All logs are to be scaled according to the Doyle Log rule, measured at the small end of the log. All pine logs are to be measured in the narrow way from inside of one bark to outside of the other bark, with all fractions of an inch counted back to the next lower figure. Hardwood logs are to be measured the narrow way inside of the bark with all fractions of an inch being counted back to the next lower figure.

All logs 24 feet and over in length shall be computed as if cut into separate logs 16 feet long, beginning at large end; diameter at small end of each such supposed log shall be determined by calipering, with ½ inch and fractions thereof deducted for bark in the case of pine logs and 1 inch and all fractions deducted in the case of hardwood logs. If fraction at small end remaining after successive 16-foot measurements is less than 8 feet, it shall be treated as part of the adjoining 16-foot log and the entire log measured as based on diameter at small end; each such fraction 8 feet and over shall be measured as a separate log.

All logs are to be cut to even lengths (i. e., 10, 12, 14, 16, ft., etc.) unless otherwise specified by the buyer, plus at least 4 inches over length to allow for trimming. Any logs not meeting this requirement shall be measured as of the next lower even length. Not more than 10% of a given lot of logs may be shorter than 12 feet in length and at least 50% must be from 14 to 16 feet long. If more than 10% of the logs are below 12 feet, the excess must be priced as cull logs.

The minimum diameter limit for each species is indicated in the price tables listed below. Woods run grade includes the entire product of the forest of the specified species or group of species with all culls excluded.

A cull is considered as a hardwood log which contains less than a one-half section with two-thirds or more cuttings of clear (free of all defects) wood and cuttings 2 feet and longer and extending around the respective half of the log. Also, a cull log is any log which has to be reduced in scale as provided under "deductions for measurements" to where its net measurement is less than 60 per cent of its total measurement, provided its net measurement is less than 100 board feet, log scale.

Deduction from measurement: All unsound and unusuable wood must be deducted by allowance in measurement. The defects for which full allowance must be made in measurement includes hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters and crooks. Also, all rotten, damaged or wormy cap must be measured off.

Maximum Prices

The prices herein established will prevail for the purchase of logs produced in the zones described. The base price depends upon the area from which the logs originate and not where they are delivered. The maximum prices will prevail for all buying plants purchasing logs in those zones whether or not the buying plants are located in the zone.

Zone 1: The maximum prices for each species and size shall be $1.00 per M higher than the maximum prices established for Zone 2.

Zone 2: Maximum prices per thousand feet, log scale.

	Woods run 19" and up	Woods run by size classes			
		16" to 18"	19" to 19"	20" to 23"	24" and larger
Cypress	$21.00	$19.00	$24.00	$28.00	$32.00
Oak (except overcup oak) Magnolia, Poplar, all Gums, Tupelo	21.00	17.00	21.00	24.00	27.00
Cottonwood, Sycamore, Beech, Maple, Overcup, Oak, Basswood, Willow	18.00	15.00	18.00	21.00	24.00
Elm, Hackberry, Pecan, Hickory, other Hardwoods	16.00	12.00	16.00	19.00	22.00
		10-12"	12-15"	16-19"	20" and larger
Ash	24.00	$19.00	$27.00	$34.00	$44.00

Shortleaf Slash and Loblolly Pine Woodsrun 8" and up $22.00.
Longleaf Pine Woodsrun 8" and up $23.00.
Dense Shortleaf, Logs 15" and larger which measure 16 to 20 feet long $24.00.
Dense Shortleaf, Logs 15" and larger which measure 22 to 29 feet long $26.00.
Dense Shortleaf, Logs 15" and larger which measure 30 feet and longer $30.00.
Longleaf, Logs 15" and larger which measure 16 to 20 feet long $23.00.
Longleaf, Logs 15" and larger which measure 22 feet and longer $30.00.

Zone 3: The maximum prices for each species and size shall be $1.00 lower than the maximum prices established for Zone 2.

General provisions: 1. The above prices will prevail either delivered to a railroad landing or on the bank adjacent to navigable waters placed in good condition for loading or delivered to a buying plant by truck or wagon.

2. The base price applies for logs delivered to the nearest shipping point or mill closest to the source of supply. If delivered to any mill or shipping point greater than 4 air miles beyond nearest mill or shipping point, an additional $1.00 per M may be paid, except that this shall not apply from any point where there is located a mill which is buying the respective kind and species of log.

3. The buyer may furnish the wire used in loading gunboats or rafting.

4. Duplicate invoice covering every purchase of logs amounting to over 5,000 board feet log scale shall be mailed promptly to the Regional OPA office at Atlanta, Georgia. This invoice should contain sufficiently detailed information pertaining to species of logs purchased, volumes by size classes, transportation allowances, location of logging operation, and location of site where delivery is made. Upon notification by Administrator any lot of logs shall be held at its current location for inspection or measurement. The buyer is not obligated to hold logs longer than 2 weeks if damage to logs would occur thereby.

5. Logs may be sold and purchased throughout the area on the basis of any grouping or classification which is listed above; however, the basis of sales must be agreed on before the logs can be scaled or computed, and logs may not be sold or purchased under an agreement that the most advantageous basis will be determined after the logs are scaled and computed. Similarly logs can not be scaled as woodsrun all size classes, if any previous selection has been made.

6. If logs are sold loaded on cars or on gun boats or rafted, an addition not to exceed $2.00 per thousand board feet may be paid. If bought delivered to buying plant by water an addition of $2.00 plus the actual cost of towing may be paid.

7. In the event that logs are scaled by an independent scaler, not affiliated with buyer or seller, the buyer may pay for the scaling.

8. If the buyer takes delivery at some place other than on a river bank, railroad siding or at his plant, the maximum prices must be reduced by the lower of the following:

1. The cost to the buyer of trucking logs to the closest rail siding or barge landing.

2. The cost to the buyer of trucking logs to his plant.

9. The above prices for ash and hickory will prevail for ash and hickory logs purchased in conjunction with other species and not on an individual selected basis.

10. For Gum logs selected for the cutting of commercial veneer, the buyer may add $5.00 per thousand board feet log scale to the above prices for tupelo gum and $2.50 per thousand for other Gums.

NOTE: All reporting and record keeping requirements of this amendment have been

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

[1] 8 F.R. 3670, 5163, 5565, 6356, 9751, 9515, 10023, 11214, 12797, 13337, 14212, 14394, 15190.

approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective November 26, 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 19th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18665; Filed, November 19, 1943; 4:19 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 15]

LOGS AND BOLTS

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

Maximum Price Regulation No. 348 is amended by the addition of Appendix C, Table 2, to read as follows:

TABLE 2

Area: The State of Florida.[2]

Species: All merchantable species of timber found in Florida including: Cypress (Taxodium distichum); Poplar (Liriodendron tulipifera); Sweet Gum (Liquidamber styraciflua); Black Gum (Nyssa sylvatica); Tupelo Gum (Nyssa acquatica); Shortleaf Pine (Pinus echinata); Longleaf Pine (Pinus palustris); Loblolly Pine (Pinus taeda); Slash Pine (Pinus caribaea); all other pines of the genus Pinus; all Ash species of the genus Fraxinus; all Magnolia species of the genus Magnolia; all Maple species of the genus Acer.

Scaling Rules

1. Logs shall be scaled with the Doyle Rule with the diameter measured at the small end of the log inside the bark at the smallest diameter.

2. Logs between 24 and 30 feet in length are to be scaled as two logs in that one-half of the log is to be measured at the small end, and the other one-half is to be calipered in the center of the whole log with one inch deducted for bark. On logs longer than 30 feet, the log shall be treated as containing a series of segments of not less than 12 feet each starting from the small end; each segment shall be calipered at the small end with deduction for bark as stated above.

3. On diameter measurements, fractions of an inch below ½ inch shall be counted back to the next lower diameter inch, while fractions of an inch above ½ inch shall be raised to the next higher inch. (Thus a log 14.4 inch is considered 14" and 14.6 inches would be 15"). If the fraction is exactly ½ inch, it shall be counted as of the nearest even inch. (Thus 13½" shall be counted as 14" and 14½" should also be counted as 14").

4. Logs are to be scaled in standard foot lengths, plus at least 4" overlength to allow for trim on logs 8 feet and longer and at least 2" overlength to allow for trim on lengths below 8 feet. If the trim allowance is not included in the length of the log, it shall be scaled at the next lower standard length.

5. All unsound and usable wood must be deducted by allowance in measurement. The defects for which full allowance must be made in measurement includes hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters, and crook.

Grading Rules

The grade specifications for the No. 1 grade are the minimum requirements for that grade. All logs better than the No. 1 grade definition are included in that grade with the exception of those logs covered by Maximum Price Regulation 313.

No. 1 Grade: Minimum diameter 12 inches, minimum length 10 feet. Logs 12 inches to 15 inches in diameter must be clear of all visible defects.

Logs 16 inches to 23 inches in diameter must have at least 3 clear faces or have at least 75 percent of the length clear in one continuous section.

Logs 24 inches and over in diameter must have at least 2 clear faces or have at least 50 percent of the length clear in one continuous section.

NOTE: Sound sucker knots less than 2 inches in diameter will not be considered as a defect. A "sucker knot" shall be considered as a knot originating from the bark and which does not enter into the main cutting cylinder of the log; also known as "pin knots" and "water sprouts". A rot or dote in the center of the log up to 4 inches in diameter is permitted for logs over 24 inches in diameter, up to 3 inches in diameter for logs over 16 inches to 23 inches, and up to 2 inches diameter for logs 12 inches to 15 inches will not degrade the log, but full deduction for the defect must be made when scaling the log.

No. 2 grade: Minimum diameter 8 inches, minimum length 10 feet. This grade shall include all sound logs above the specified diameter limits that are better than a cull and that do not grade as a No. 1 log.

A cull log shall be considered as any log where the net board foot scale after deductions have been made for defects, is less than 50 percent of the gross board foot scale.

Woods run grade shall consist of the entire product of the forest exclusive of culls. This grade is to contain the full amount of good logs which the standing timber will produce, from which no large or high grade logs have been separated.

If any selection of high quality logs has been made the purchase price shall be either on a grading basis or for the price established for a No. 2 grade of log.

No. 1 veneer blocks: Minimum diameter 12 inches, minimum length to be specified by buyer.

Veneer blocks 12 inches to 15 inches in diameter must be sound and clear of all visible defects.

Veneer blocks 16 inches to 23 inches in diameter must be sound and can have not more than one sound knot 3 inches or less in diameter.

Veneer blocks over 24 inches in diameter must be sound and can have not more than 2 sound knots 3 inches and under in diameter.

Sawmill blocks: To be measured on the basis of a cord of 128 cubic feet; minimum diameter 6 inches; minimum length of block 48 inches.

MAXIMUM PRICES

[Logs (per thousand ft., log scale)]

Species	No. 1 grade and better	No. 2 grade	Woods Run Grade	No. 1 Veneer Blocks
Gum	$32.50	$18.00	$25.00	$30.00
Cypress [1]	30.00	18.00	25.00	27.50
Ash	32.50	18.00	25.00	30.00
Maple	32.50	18.00	25.00	30.00
Poplar	32.50	18.00	25.00	30.00
Magnolia	32.50	18.00	25.00	30.00
Longleaf Pine [2]	32.50	19.00	27.00	30.00
Other Pine	30.00	18.00	25.00	27.50
Other Species	32.50	19.00	27.00	30.00

[1] Cypress woods run logs may be purchased on the basis of size classes at a rate not in excess of those listed below:
8 inches to 10 inches diameter, $18.00 per M' log scale.
11 inches to 14 inches diameter, $20.00 per M' log scale.
15 inches to 19 inches diameter, $25.00 per M' log scale.
20 inches to 24 inches diameter, $30.00 per M' log scale.
25 inches to 29 inches diameter, $35.00 per M' log scale.
30 inches and up, 40.00 per M' log scale.

[2] Longleaf Pine woods run logs may be purchased on the basis of size classes at a rate not in excess of those listed below:
8 inches to 10 inches diameter, $22.00 per M' log scale.
11 inches to 12 inches diameter, $25.00 per M' log scale.
13 inches to 14 inches diameter, $30.00 per M' log scale.
15 inches to 16 inches diameter, $33.00 per M' log scale.
17 inches and up, $35.00 per M' log scale.

Sawmill blocks:
Pine, $7.30 per cord [3] of 128 cubic feet.
Hardwoods, $7.80 per cord of 128 cubic feet.
Cypress, $8.30 per cord [3] of 128 cubic feet.

[3] The tables in this appendix establish maximum prices based on the cubical content of a unit or cord of the size most usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually prices in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.

If the size of unit priced in table is—	If unit sold contains following cubic footage, adjust prices by percentage shown below				
	128	138	144	160	180
128 cubic feet	.....	+7.8%	+12.5%	+25.0%	+40.6%
138 cubic feet	−7.2%	.....	+4.3	+13.9	+30.4
144 cubic feet	−11.1	−4.2	.....	+11.1	+25.0
160 cubic feet	−20.0	−13.75	−10.0	.....	+12.5
180 cubic feet	−28.9	−23.3	−20.0	−11.1	.....

These prices are to prevail for logs f. o. b. railroad cars and for logs delivered to the mill by truck.

Logs may be sold or purchased throughout the area on the basis of any grouping or classification which is listed above. However the basis of the sale must be agreed on before the logs can be scaled or computed, and logs must not be sold or purchased under an agreement that the most advantageous basis will be determined after the logs are scaled and computed.

Any undersized log either in respect to diameter or length, not specifically covered above can be paid for at two-thirds of the No. 2 grade price, by paying only for the not usable contents.

The prices herein proposed will pertain for the purchase of logs produced in the area described above and will prevail for all buying plants purchasing logs in these areas whether or not the buying plants are located in the area.

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

[1] 8 F.R. 3670, 5163, 5565, 6356, 8751; 9515, 10023, 11214.

[2] The prices herein established cover all logs and veneer and sawmill blocks produced in Florida. Any other type of wood under this Regulation and produced in Florida is subject to maximum prices at the September-October 1942 level as set forth in section 3.

This amendment shall become effective November 26, 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 19th day of November 1943.

CHESTER BOWLES,
Administrator.

[F.R. Doc. 43-18660; Filed, November 19, 1943; 4:18 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Incl. Amdt. 46]

SHOES

The preamble, sections 1.2 (a), 1.5 (b), 2.3 (a), (b), 2.4, 2.5 (b), 2.6, 2.7 (a), (b), 2.8, 2.11 (a) (2) (vii), (f) (1), (2), (3), 2.13 (b) (6), 2.16, 2.18, 3.9, 3.13 are amended; sections 2.7 (d), 2.8 (b), 2.11 (a) (8) to (a) (16), 2.11 (f) (8), 2.18 (d) are added; sections 2.11 (e), 3.4 (b) (3), (4) are deleted by Amendment 46, effective November 24, 1943, so that Ration Order 17 shall read as follows:

Preamble: Reliable reports show that more shoes were made in the United States in 1941 than ever before. As a result, our shoe supply was somewhat larger than normal up to the middle of 1942. Since that time, however, shoe stocks have gradually been declining and the supply and demand factors are such that a serious shortage is expected unless the market is controlled.

Production and sales reports for the second half of 1942 show a sharp decline in production of civilian shoes and an increase in retail sales, with the result that retail stocks declined substantially during the year. The trend toward a shortage of shoes is thus shown.

The 1943 production of shoes for civilian use is expected to be smaller than in 1942 for several reasons. Shortages of leather (and other materials) and of skilled manpower are the principal causes of this decline. Furthermore, as our armed forces grow, a larger share of the shoes made must be set aside for them, so the civilian supply is further reduced. Because of these factors, the 1943 production of civilian shoes is expected to be at least 25% less than in 1942.

The Government, through restriction orders issued by the War Production Board, is attempting to make supplies of leather go as far as possible. For example, the number of styles a shoe manufacturer may make has been reduced so as to make it unnecessary for shoe stores to keep in stock many different styles of shoes. However, much of the leather in hides is thin or of poor quality and since it is impossible to stretch the quantity or to improve the quality of sole leather the total number of shoes that can be made is limited.

If consumer buying of shoes were not controlled, it is reasonable to expect that the number of pairs bought in 1943 would be at least as large as in 1942. In fact, many factors indicate that 1943 sales would be larger. Among these factors are the following: (1) People can afford to buy more shoes because they have more money to spend altogether and are unable to spend it for automobiles or other durable goods; (2) as the better grades of leather are used for shoes for the armed forces, many civilian shoes, being of poorer quality, will wear out sooner and require earlier replacement; (3) with gasoline rationing, together with greater employment, more people will be walking to work or on the job and will normally wear out their shoes faster; (4) as shoe stocks decline, consumers tend to stock up and to buy more shoes than they need, thereby increasing the shortage.

Even though 1943 sales should not increase above 1942, but should remain the same, the more conservative estimates indicate that sales would exceed production by over 100 million pairs. This excess would have to come out of current stocks, resulting in a decrease of stocks of approximately 50%.

As a shortage developed, it may be expected that shoes usable for work or street wear would sell faster than luxury shoes and would virtually disappear from stores. Furthermore, shoe store stocks would become unbalanced as to sizes so that many customers could not be fitted.

These factors make it essential that the market be controlled and that the control be exercised before a serious shortage develops. By doing so while stocks are relatively large, stores can be allowed a large enough inventory to serve their customers in a normal way and each person can be allowed enough shoes to take care of his needs.

Under the plan used to ration shoes, consumers will buy shoes in almost the same way as they now buy sugar. At the outset, Stamp No. 17 in War Ration Book One will be used for shoes until June 15, 1943. The Office of Price Administration will announce what stamps are good for later periods. Ordinarily, the customer must tear the stamp from his book and give it to the person making the sale or delivery when the shoes are ordered or delivered. However, in case of a "mail order" the stamp may be sent in by mail when the order is given. Members of a family may use each other's stamps, but in all other cases a stamp may be used to get shoes only for the person to whom the War Ration Book was issued.

The normal needs of everyone will be met by the use of the war ration stamps. To take care of unusual cases where a person needs extra shoes to wear on his job or to protect his health he is permitted to get a special shoe stamp for this purpose by applying to his board.

Employers who furnish special shoes to employees who need them on their job, and institutions which furnish shoes for residents (including athletic shoes for students) are permitted to get a supply for that purpose by applying to a district office of the Office of Price Administration.

To have an effective rationing program, all sales of shoes must be controlled and dealers' inventories must be limited to what they need under rationing. Therefore, everyone dealing in shoes is required to register and file an inventory. In most cases, registration will take place by opening a "shoe ration bank account" at a bank, since the ration banking program will be used by the trade. At the time of registration each distributor will be given a credit of ration currency which he may use, in addition to the ration currency received from customers, to buy shoes. Members of the trade who have ration bank accounts may replace their inventory to the extent of sales, by depositing the stamps and other ration currency received from customers and drawing ration checks to their suppliers.

[Preamble as amended by Am. 46, effective 11-24-43]

§ 1404.101 *Rationing of shoes.* Under the authority vested in the Office of Price Administration and the Price Administrator by Executive Order 9125 issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive 1-T of the War Production Board, issued January 24, 1942, and February 7, 1943, respectively, this Ration Order 17 (Shoes) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1404.101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, Supplementary Directive No. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719.

RATION ORDER 16, INCLUDING AMENDMENT 46—SHOES

ARTICLE I—HOW CONSUMERS BUY SHOES

Sec.
1.1 Buyer must give up evidence of his right to buy shoes.
1.2 How war ration stamp is used.
1.3 War ration book turned over to boarding house may be returned to get shoes.
1.4 Consumers may get special ration in certain cases.
1.4a [Revoked.]
1.4b [Revoked.]
1.4c [Revoked.]
1.5 How to get extra shoes for one's own use.
1.6 How special shoe stamp is used.
1.7 Employers, institutions, and recreational facilities.
1.8 How certificates may be used.
1.9 [Revoked.]
1.10 Consumer may exchange new shoes and may get Special Shoe Stamp to replace defective shoes.
1.11 District Office may issue certificate to welfare agency.
1.12 Anyone may acquire used shoes.
1.13 Anyone may acquire non-rationed shoes.
1.14 Members of armed services and of Maritime Service may acquire shoes.
1.15 Erasures, changes, and mutilation invalidates stamps and certificates.
1.16 What war ration stamps are for shoes.

ARTICLE II—HOW THIS ORDER AFFECTS THE TRADE

2.1 [Revoked.]
2.2 [Revoked.]
2.3 Establishments must file inventory.
2.4 What establishments must open ration bank accounts.
2.5 How to open a shoe ration bank account.

[1] 8 F.R. 1749.

Sec.
2.6 Distributors may get initial allowance and registration number.
2.7 Establishments may deal in shoes.
2.8 Distributors having no ration bank account use ration currency.
2.9 How to deposit ration currency.
2.10 Refunds to consumers and to other establishments.
2.11 Establishments may be allowed to mark shoes "non-rationed".
2.12 Shoes may be used for wear-testing or as samples.
2.13 Establishments must keep records.
2.14 Manufacturers report shoes shipped.
2.15 Replacement certificates may be issued to distributors.
2.16 New businesses may get inventory allowance.
2.17 Establishments may get increased inventory.
2.18 Establishments must mark certain shoes.
2.19 Shoes may be acquired for testing.
2.20 [Revoked.]

ARTICLE III—GENERAL PROVISIONS

Other Transfers Permitted

Sec.
3.1 Transfers to carriers, warehouses, and repair shops permitted.
3.2 Transfer of damaged, lost, or stolen shoes permitted.
3.3 Transfer by operation of law or for security purposes permitted.
3.4 Shoes may be imported.
3.5 How shoes may be exported.
3.6 Shoes may be transferred to exempt persons.
3.7 Closing and transfer of businesses and institutions.

Prohibited Acts Relating to Shoes and Certificates

3.8 Transfer of shoes is prohibited.
3.9 Other prohibitions.

Appeals and Suspension Orders

3.10 Persons affected may appeal.
3.11 Violators may lose right to rationed products.

Scope of Ration Order No. 17

3.12 Where this order applies.

Definitions

3.13 Terms explained.

ARTICLE I—HOW CONSUMERS BUY SHOES

(This part tells all one must know to get shoes for use)

SECTION 1.1 *Buyer must give up evidence of his right to buy shoes.* A person who wants to buy or otherwise acquire shoes for use may do so if he first gives the seller or other person making the transfer valid shoe ration currency. The ration currency used by a consumer may be a "war ration shoe stamp," a "special shoe stamp," or a "certificate". Ration currency may be used only to get shoes for the person for whom it was issued, except that a war ration stamp issued to a member of a family may be used to get shoes for any member of his family. Ration currency may be used during the time and in the way this order permits but not otherwise. A stamp or certificate sent by a consumer to an establishment with a mail order is considered to be used within its valid period, if the envelope in which it is enclosed is post-marked within the time it is valid for consumer use. (Some words are used in this order with a special meaning. Examples are "acquire", "transfer", "person", "family", and "stamp". These terms are fully explained in section 3.13.)

[Section 1.1 as amended by Am. 21, 8 F.R. 8064, effective 6-11-43]

SEC. 1.2 *How war ration stamp is used.* (a) Everyone who has a valid war ration book may use each shoe stamp in it to get one pair of shoes. Section 1.16 tells what war ration stamps are for shoes and when they may be used. The stamp must be torn out of the war ration book in the presence of the supplier or his employee or a person making the delivery for him either when the shoes are ordered or when they are delivered. If the war ration stamp is removed in any other manner or at any other time it is void. However, when a consumer orders shoes by mail and he or his agent does not personally select or receive the shoes at his supplier's place of business, the consumer may tear out the stamp and send it by mail with his order but the supplier may not deliver the shoes until he has received the stamp.

[Paragraph (a) amended by Am. 31, 8 F.R. 11445, effective 8-16-43, Am. 37, 8 F.R. 12548, effective 9-15-43, and Am. 46, effective 11-24-43]

(b) Any consumer who has inadvertently detached a shoe stamp from his War Ration Book or who did so without knowing this action rendered the stamp void for over-the-counter transfers, may surrender it to the Board during the time it is valid for shoes and the Board may issue him a special shoe stamp in exchange. The Board shall write on the stamp the serial number of the War Ration Book from which the stamp has been detached. It shall not fill in the date of issue or date of expiration but shall write on it the number of the war ration shoe stamp being surrendered. A stamp so issued shall be valid for the same period of time as the stamp whose number is written on it.

[Paragraph (b) added by Am. 37, 8 F.R. 12548, effective 9-15-43 and amended by Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.3 *War ration book turned over to boarding house may be returned to get shoes.* A person who has turned his war ration book over to a boarding house, hospital, or a similar institution when required by Rationing Order No. 3[2] (Sugar) or General Ration Order 5[3] may get it back to use it to get shoes if the institution does not furnish his shoes. However, he must return it promptly.

[Sec. 1.3 as amended by Am. 37, 8 F.R. 12548, effective 9-15-43]

SEC. 1.4 *Consumers may get special ration in certain cases.* (a) *Consumers not eligible for War Ration Books may get special shoe stamps.* (1) Any individual consumer who is in the United States and who does not have and is not eligible for a War Ration Book 3, and who is not eligible for shoe rations under the next paragraph or under section 1.14 may obtain a special shoe stamp, on written application to a District Office or to a Board designated by the District Office. However, a resident of an institution of involuntary confinement may not apply if shoes are furnished him by the institution, and no consumer may apply if he has made a previous application, or has obtained a special shoe stamp, since the last war ration shoe stamp became valid. The applicant shall appear in person and a separate application shall be made for each applicant, except that an application may be made by an agent for any or all eligible consumers who are confined in an institution of involuntary confinement within the United States. The application need not be in any prescribed form, but shall contain all information needed to establish the eligibility of each applicant.

(2) In issuing a stamp under this paragraph, the District Office or Board shall write on it the words "No Book". If the stamp is issued to a resident of the United States, the District Office or Board shall not fill in either an issue date or a date of expiration but shall write on the stamp the number of the war ration stamp which last became valid for shoes. A stamp so issued shall be valid for the same period of time as the war ration shoe stamp whose number is written on it. However, if the stamp is issued to a non-resident it is valid for only 30 days from the date it is issued. When a District Office or Board issues a stamp under this paragraph to a non-resident, it shall write on it the date of issue if OPA Form R-1708 is used, or the date of expiration if OPA Form R-1708A is used.

(b) *Mexican border residents may get special shoe stamps.* (1) Any person who resides in Baja California, Mexico, within ninety kilometers of the border between Mexico and the United States, or in any other part of Mexico, within twenty kilometers of that border, may apply for special shoe stamps to enable him to acquire shoes in the United States at the rate of one pair for each period for which a war ration stamp is valid, as specified in section 1.16. The application must be made in person, on OPA Form R-183, to the Board whose office is nearest his customary point of entry into the United States or, if the applicant is unable to apply to the Board because of inadequacy of transportation, to the Customs Officer in charge of his customary point of entry. A single application must be made by the applicant for himself and for all members of his family who wish to acquire shoes. An application may be made by a person under 18 years of age only if he is the head of a household or is not a member of a family. However, anyone who can complete the application may sign or present it as agent for an applicant who is unable to appear.

[2] 8 F.R. 14820.
[3] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403.

(2) The application must contain or be accompanied by all information needed to establish the eligibility of all the persons for whom the application is made, and any other information called for by the form or requested by the Board or the Customs Officer. In all cases the applicant must present with his application his Non-Resident Alien's Border Crossing Identification, or passport, issued for use by the applicant, bearing a visa for entry into the United States or a notation showing that such a visa has been issued and the identification cards or passports issued for use by any of the members of his family included in the application. He must also indicate the serial number of each of them on his application.

(3) The Board, or the Customs Officer, may issue to the applicant, for each period, one special shoe stamp for each eligible person for whom the application is made, and shall insert on each stamp issued the symbol "M", the words "No Book", and the date of the commencement of the period for which the stamp is issued. Stamps so issued are valid for use by the consumer at any time until the next war ration shoe stamp becomes valid.

(c) *Special shoe stamps may be issued for prisoners of war and internees outside the United States.* (1) The nearest relative or other agent of a United States citizen or member of the armed services of the United States who is interned in a foreign country, or held as a prisoner of war by an enemy nation, may obtain a special shoe stamp from his Board to permit him to buy shoes to send to the internee, or prisoner of war.

(2) The stamp may be obtained on written application to the Board, accompanied by a document showing that the person for whom the application is made is interned or held as a prisoner of war by a foreign country. If a stamp is issued on the application, the Board shall so indicate on the document supporting the application unless it is retained with the application.

(3) The Board shall write on each stamp issued the words "No Book". Stamps issued under this paragraph shall be valid for thirty days after the date of issue. If OPA Form R-1708 is used the Board shall write on it the date of issue. If OPA Form R-1708A is used it shall write on it the date of its expiration.

[Sec. 1.4 amended by Am. 1, 8 F.R. 2040, effective 2-13-43; Am. 37, 8 F.R. 12548, effective 9-15-43 and Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.4a [Revoked].

[Sec. 1.4a added by Am. 8, 8 F.R. 3948, effective 3-29-43, amended by Am. 37, 8 F.R. 12548, effective 9-15-43 and revoked by Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.4b [Revoked].

[Sec. 1.4b added by Am. 13, 8 F.R. 5567, effective 4-26-43, amended by Am. 36, 8 F.R. 12547, effective 9-15-43, Am. 41, 8 F.R. 14580, effective 10-30-43, and revoked by Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.4c [Revoked].

[Sec. 1.4c added by Am. 20, 8 F.R. 9422, effective 7-8-43 and revoked by Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.5 *How to get extra shoes for one's own use.* (a) Any person residing in the United States for a period of sixty days or more, or who is in the United States in connection with work related to the war, who needs extra shoes may get a special shoe stamp to permit him to get the extra shoes he needs. He should apply to the War Price and Rationing Board serving the area in which he lives, on OPA Form R-1703. If it is impracticable for him to apply at the proper Board, any Board may, in its discretion, accept and act on his application. He may mail or bring his application to the Board or may have someone else do so for him. In most cases, the applicant must sign the application himself, but if he is a minor, is legally incompetent, or is physically unable to sign it himself someone else may sign it as his agent. The Board may require the applicant to appear before it to give more information before acting on the application and may deny an application of a person who has acquired or transferred shoes in violation of this order.

[Paragraph (a) amended by Am. 37, 8 F.R. 12548, effective 9-15-43 and Am. 44, 8 F.R. 15181, effective 11-9-43]

(b) Except for some special reason, everyone will be given the right to buy all the shoes he needs for ordinary wear by using the stamps in his war ration book. Therefore, a person does not have "need" for extra shoes: (1) if the kind of shoes he wants are furnished him by his employer or by an institution; or (2) if he has two or more pairs of wearable (or repairable) shoes of the kind wanted or which he could use for the same purpose; or (3) if he wants them simply for recreational or non-professional gymnasium use, sportswear or to maintain his personal appearance; or (4) if he already has valid shoe ration currency, or he can obtain a war ration stamp from a member of his family, which he could use to get the shoes he wants. The Board may also find that "need" does not exist if it would not be a hardship for the applicant to wait until his next shoe stamp is valid to get the shoes he wants or if he can get a certificate under section 1.14. However, an applicant applying for safety shoes required to protect his health or safety because of the conditions under which he works, may be found to have "need" for them even though a member of his family has a War Ration Shoe Stamp which the applicant could use.

[Paragraph (b) amended by Am. 5, 8 F.R. 3371, effective 3-24-43, and Am. 46, effective 11-24-43]

(c) If the applicant's occupation requires him to be away from home for a long period of time, in a locality where he has no access to establishments selling shoes, or in a foreign country, the Board may issue him special shoe stamps to permit him to buy the number of pairs he will need during such time. The Board will take into account any stamps he has but not those of other members of his family.

[Paragraph (c) added and former (c) redesignated (d) by Am. 44]

(d) If a special shoe stamp is issued, the Board will write on it the serial number of the applicant's War Ration Book 3 or, if he has none, the words "No book." If the application is for a stamp to secure safety shoes the words "Safety shoes" shall be written on the stamp. If OPA Form R-1708 is used, the Board shall write on it the date of its issue. If OPA Form R-1708A is used it shall write on it the date of its expiration for consumer use, which is 30 days after the date it is issued.

[Paragraph (d), formerly (c) amended by Am. 36, 8 F.R. 12547, effective 9-15-43 and Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.6 *How special shoe stamp is used.* A consumer who gets a special shoe stamp in a way permitted by this order may use it within its valid period to get one pair of shoes, but where the use to which the stamp may be put is specified on the stamp, it is not valid for any other use. Before using the stamp the consumer must write on it the serial number of his War Ration Book 3 or, if he has none, the words "No Book" unless the serial number of a War Ration Book or the words "No Book" are already written on the stamp. If a serial number is written on a stamp the consumer must show the War Ration Book having the same serial number to the person to whom he gives the stamp, except when he sends it with a mail order.

[Sec. 1.6 amended by Am. 36, 8 F.R. 12547, effective 9-15-43 and Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.7 *Employers, institutions, and recreational facilities.* (a) *Employers and institutions may get shoes.* (1) Any employer who furnishes his employees with special shoes necessary for the performance of their jobs; any educational institution that furnishes its students with shoes of a special type required for athletic activities (including physical training); or any correctional or charitable institution that furnishes shoes to its residents may get certificates or special shoe stamps to acquire the number of pairs of shoes it needs for that purpose. To get the certificates or special shoe stamps, the employer or institution should apply (on OPA Form R-1702) to the District Office for the area where the institution, or the employer's principal business office is located. In emergencies, however, any District Office may accept and act on the application. Furthermore, a department of a state government may apply to the District Office for the area where the state capital is located for all shoe stamps or certificates needed to acquire shoes to be furnished to residents of any eligible institution under the supervision of the department. Separate applications shall be made for each institution. If application is made for an

institution in this manner, it shall not make application to any other District Office. The applicant shall furnish all the information called for by the form prescribed or needed to establish the eligibility and need for the number of pairs applied for. If a special shoe stamp is issued, the District Office will write on it the words "No Book". If OPA Form R-1708 is used the District Office shall write on it the date of its issue. If Form R-1708A is used, it shall write on it the date of its expiration. A stamp so issued shall be valid for thirty days from its date of issue.

[Subparagraph (1), formerly paragraph (a) amended by Am. 15, 8 F.R. 6046, effective 5-7-43; Am. 39, 8 F.R. 13301, effective 10-2-43 and Am. 44, effective 11-9-43]

[Section heading added; former section heading designated as paragraph (a), and former (a), (b), (c), and (d) redesignated as subparagraphs (1), (2), (3), and (4) by Am. 44, 8 F.R. 15181, effective 11-9-43]

(2) An employer or educational institution may get certificates or special shoe stamps for not more than the number of pairs of shoes needed to give it a total supply of wearable shoes of the kind desired (including any already owned, whether in use or not, that are wearable or that can be repaired) equal to one pair for each employee or student to be supplied, plus a reserve of 50 per cent.

[Subparagraph (2), formerly paragraph (b) amended by Am. 6, 8 F.R. 3853, effective 4-2-43; Am. 15, 8 F.R. 6046, effective 5-7-43; and Am. 44, effective 11-9-43]

(3) A charitable or correctional institution may get certificates or special shoe stamps under this section for not more than the number of pairs of shoes needed of the kind applied for or a kind that could be used for the same purpose to give it a total supply of wearable shoes (including any already owned, whether in use or not, that are wearable or that can be repaired) equal to two pairs of shoes for each resident to be supplied, plus a reserve of 50 per cent.

[Subparagraph (3), formerly paragraph (c) amended by Am. 6, 8 F.R. 3853, effective 4-2-43 and Am. 15, 8 F.R. 6046, effective 5-7-43]

(4) An employer or institution that gets shoes under this section may let its employees, students, or residents, as the case may be, use the shoes but it must keep title to them. However, if a resident of a charitable or correctional institution leaves the institution it may give him the shoes he has been wearing to take with him.

[Subparagraph (4), formerly paragraph (d) as amended by Am. 15, 8 F.R. 6046, effective 5-7-43]

(b) *Employer may get stamps for safety shoes.* (1) Any employer having employees who require safety shoes for the protection of their health or safety and whose plant is not served by a Plant Area Board may make application to, and upon approval obtain from, the district office the number of special shoe stamps necessary to allow the acquisition by his employees of a two months' supply of safety shoes. The employer shall apply in writing and shall furnish to the district office all information necessary to show his eligibility and the number of stamps required during the two month period.

[Subparagraph (1), formerly paragraph (a) of Sec. 1.7a, as amended by Am. 37, 8 F.R. 12548, effective 9-15-43]

(2) Any employer acquiring stamps under this section shall appoint some person or committee to issue the stamps to his employees and shall notify the district office of the appointment and obtain its approval of the appointment. The person or committee so appointed shall have no connection with the sale of safety shoes and the place at which stamps are issued may not be in the same part of the plant as a location where safety shoes are sold. When a stamp is issued to an employee by such person (or committee), he shall write on it the words "Safety shoes", and the number of the employee's War Ration Book 3 or, if the employee does not have a War Ration Book 3, he shall write on it the words, "No book". If OPA Form R-1708 is used, he shall write on it the date of its issue. If OPA Form R-1708A is used, he shall write on it the date of its expiration for consumer use, which is 30 days after the date it is issued. A stamp may be issued only to an employee who has filled out an application under section 1.5 and who meets the need requirements of section 1.5. These individual applications shall be filed by the employer with the District Office when he makes his next application under this section. Application may be made by the employer before he has exhausted his supply of stamps but he must state in his application the number of stamps he has on hand and the number of individual applications he is forwarding.

[Subparagraph (2), formerly paragraph (b) of Sec. 1.7a, amended by Am. 36, 8 F.R. 12547, effective 9-15-43 and Am. 44, effective 11-9-43]

[Former paragraph (c) of Sec. 1.7a revoked by Am. 37, 8 F.R. 12548, effective 9-15-43]

[Paragraph (b), formerly Sec. 1.7a, added by Am. 7, 8 F.R. 4129, effective 4-5-43 and redesignated paragraph (b) of Sec. 1.7 by Am. 44]

(c) *Operators of recreational facilities may obtain athletic shoes for rental.* (1) Any person operating a bowling alley open to the general public or operated primarily for use by members of the armed services may obtain sufficient certificates to enable him to have in stock, for loan or rental to his patrons, ten pairs of bowling shoes per alley for the first four alleys and seven pairs of bowling shoes per alley for every alley above four.

(2) A person operating any other recreational facility open to the general public or operated primarily for use by members of the armed services may obtain certificates to acquire the number of pairs of athletic shoes of a particular type needed to maintain the supply of such shoes which he had on February 7, 1943 for loan or rental to his patrons.

(3) Application should be made (on OPA Form R-1702) to the District Office for the area in which the shoes are to be used and should contain all information needed to establish eligibility under subparagraph (1) or (2) above and the number of pairs for which he is eligible. Shoes acquired with certificates in this manner and shoes held for loan or rental on February 7, 1943, may be loaned or rented without collecting ration currency. However, they may not be loaned or rented to any person for use off the applicant's premises nor for a period longer than twelve hours at a time to the same person. The applicant must keep title to the shoes and they may not be transferred as "used" shoes under section 1.13.

[Paragraph (c), formerly Sec. 1.7b, added by Am. 24, 8 F.R. 9062, effective 7-7-43; redesignated paragraph (c) of Sec. 1.7 by Am. 44. Former paragraphs (a), (b) and (c) redesignated subparagraphs (1), (2) and (3)]

SEC. 1.8 *How certificates may be used.* A person who gets a certificate in a way permitted by this order may use it only within 30 days from the date it was issued to get the number of pairs of shoes of the type permitted by the certificate. It may be used only by or for the person to whom it was issued. If it is sent with a mail order, the shoes may be delivered only to the name and address written on the certificate.

[Sec. 1.8 as amended by Am. 37, 8 F.R. 12548, effective 9-15-43]

SEC. 1.9 [Revoked].

[Sec. 1.9 revoked by Am. 37, 8 F.R. 12548, effective 9-15-43]

SEC. 1.10 *Consumer may exchange new shoes and may get Special Shoe Stamp to replace defective shoes.* (a) Any consumer may return new shoes to the establishment from which he got them and with the latter's consent may get another pair in exchange or may get back a special shoe stamp if the establishment accepts the shoes returned and also refunds the full purchase price.

[Section heading as amended by Am. 6, 8 F.R. 3853, effective 4-2-43. Paragraph (a) amended by Am. 36, 8 F.R. 12547, effective 9-15-43 and Am. 44, 8 F.R. 15181, effective 11-9-43]

(b) A consumer may get a special shoe stamp from the Board if within thirty days from the date of purchase, he returned to an establishment shoes, for which he had surrendered ration currency, which are defective because of workmanship or material and cannot reasonably be repaired. The applicant must present to the Board a statement signed by the establishment stating, (1) that the shoes are defective because of workmanship or material and cannot reasonably be repaired; (2) that if the Board desires, the shoes may be examined by it before it acts on the application; and (3) giving the date the shoes were bought, the date returned and the nature of the defect.

[Paragraph (b) added by Am. 6, 8 F.R. 3853, effective 4-2-43 and amended by Am. 37, 8 F. R. 12548, effective 9-15-43]

(c) In issuing a stamp under this section the establishment or Board shall not fill in either an issue date or a date of expiration but shall write on the stamp, the number of the war ration stamp which last became valid for shoes. A stamp so issued shall be valid for the same period of time as the war ration shoe stamp whose number is written on it.

[Paragraph (c) added by Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.11 *District Office may issue certificate to welfare agency.* To avoid hardship caused by flood, tornado, or other public disaster, a District Office or the National Office may issue shoe purchase certificates to the American Red Cross (or any of its branches) or other recognized welfare agency (on written application made on OPA Form R-1702) to permit it to acquire shoes for free distribution to persons who lose their shoes in the catastrophe. Shoes acquired by the welfare agency with certificates so issued may be transferred to anyone having need for them as a result of a catastrophe, without getting ration currency for them.

[Sec. 1.11 as amended by Am. 37, 8 F.R. 12548, effective 9-15-43]

SEC. 1.12 *Anyone may acquire used shoes.* Anyone may acquire used shoes without giving up ration currency. However, shoes returned for exchange under section 1.10 (a), shoes acquired by employers and institutions under section 1.7, and shoes used for wear-testing or as samples may not be transferred or acquired as used shoes. (The term "used" is explained in section 3.13.)

[Sec. 1.12 amended by Am. 6, 8 F.R. 3853, effective 4-2-43; Am. 31, 8 F.R. 11445, effective 8-16-43; and Am. 37, 8 F.R. 12548, effective 9-15-43]

SEC. 1.13 *Anyone may acquire non-rationed shoes.* Anyone may acquire, without giving up a stamp or other ration currency, shoes that have been marked non-rationed as allowed under section 2.11 of this order.

SEC. 1.14 *Members of armed services and of Maritime Service may acquire shoes.* (a) Any member of the armed services of the United Nations may acquire shoes furnished or sold him by a branch of the armed services of the United States, without surrendering ration currency.

[Paragraph (a) as amended by Am. 1, 8 F.R. 2040, effective 2-13-43. Section heading as amended by Am. 17, 8 F.R. 6687, effective 5-25-43]

(b) Any member of the armed services of the United States who wants shoes that he cannot get from his branch of the armed services and who does not have a war ration shoe stamp may get certificates for the shoes he needs. Certificates for this purpose may be issued by an authorized officer of his branch of the armed services. Any member of the armed services of other United Nations residing within the United States, who does not have a war ration shoe stamp may get certificates for the shoes he needs from any authorized issuing officer of the armed services of the United States.

[Paragraph (b) as amended by Am. 12, 8 F.R. 5679, effective 5-5-43]

(c) Any branch of the armed services of the United Nations may get certificates from any District Office to acquire the shoes it needs for members of its armed services within the United States and may furnish or sell shoes to any member of the armed services of the United Nations without collecting ration currency.

[Paragraph (c) added by Am. 3, 8 F.R. 2943, effective 3-13-43]

(d) Any member of the Merchant Marine Cadet Corps or of the United States Maritime Service stationed ashore or on a training ship who does not have a valid war ration shoe stamp and who is not furnished shoes by the War Shipping Administration may get certificates (OPA Form R-1705B) for the shoes he needs. Certificates for this purpose may be issued by an authorized officer of the training organization of the War Shipping Administration.

[Paragraph (d) added by Am. 17, 8 F.R. 6687, effective 5-25-43]

SEC. 1.15 *Erasures, changes, and mutilation invalidates stamps and certificates.* Any omission, erasure, or change on a special shoe stamp or a shoe purchase certificate makes it void. A stamp that has been torn or mutilated is valid only if more than one half of it remains intact when presented, and, in the case of a special shoe stamp, only if it shows the time of issue or the time of expiration either by reference to a date or a war ration shoe stamp and the serial number of the holder's War Ration Book or the words "No Book". A certificate that is torn shall be valid only if the remaining portion can be read and shows the date, the number of pairs for which it is good, the name of the holder, and the signature of the issuing officer.

[Sec. 1.15 as amended by Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 1.16 *What war ration stamps are for shoes.* The following schedule shows what stamps are evidence of a right to acquire shoes and the time they are valid.

War ration book number	Stamp number	Valid period (For men's, women's, and children's shoes)
One	17	First Tuesday after effective date of order to June 15, 1943, inclusive
One	18	June 16, 1943, to date to be announced by the Office of Price Administration.
Three	Airplane # 1	November 1, 1943 to date to be announced by the Office of Price Administration.

[Sec. 1.16 amended by Am. 21, 8 F.R. 8064, effective 6-11-43 and Am. 40, 8 F.R. 13123, effective 9-27-43]

ARTICLE II—HOW THIS ORDER AFFECTS THE TRADE

(This part should be read by everyone who deals in shoes)

SEC. 2.1 [Revoked].

[Sec. 2.1 revoked by Am. 37, 8 F.R. 12548, effective 9-15-43]

SEC. 2.2 [Revoked].

[Sec. 2.2 revoked by Am. 37]

SEC. 2.3 *Establishments must file inventory.* (a) No establishment may acquire or transfer shoes unless it has registered by filing an original inventory of its supply of shoes and ration currency in the manner required by this Order. If the establishment was in business on April 10, 1943, the inventory shall be taken and filed as of that date, on OPA Form R-1701. New establishments must file their original inventory as of the date and in the form required by the Office of Price Administration.

[Paragraph (a) amended by Am. 9, 8 F.R. 4716, effective 4-8-43, and Am. 46, effective 11-24-43]

(b) Every establishment filing an original inventory after November 23, 1943 shall file it with its District Office.

[Paragraph (b) as amended by Am. 46, effective 11-24-43]

(c) Where an inventory filed by an establishment is found to be erroneous, the establishment shall promptly file with the District Office a corrected inventory on OPA Form R-1701 together with a copy of the original inventory. If rationed shoes were omitted from the original inventory, the District Office shall issue to the establishment a certificate for the difference between the shoe purchase allowance received and the amount to which it was entitled. If the number of pairs of shoes in the corrected inventory is less than that in the original inventory, the establishment shall surrender to the District Office ration currency in an amount equal to the difference between the shoe purchase allowance it received and the amount to which it was entitled.

[Paragraph (c) added by Am. 16, 8 F.R. 6046, effective 5-10-43]

(d) Each establishment shall file the second inventory with the Inventory Unit, Empire State Building, New York City, New York, on or before October 10, 1943. The inventory shall be taken as of the close of business on September 30, 1943 and all information required by the form (OPA Form R-1701A) must be furnished.

[Paragraph (d) added by Am. 38, 8 F.R. 12515, effective 9-10-43]

SEC. 2.4 *What establishments must open ration bank accounts.* (a) Every establishment having access to ration banking facilities must open a ration bank account on or after April 12, 1943 if it has a dollar checking account in any

bank. No other establishment may open a shoe ration account except that:

(1) An establishment owned by a government agency may open a shoe ration account even though it does not have a dollar checking account;

(2) A person owning one establishment having a dollar checking account in any bank may open shoe ration accounts for other establishments owned by him even though he does not maintain a separate checking account for each establishment;

(b) A person owning two or more establishments located in the same city or community may open a joint account for them, if separate inventories are filed for each such establishment. If he has opened separate accounts for them he may close them and open a new joint account for them with the approval of the District Office.

[Sec. 2.4 amended by Am. 9, 8 F.R. 4716, effective 4-8-43, and Am. 46, effective 11-24-43]

SEC. 2.5 *How to open a shoe ration bank account.* (a) A separate account must be opened for each establishment even though two or more are owned by the same person except as otherwise permitted by the above section. There may be two or more establishments at the same location if separate records and inventories are kept.

[Paragraph (a) as amended by Am. 9, 8 F.R. 4716, effective 4-8-43]

(b) To open the account, the owner of the establishment must comply with the procedure set forth in Revised General Ration Order 3A.[4]

[Paragraph (b) amended by Am. 9, 8 F.R. 4716, effective 4-8-43, and Am. 46, effective 11-24-43]

SEC. 2.6 *Distributors may get initial allowance and registration number.* (a) A distributing establishment that was in business on April 10, 1943, and has not previously received a shoe purchase allowance may be permitted by the District Office to file a late inventory and receive a shoe purchase allowance, in the form of a certificate, equal to 50 percent of the number of pairs of rationed shoes properly included in the establishment's inventory.

(b) An establishment which is not eligible for a shoe ration bank account may obtain a registration number from its District Office upon complying with the provisions of this order with respect to filing inventory. (An establishment which does not have an account may acquire shoes only if it has a registration number.)

[Sec. 2.6 amended by Am. 9, 8 F.R. 4716, effective 4-8-43 and Am. 46, effective 11-24-43]

SEC. 2.7 *Establishments may deal in shoes.* (a) *Transfer must be made for ration currency.* An establishment may transfer shoes to a consumer or to another establishment if it first gets ration currency from him. However, shoes may be transferred between establishments for which a joint account is opened as provided in section 2.4, without the surrender of ration currency. Shoes may be returned by an establishment to the establishment from which they were acquired without the surrendering of ration currency in advance, if a proper ration credit is given to the establishment returning them. Where the use to which a special shoe stamp may be put is specified on the stamp, it shall not be valid for any other use by the consumer. Only ration checks drawn on the account of the purchaser may be used as ration currency for transfers between establishments except as permitted under section 2.8.

[Paragraph (a) amended by Am. 9, 8 F.R. 4716, effective 4-8-43; Am. 11, 8 F.R. 5678, effective 5-5-43; Am. 18, 8 F.R. 7198, effective 6-2-43; Am. 36, 8 F.R. 12547, effective 9-15-43 and Am. 46, effective 11-24-43]

(b) *Ration currency debts must be paid.* Any establishment which owes ration currency to a supplier for rationed shoes acquired during the credit period from February 7 to May 5, 1943, must pay the ration debts. It may not give ration currency to suppliers for other shoes until it has done so.

[Paragraph (b) amended by Am. 9, 8 F.R. 4716, effective 4-8-43, Am. 14, 8 F.R. 5756, effective 5-1-43 and Am. 46, effective 11-24-43]

(c) *Sign prohibiting acceptance of loose stamps must be displayed.* On and after September 1, 1943, every establishment selling shoes at retail in over-the-counter transactions must keep a notice posted in a conspicuous manner at each place where shoes are sold directly to consumers, containing substantially the following statement: "Rationing regulations prohibit this store from accepting loose war ration stamps for shoes selected or delivered at the store."

[Paragraph (c) added by Am. 31, 8 F.R. 11445, effective 8-16-43]

(d) *Layaways, special orders, and will calls.* Shoes for which ration currency must be collected may be placed or held on special order, will call, or layaway only if ration currency will be received for them within 30 days after the shoes are available for delivery to the consumer. In any case the currency must be received before the shoes are delivered.

[Paragraph (d) added by Am. 46, effective 11-24-43]

SEC. 2.8 *Distributors having no ration bank account use ration currency.* (a) Any distributor who has received a registration number from the District Office shall use stamps and certificates which he has received (including ration currency received as an initial allowance) to repay his supplier for shoes shipped to him on credit before April 26, 1943. After all ration "debts" have been repaid, he may replenish his stock by sending to his supplier his registration number together with ration currency for the number of pairs of shoes ordered. He may present ration currency received by him to the District Office and receive in exchange certificates in such denominations as he desires equal in total to the ration currency surrendered. Ration currency may be forwarded to a supplier only within 20 days after its expiration for consumer use or to the District Office within the time it is valid for deposit as provided in the next section. An establishment forwarding a certificate to a supplier or to the District Office must endorse its name on the reverse side.

(b) No establishment may transfer rationed shoes to an establishment which does not have an account unless the transferee has furnished its registration number with its order.

[Sec. 2.8 amended by Am. 9, 8 F.R. 4716, effective 4-8-43 and Am. 46, effective 11-24-43]

SEC. 2.9 *How to deposit ration currency.* (a) *Time for depositing is limited.* A stamp or certificate may not be deposited to an establishment's account later than 30 days after its expiration for consumer use. A ration check may be deposited at any time. A certificate is valid for consumer use for 30 days after the date of issue. A special shoe stamp is valid for consumer use as follows:

(1) If the stamp shows a time of issue or expiration only by describing a war ration shoe stamp it is valid until the expiration of that war ration stamp;

(2) If the stamp contains an expiration date, it is valid through the stated expiration date;

(3) If the stamp contains an issue date, it is valid for 30 days thereafter or, if issued to a Mexican border resident under section 1.4 (b), until the next war ration shoe stamp becomes valid.

[Paragraph (a) amended by Am. 9, 8 F.R. 4716, effective 4-8-43; Am. 13, 8 F.R. 5567, effective 4-26-43; Am. 37, 8 F.R. 12548, effective 9-15-43; and Am. 44, 8 F.R. 15181, effective 11-9-43]

(b) *Endorsement.* Before depositing a ration check or certificate the establishment should endorse it.

(c) [Revoked].

[Paragraph (c) revoked by Am. 44, 8 F.R. 15181, effective 11-9-43]

SEC. 2.10 *Refunds to consumers and to other establishments.* (a) An establishment that is unable to fill a consumer's order for which it has received valid ration currency, and an establishment making a refund for returned shoes as permitted by section 1.10 (a), must return to the consumer a special shoe stamp as a refund for the currency or shoes received. War ration shoe stamps may not be used for refund purposes. Where an establishment is able to fill a consumer's order, but does not do so, it may return a special shoe stamp to the consumer if it has received valid ration currency for the order. In issuing a stamp under this section the establishment shall not fill in either an issue date or a date of expiration but shall write on the stamp, the number of the

[4] 8 F.R. 1130, 1449, 1963, 3520, 4627, 5843, 11669.

war ration stamp which last became valid for shoes. A stamp so issued shall be valid for the same period of time as the war ration shoe stamp whose number is written on it. The establishment may get special shoe stamps for this purpose from its Board, in exchange for a certified ration check drawn to the account of the Office of Price Administration or in exchange for valid shoe stamps or certificates received from customers.

[Paragraph (a) amended by Am. 6, 8 F.R. 3853, effective 4-2-43; Am. 35, 8 F.R. 12180, effective 9-7-43; Am. 36, 8 F.R. 12547, effective 9-15-43; Am. 37, 8 F.R. 12548, effective 9-15-43; and Am. 44, 8 F.R. 15181, effective 11-9-43]

(b) An establishment that does not fill an order from another establishment for which it has received valid ration currency, may return as a refund a ration check drawn on its own account for the amount of such ration currency received in excess of the number of pairs of rationed shoes, if any, which it has transferred against such ration currency. If the establishment making the refund does not have an account it may return any valid ration currency in lieu of a ration check.

[Paragraph (b) added by Am. 35, 8 F.R. 12180, effective 9-7-43]

SEC. 2.11 *Establishments may be allowed to mark shoes "non-rationed."* (a) Shoes of the following types are non-rationed:

[Paragraph (a) as amended by Am. 43, 8 F.R. 15194, effective 11-8-43]

(1) Imported huaraches and imported huarache oxfords, released by the Collector of Customs before June 1, 1943.

[Subparagraph (1) as amended by Am. 23, 8 F.R. 9884, effective 7-15-43]

(2) Shoes completed, packaged, and shipped from the factory before April 16, 1943, of the following kinds except that shoes which did not fall within the specification of this paragraph at the time they were shipped from the factory may not be marked or transferred as non-rationed even though their design or heel height has been altered to meet the following classifications:

[Subparagraph (2) as amended by Am. 10, 8 F.R. 5589, effective 5-3-43]

(i) Ski and skate shoes;

(ii) Locker sandals and bathing slippers;

(iii) Shoes with a fabric upper and a rubber sole;

(iv) Shoes with a platform and with a heel height of 1⅝ inches or less and whose upper is made wholly of fabric, imitation leather, sheepskin, cape, or a combination of these materials;

(v) Shoes with a platform and an open back, and with a heel height of 1⅝ inches or less, whose upper is made of kipskin or kipsides, wholly or in combination with fabric, imitation leather, sheepskin, or cape;

(vi) Shoes with a wedge heel of 1⅝ inches or less in height whose upper is made wholly of patent leather, and which have a platform and an open back;

(vii) Shoes with a heel height of 1⅝ inches or less whose upper is made wholly of imitation leather;

(viii) Shoes (sandals), other than imported huaraches, with a heel height of 1⅛ inches or less with an open back;

[Subparagraph (viii) as amended by Am. 5, 8 F.R. 3371, effective 3-24-43]

(ix) Shoes which have rubber or leather in the sole only as hinges, tabs, heel inserts or other non-skid or sound-proofing features covering not more than 25 percent of the area of the bottom of the sole. (Any material may be used in other parts of the shoe.)

[Subparagraph (ix) added by Am. 5, 8 F.R. 3371, effective 3-24-43]

(3) Shoes completed, packaged, and shipped from the factory before August 16, 1943, made wholly of materials other than leather (which may however use leather as top lifts) and the sole of which is of one of the following constructions:

(i) A sole made principally of rope, fabric or fiber in which rubber is used primarily as a binder; (ii) a sole made principally of wood, in which rubber is used only as toe or heel inserts, or both, covering not more than 25 percent of the area of the bottom of the sole.

[Subparagraph (3) added by Am. 25, 8 F.R. 9062, effective 7-7-43 and amended by Am. 28, 8 F.R. 9884, effective 7-15-43]

(4) Shoes shipped from the factory after August 15, 1943, made wholly of materials other than leather (which may, however, use leather as top lifts) and the sole of which is of one of the following constructions:

(i) A sole made principally of wood, rope, fabric, or fiber, in which reclaimed rubber is used in an amount not exceeding 15 percent by volume;

(ii) A sole made wholly of low grade friction scrap (friction scrap of a quality which is not being purchased by the Rubber Reserve Company for reclaiming at the time the sole is made) and bound together by compression and vulcanization.

[Subparagraph (4) added by Am. 32, 8 F.R. 11515, effective 8-18-43 and amended by Am. 42, 8 F.R. 15194, effective 11-8-43]

(5) Unassembled moccasins or moccasin kits made for use in handicraft activities, if manufactured before August 31, 1943.

[Subparagraph (5) added by Am. 33, 8 F.R. 12026, effective 8-31-43 and amended by Am. 39, 8 F.R. 13301, effective 10-2-43]

(6) Shoes of size 3 and below in the youths', boys', misses', and children's ranges, and of all sizes in the infants' range, which contain no leather, and no rubber except scrap rubber previously combined with fabric and vulcanized for other purposes, which is released by the Office of Rubber Director for use in the manufacture of shoes.

(7) Shoes which contain no leather and which have a sole made and fastened to the upper by a vulcanized construction, such as tennis shoes, gym shoes, and sneakers.

[Subparagraphs (6) and (7) added by Am. 42, 8 F.R. 15194, effective 11-8-43]

(8) Burial slippers.

(9) House slippers.

(10) Ballet slippers.

(11) Evening slippers made in the United States, or imported before July 7, 1943, which at the time of manufacture were made with uppers principally of gold or silver leather or imitation leather with gold or silver finish.

(12) Baseball, track, and football shoes.

(13) Men's and women's knee-height riding boots made in the United States, or imported before July 7, 1943, (including boots without lacing and with partial lacing but not including full lace boots, or jodhpur or cowboy boots.)

(14) Infants' footwear of size 4 or smaller.

(15) Shoes constructed to be worn over a leather shoe.

(16) Shoes which do not have a rubber sole and which contain no leather except: (i) as hinges, tabs, heel inserts, top lifts, or other non-skid or sound-proofing features covering an area not more than 25% of the area of the bottom of the sole, or (ii) as leather dust derived directly from a permitted manufacturing process or from a waste product resulting from such a manufacturing process.

[Subparagraphs (8) through (16) added by Am. 46, effective 11-24-43]

(b) No one may demand or receive ration currency for non-rationed shoes or accept their return in exchange for a pair of rationed shoes or a stamp pursuant to section 1.10. However, ration currency must be collected for obsolete or single shoes sold above the price limitations specified in paragraph (g) of this section.

[Paragraph (b) as amended by Am. 43, 8 F.R. 15194, effective 11-8-43]

[Sec. 2.11 amended by Am. 2, 8 F.R. 2487, effective 2-25-43 and as otherwise noted]

(c) Any person or establishment entitled to transfer shoes which have been damaged by fire, water, steam, or a similar accidental cause to the extent that they cannot reasonably be sold for ration currency may be authorized by the District Office to mark them non-rationed. Application for the authority shall be made by letter, giving all facts available to show the time, place, manner, and extent of the damage. If the applicant is an establishment, the application shall be made to the District Office for the area where the establishment is located; otherwise, to the District Office for the area where the damaged shoes are located. The applicant shall be required to furnish two copies of a list of the shoes to be marked non-rationed prepared as directed by the District Office. The approval of the application shall be

in writing, and one copy of the approval shall be retained by the applicant.

[Paragraph (c) added by Am. 4, 8 F.R. 3315, effective 3-18-43]

(d) Shoes permitted to be marked non-rationed on the authority of the above paragraph shall be marked with the word "non-rationed" and a code number to be assigned by the District Office. The mark shall be written or stamped on one shoe of each pair or on a sticker affixed to the shoe, before the shoes are transferred. When the official sticker (OPA Form R-1711) is available it shall be used and the mark shall be made on it.

[Paragraph (d) added by Am. 4, 8 F.R. 3315, effective 3-18-43 and amended by Am. 22, 8 F.R. 8357, effective 6-22-43]

(e) [Revoked].

[Paragraph (e) added by Am. 27, 8 F.R. 9567, effective 7-19-43; revoked by Am. 46, effective 11-4-43]

(f) Any establishment whose sales of shoes to consumers for ration currency during the period from February 7, 1943 to April 10, 1943, inclusive, were less than its other transfers of rationed shoes during that period, or were principally by mail order, may transfer shoes as non-rationed pursuant to the following provisions:

(1) Application shall be made in writing to the District Office for permission to mark shoes non-rationed. Only one application may be made for an establishment, and no application may be filed after November 30, 1943.

(2) The application need not be in any prescribed form but the applicant shall furnish a copy of its inventory Form R-1701 as of April 10, 1943; a statement of the number of pairs of shoes in each class which it desires to transfer as non-rationed under this paragraph; and all other information needed to establish its eligibility.

(3) Such transfers, in any of the following classes, shall not exceed the applicable stated percentage of the number of pairs of shoes within the same class which the establishment had in its inventory on April 10, 1943 (as reported on OPA Form R-1701) reduced by the number of pairs of shoes within that class which the establishment had in its inventory as rationed shoes at the close of business on July 6, 1943 and which were released from rationing on July 7, 1943 by section 2.11 (a) (3) or as baseball, track, or football shoes, riding boots, or gold or silver evening slippers:

	Percent
Class I—Men's dress shoes, men's work shoes, youths' and boys' shoes	1
Class II—Women's shoes	4
Class III—Misses', children's and infants' shoes	2
Class IV—All other rationed footwear	2

[Paragraphs (f), (1), (2) and (3) amended by Am. 46, effective 11-24-43]

(4) The District Office, if satisfied that the establishment is eligible, shall issue to it the number of non-rationed stickers, Form R-1711, requested, but not more than the maximum number of pairs of shoes within each class permitted to be transferred by the applicant as non-rationed. If Form R-1711 is not available, Form R-123 may be used with the words "non-rationed shoes" printed, stamped, or written on it. The District Office (or the applicant if required by the District Office) shall write on each sticker the class number for which the sticker may be used, the letters "O. L.", and a code number assigned by the District Office. Such stickers shall be affixed to one shoe of each pair before the shoes are offered for sale or transferred as non-rationed shoes. A sticker may be affixed only to a shoe of the same class as that designated on the sticker.

[Subparagraph (4) as amended by Am. 29, 8 F.R. 10269, effective 7-19-43]

(5) Shoes marked in accordance with this paragraph may be transferred as non-rationed by and to any person at any time on or after July 19, 1943.

(6) The price at which such shoes may be sold to any buyer by the establishment securing the permission to mark them non-rationed may not exceed the price paid for the shoes by the owner of the establishment or, if such price cannot be ascertained or the shoes were made by the owner of the establishment, a price twenty-five percent below the establishment's regular selling price for the shoes on July 1, 1943 to a buyer of the same class. If such non-rationed shoes are transferred directly or indirectly to another establishment owned by the same person, the sale price of the shoes by the establishment acquiring them as non-rationed shall not exceed ten percent mark-up on the sale price permitted to be charged by the establishment marking the shoes as non-rationed.

(7) When such shoes are offered for sale in any notice or advertisement, they shall be referred to as "OPA Odd Lot Release."

(8) The owner of an establishment securing non-rationed stickers under this paragraph may use them on shoes located at another establishment owned by him. This may be done without physical delivery of the shoes if all provisions of this order are complied with in the same manner as if the shoes were first delivered to the establishments securing the stickers.

[Subparagraph (8) added by Am. 46, effective 11-24-43]

[Paragraph (f) added by Am. 27, 8 F.R. 9567, effective 7-19-43]

(g) Any establishment or person having single shoes that cannot be mated, or obsolete shoes which cannot reasonably be sold for ration currency, may be authorized by the District Office to transfer them as non-rationed, in accordance with the following provisions:

(1) For the purpose of this section, "obsolete shoes" include only shoes which (i) have deteriorated substantially in quality, or have become discolored, as a result of age or exposure; or (ii) are of an outmoded last or design.

(2) Application to transfer the shoes as non-rationed shall be made to the District Office for the area where the establishment is located or, in the case of a person other than an establishment, to the District Office where the shoes are located. Only one application may be made unless the District Office, in its discretion, otherwise permits. The application need not be made on any prescribed form but shall contain, or be accompanied by, the following:

(i) Two copies of a list of the shoes proposed to be transferred as non-rationed, with detailed information concerning the style, sizes, color, materials, age, and condition, and any additional pertinent facts which the District Office may require;

(ii) If the applicant is an establishment, a copy of its inventory form (OPA Form R-1701) filed as of April 10, 1943;

(iii) With respect to single shoes, a statement that they cannot be mated.

(3) The District Office, if it approves the application in whole or in part shall indicate its approval in writing and shall attach thereto a copy of the list of shoes submitted by the applicant, on which it shall indicate the specific shoes authorized to be transferred as non-rationed. The District Office shall issue to the applicant official Non-Rationed Stickers (OPA Form R-1711) equal to the number of pairs, plus the number of single shoes, permitted to be transferred as non-rationed. If Form R-1711 is not available, OPA Form R-123 may be used, with the words "Non-Rationed Shoes" printed on it. The District Office (or the applicant if required by the District Office) shall write or print on each such sticker the word "Obsolete" or, in the case of single shoes, the word "mismate" and a code number assigned by the District Office. However, if the shoes are to be transferred for salvage purposes to a specified person engaged in the business of repairing or making shoes, or to a shoe findings distributor or a dealer in scrap material, the District Office may authorize the transfer of the shoes as non-rationed without requiring them to be marked.

(4) Before any of such shoes may be transferred or offered for sale as non-rationed, except for salvage purposes pursuant to written authorization of the District Office, the applicant shall attach to one shoe of each pair and, in the case of single shoes that cannot be mated, to each single shoe, an official non-rationed sticker supplied by the District Office. Such sticker may be affixed only to shoes specifically permitted by the District Office to be transferred as non-rationed.

(5) These shoes are non-rationed only if sold at a price not in excess of $1.00 a pair (or 50 cents for a single shoe). If the shoes are sold by any establishment or person at a price in excess of $1.00 a pair (or 50 cents for a single shoe) he must collect ration currency and turn in the currency to the District Office within 5 days after the transfer.

(6) Shoes acquired by a person for salvage purposes, pursuant to a specific authorization of a District Office, may

not be transferred thereafter as complete shoes, but the parts of the shoes may be used for the repair of or manufacture of other shoes or may be transferred to other persons for such purpose.

[Paragraph (g), formerly Sec. 2.11a added by Am. 34, 8 F.R. 12137, effective 9-6-43 and redesignated paragraph (g) of Sec. 2.11 and amended by Am. 43, 8 F.R. 15194, effective 11-8-43]

SEC. 2.12 *Shoes may be used for wear-testing or as samples.* (a) A manufacturer may use shoes for wear-testing them and for this purpose may let its employees or others use them without getting ration currency.

(b) An establishment may use shoes as samples and for this purpose may furnish single shoes (not a pair) to salesmen or to other establishments, without getting ration currency.

(c) An establishment furnishing new shoes to another under this section must keep title to the shoes unless ration currency is received for them or they are permitted to be sold as "non-rationed" shoes under the above section. They may not be considered to be "used" shoes. Separate records must be kept of all shoes used or transferred under this section.

SEC. 2.13 *Establishments must keep records.* (a) Every establishment shall furnish an invoice to each person (other than an individual consumer) to whom it makes a transfer of shoes. The invoice must contain the date of transfer, the number of pairs transferred, the price per pair and in total, and the name and address of the person (or establishment) to whom the transfer is made. Separate invoices shall be furnished for rationed shoes and non-rationed footwear. Each invoice shall be plainly marked with the word "rationed" or "non-rationed." In the case of a transfer of rationed shoes permitted by sections 3.5 or 3.6, for which ration currency is not received, the word "exempt" shall be written on the invoice.

[Paragraph (a) as amended by Am. 20, 8 F.R. 8061, effective 6-16-43]

(b) Each establishment shall keep the following records for at least two years:

(1) All invoices received for shoes acquired;

(2) Copies of all invoices furnished by it pursuant to the above paragraph;

(3) Records of any new shoes acquired for which invoices were not received containing the same information as is called for by the above paragraph;

(4) The number of pairs of new shoes transferred to consumers, to other establishments, and to any person from whom ration currency is not required and, a record of the shoes marked and transferred as non-rationed pursuant to section 2.11 (e) or 2.11 (f) or 2.11 (g) showing, for each pair, the name and address of the buyer, the date of transfer, the type, style number, and selling price;

[Subparagraph (4) amended by Am. 27, 8 F.R. 9567, effective 7-19-43 and Am. 43]

(5) A copy of each inventory of its stock of shoes required by this order;

[Subparagraph (5) amended by Am. 11, 8 F.R. 5678, effective 5-5-43 and Am. 38, 8 F.R. 12515, effective 9-10-43]

(6) The number of pairs of shoes manufactured, by types as listed on OPA Form R-1701;

(7) Copies of any reports of shoe production or transfers made to the Office of Price Administration or any other Government agency;

(8) Records, which shall be attached to its inventory (OPA Form R-1701) within five days after the event, showing the date and amount of each increase or decrease of its inventory resulting from an adjustment of its inventory, or a loan, or advance of ration currency granted by the District Office, or from the repayment of a loan or advance, pursuant to section 2.17;

(9) Records, which shall be attached to its inventory (OPA Form R-1701) within five days after the event showing:

(i) In the case of a release of shoes from rationing by order of the Office of Price Administration, a list of the type and number of pairs so released which the establishment had in inventory; or in transit to it, or in storage for it at a place other than an establishment, at the time of such release.

[Subparagraphs (8) and (9) added by Am. 25, 8 F.R. 9062, effective 7-7-43]

(c) All records required to be kept shall be made available for inspection by an authorized representative of the Office of Price Administration.

SEC. 2.14 *Manufacturers report shoes shipped.* Each manufacturer shall make such reports concerning production and transfers of shoes as the Office of Price Administration may require. Copies of the form on which the report is to be made, together with instructions, will be furnished by the Office of Price Administration.

SEC. 2.15 *Replacement certificates may be issued to distributors.* (a) Any registered distributing establishment whose ration currency has been destroyed, damaged, lost or stolen, or whose shoes have been (1) taken from him by judicial process, or the enforcement of a security interest, (2) exported to a foreign country or to a territory or possession of the United States (other than the District of Columbia) or delivered as slop-chest supplies, ships' stores, or to Ships' Service Stores Afloat, pursuant to section 3.5, or transferred to or for the account of an exempt person or agency designated in section 3.6, without getting ration currency, (3) damaged, destroyed, lost or stolen, or (4) released from rationing under section 2.11 (a) (7), may get a certificate to replace the ration currency or shoes, as the case may be. Application for the replacement certificate should be made to the District Office (on OPA Form R-1704) and should show the facts necessary to establish the eligibility for the replacement certificate, including all information required by the form prescribed.

[Paragraph (a) amended by Am. 26, 8 F.R. 9422, effective 7-8-43 and Am. 42, 8 F.R. 15194, effective 11-8-43]

(b) If an establishment should recover shoes or ration currency for which a replacement certificate has been issued under this section it shall within five days deliver to the District Office ration currency of a kind prescribed by the Office of Price Administration for the number of pairs of shoes, or the amount of the ration currency, so recovered.

SEC. 2.16 *New businesses may get inventory allowance.* Any new establishment, opened in good faith after the time set for filing inventories, may get a shoe purchase allowance in the form of a certificate for the number of pairs of shoes it needs to service its expected customers. (Except for some unusual reason, the establishment will not be allowed an inventory of more than its expected sales for six months.) Application should be made (on OPA Form R-1704) to the District Office serving the area in which the establishment is or will be located and should contain all information required by the form or necessary to establish the number of pairs of shoes it needs. The District Office may issue a certificate to the applicant on such terms as it may prescribe and permit him to open an account. The District Office may require the applicant to make subsequent reports to it of his actual sales and may adjust his inventory accordingly by giving him a certificate for additional shoes or requiring him to surrender ration currency for any stock above his needs.

[Sec. 2.16 as amended by Am. 46, effective 11-24-43]

SEC. 2.17 *Establishments may get increased inventory.* (a) Any establishment may apply for an adjustment of its inventory allowance. However, an establishment may not make a second application within six months except with the approval of the District Office. Application should be made (on OPA Form R-1704) to the District Office serving the area in which the establishment is located and should contain all facts necessary to establish its need for extra shoes. In all cases the applicant shall submit with its application a copy of its original inventory (Form R-1701) and a statement showing the number of pairs of rationed shoes, if any, transferred by it to other establishments owned by the same person during the period from February 7 to April 10, 1943.

(b) The District Office may issue certificates to a distributing establishment for the extra shoes it needs if (1) it is unable to service its customers because its stock of shoes was greatly below normal when it filed its inventory, (2) the volume of its normal sales to other persons during the period since April 10, 1943, has increased to the extent that it cannot service its normal share of the customer demand in its area, or (3) its supply of ration currency is not sufficient to allow it to continue its normal business.

(c) In addition to or in lieu of an adjustment granted under the above paragraph, an establishment may be granted a temporary loan of ration currency when needed to enable it to pay ration debts incurred for shoes acquired during the period from February 7 to April 10, 1943, or to acquire a necessary working inventory where a substantial part of its inventory of rationed shoes consists of

slow-moving merchandise, or in other cases authorized by the National Office. Also, an establishment may be granted an advance of ration currency to enable it to acquire shoes for export or transfer to an exempt person or agency, or to replenish a supply of shoes segregated for export or transfer to an exempt person or agency. Any ration currency issued pursuant to this paragraph shall be repaid to the District Office within the period specified by the District Office and in any event within six months from the date the currency is issued. The establishment may not deliver ration currency to any supplier after such period until it has repaid the ration currency loaned or advanced to it by the District Office. In the case of an advance granted to enable an establishment to acquire shoes for lawful export or for lawful transfer to an exempt person or agency, for which ration currency is not received, the amount of the advance shall be deemed to be repaid to the extent of the number of pairs so exported or transferred upon the making of a full report thereof to the District Office and the approval of the report.

(d) The District Office may require any establishment receiving ration currency under this section to make subsequent reports to it concerning its transfers, receipts, or inventory of shoes and may adjust the applicant's inventory by requiring him to surrender ration currency for any supply of shoes or ration currency above his needs.

(e) The District Office may deny any application by a person who has violated any provision of this order. The granting of any application under this section shall not be deemed to condone any violation of this order nor to waive the right to impose sanctions for such a violation.

[Sec. 2.17 as amended by Am. 23, 8 F.R. 8601, effective 6-21-43]

SEC. 2.18 *Establishments must mark certain shoes.* (a) Manufacturers shall mark on one shoe of each pair of the types specified in section 2.11 (a) (2) which is completed, packaged, or shipped from the factory after April 15, 1943, and on one shoe of each pair of the types specified in section 2.11 (a) (3) which is completed, packaged, or shipped from the factory after August 15, 1943, the month and year in which the shoe is packaged. The mark may be on either the right or the left shoe but the marking in this respect must be uniform. The mark shall be embossed or indented in the shank of the outer-sole or written or marked by indelible contrasting colors on the inside of the quarter before the shoe is packaged.

[Paragraph (a) amended by Am. 11, 8 F.R. 5678, effective 5-5-43, Am. 25, 8 F.R. 9062, effective 7-7-43 and Am. 46, effective 11-24-43]

(b) Any establishment importing huaraches released by the Collector of Customs after May 31, 1943 shall, before transfer and within ten days of their receipt by the establishment, plainly mark on each shoe by indelible contrasting color, the month and year in which it was released by the Collector of Customs.

(c) Shoes marked in the manner required by this section shall be deemed to be rationed shoes, regardless of the date on which they were imported, packaged, or shipped.

(d) This section does not apply to shoes which are non-rationed under provisions of section 2.11 other than section 2.11 (a) (1), (2) or (3).

[Paragraph (d) added by Am. 46, effective 11-24-43]

[Sec. 2.18 added by Am. 2, 8 F.R. 2487, effective 2-25-43]

SEC. 2.19 *Shoes may be acquired for testing.* Any person who requires shoes for testing may apply to the Office of Price Administration, Washington, D. C., for the number of pairs of shoes needed. In a proper case, certificates or special shoe stamps may be issued to acquire shoes for this purpose, upon such conditions as the Office of Price Administration may prescribe.

[Sec. 2.19 added by Am. 3, 8 F.R. 2943, effective 3-13-43]

SEC. 2.20 [Revoked].

[Sec. 2.20 added by Am. 4, 8 F.R. 3315, effective 3-18-43 and revoked by Am. 45, effective 11-23-43]

ARTICLE III—GENERAL PROVISIONS

(This part should be referred to when special problems arise)

Other Transfers Permitted

SEC. 3.1 *Transfers to carriers, warehouses, and repair shops permitted.* Shoes may be transferred to or from a carrier or a public warehouse in connection with their shipment or storage, and to or from a shoe repair shop in connection with their repair, without the giving up of ration currency. (This does not permit a transfer of title to the shoes in violation of other provisions of this order.)

SEC. 3.2 *Transfer of damaged, lost, or stolen shoes permitted.* (a) Shoes that have been substantially destroyed so as to be no longer usable as shoes may be transferred to anyone without getting ration currency.

(b) A person whose shoes have been lost or stolen may get them back without giving up ration currency. If a distributor has received replacement certificates for them, he must send ration currency (of a type to be prescribed by the Office of Price Administration) to the District Office for the number of pairs of shoes returned.

(c) Shoes that have been damaged but which are still usable as shoes and undamaged shoes mingled therewith, shoes that were stolen, and shoes in imminent danger of being damaged or stolen may be acquired, without the surrender of ration currency, for the purpose of transfer only, by: (1) Persons lawfully engaging in the insurance business and 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 or loss of the shoes; and (2) persons performing public fire or safety functions, warehousemen, or persons engaged primarily in the business of adjusting losses and selling or reconditioning and selling damaged commodities, who take possession of or receive them on the occurrence or imminence of casualties.

(d) A transfer of the shoes by any person included in paragraph (c) of this section may be made without the surrender of ration currency to another person so included, or to the owner, or to the person from whose lawful custody the shoes were taken. All other transfers of the shoes (if new) must be made in exchange for ration currency, except as otherwise permitted under section 2.11 for non-rationed shoes. Any ration currency so received must be surrendered to a District Office within five days.

[Paragraph (d) as amended by Am. 4, 8 F.R. 3315, effective 3-18-43]

SEC. 3.3 *Transfer by operation of law or for security purposes permitted.* (a) Any person may acquire shoes or a lien thereon, without giving up ration currency, for permissible transfer only, if the shoes are acquired or the lien is created through judicial process, operation of law, or through an order issued by a court of competent jurisdiction. (A State or the United States or any agency of a State or the United States may do so through the enforcement of statutory rights against the shoes.)

(b) A lien may be created on shoes for security purposes, without the surrender of ration currency, in favor of: (1) A State or the United States or any agency or political subdivision of a State or the United States; (2) any person licensed by a State or the United States to engage in the business of making loans upon collateral; and (3) any person if the lien is or is to be on all or substantially all of the shoes owned by an establishment or on all or substantially all of the business assets of an employer-consumer.

(c) Shoes or any interest in shoes acquired pursuant to this section may be returned to the person from whom acquired, or a lien on shoes may be released, without the surrender of ration currency. (If a distributor has received replacement certificates for them, he must send ration currency (of a type prescribed by the Office of Price Administration) to the District Office for the number of pairs of shoes returned.)

(d) Any person holding a lien on shoes or a security interest in shoes permitted by this section or created before this order became effective may enforce the security interest or lien in the manner provided by applicable laws.

(e) New shoes acquired by a person under this section (except when returned to a person who had owned them for use) may not be used by him and may be transferred only in exchange for ration currency. Any ration currency so received must be surrendered to a District Office within five days.

SEC. 3.4 *Shoes may be imported.* (a) New shoes may be brought into the continental United States (the forty-eight States and the District of Columbia) from an outside point if they are delivered to the Collector of Customs at the point of entry. They may be delivered to him without getting ration currency.

(b) The Collector may release the shoes without getting ration currency if the shoes (1) were imported by one of the exempt agencies referred to in section 3.6; (2) were imported as a part of the personal effects of a consumer who had not been in the continental United States during the previous 30 days; [(3) and (4) revoked] or (5) were imported by representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937; (6) were imported by or consigned or addressed to members of the armed services of the United Nations, other than those of the United States, who are on duty within the United States if the shoes are intended for their personal or official use; or (7) are consigned or addressed to enemy prisoners of war or civilian internees or detainees in the United States for their personal use.

[Paragraph (b) amended by Am. 2, 8 F.R. 2487, effective 2-25-43, Am. 12, 8 F.R. 5679, effective 5-5-43; subparagraphs (3) and (4) revoked by Am. 46, effective 11-24-43]

(c) In all other cases the Collector may return or otherwise transfer the shoes if he first gets valid ration currency for the number of pairs of new shoes so transferred. A shoe distributor who desires to get new shoes from the Collector under this paragraph must give him a certificate or a certified ration check drawn to the account of the Office of Price Administration. (A certificate may be secured for this purpose from the District Office on such terms as it may provide as to the giving up of other ration currency.)

(d) Ration currency received by the Collector of Customs shall be delivered, at least once each calendar month, to the District Office for the area in which the ration currency is received.

SEC. 3.5 *How shoes may be exported.* (a) Any person may export shoes without receiving ration currency in the following cases, and in accordance with the following provisions:

(1) Shoes may be shipped to a territory, possession, or dependency of the United States (other than the District of Columbia) or transferred to Ships' Service Stores Afloat, or to any person as slopchest supplies or ships' stores for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade, without prior consent from any person or agency.

(2) Shoes having a declared value of $25.00 or over may be exported to any foreign country other than Canada under an individual or program license issued by the Office of Economic Warfare.

[Subparagraph (2) as amended by Am. 37, 8 F.R. 12548, effective 9-15-43]

(3) Shoes may be exported to Canada under a purchase order approved by the Canadian Administrator of Wholesale Trade.

(4) Shoes having a declared value of less than $25.00 may be exported by a registered establishment without prior approval to any foreign country, except to an address in Baja California, Mexico, within 90 kilometers of the border between Mexico and the United States or in any other part of Mexico within 20 kilometers of such border, if the shoes are exported by mail, parcel post, express, or other common carrier.

(b) Shoes having a declared value of less than $25.00 for which ration currency has been obtained and surrendered by an individual consumer or by an agent for him in a manner authorized by this order, and any shoes acquired by an exempt person or agency in a way permitted by section 3.6, may be exported without further approval.

(c) Nothing in this section shall be deemed to authorize any export of shoes to be made in violation of any other applicable law or regulation.

[Sec. 3.5 amended by Am. 11, 8 F.R. 5678, effective 5-5-43 and Am. 26, 8 F.R. 9422, effective 7-8-43]

SEC. 3.6 *Shoes may be transferred to exempt persons.* (a) Any person may transfer shoes to any of the exempt agencies or persons or for the account of any of the government agencies listed in the next paragraph, without getting ration currency.

(b) The exempt agencies and persons to which this section applies are:

(1) The Army and Navy of the United States;

(2) U. S. Maritime Commission;

(3) The Panama Canal;

(4) The Coast and Geodetic Survey;

(5) Civil Aeronautics Authority;

(6) National Advisory Commission for Aeronautics;

(7) The Office of Scientific Research and Development;

(8) The Office of Lend Lease Administration;

(9) The War Shipping Administration;

(10) Any agency of the United States to the extent it acquires shoes for export to and use in a foreign country or a Territory, Possession, or Dependency of the United States (other than the District of Columbia); and

(11) Any person, other than an establishment, acquiring shoes for export to and use in any foreign country other than Canada under an individual or program license issued by the Office of Economic Warfare, or for export to and use in Canada under a purchase order approved by the Canadian Administrator of Wholesale Trade.

[Subparagraph (11) amended by Am. 11, 8 F.R. 5678, effective 5-5-43; Am. 26, 8 F.R. 9422, effective 7-8-43; and Am. 37, 8 F.R. 12548, effective 9-15-43]

(c) A person who acquires shoes under this section "for the account of" one of the above exempt government agencies without giving up ration currency (for example, a contractor who has a war contract with an exempt government agency) must give his supplier a written signed statement that the shoes to be acquired will become the property of the exempt government agency and that it will keep title to them, and a copy of his war contract or other proof to support the statement.

SEC. 3.7 *Closing and transfer of businesses and institutions*—(a) *Closing of establishments.* Whenever an establishment is closed, the owner or his representative shall report that fact to the District Office within five days and furnish a statement of the amount of ration currency, if any, owed to or by the establishment, with the name and address of each person or establishment to or from whom the ration currency is due. He shall also surrender to the District Office, with the report, all ration currency on hand, including a certified ration check drawn to the account of the Office of Price Administration for the net balance of its shoe ration bank account. Any ration currency owed to the establishment by another shall thereafter be deemed to be owed to the District Office. However, the District Office may require the owner of the establishment to collect all ration currency owed to it and pay all ration currency it owes to other persons or establishments.

(b) *Transfer of establishments.* When substantially all the stock of shoes of an establishment is to be transferred to another person or establishment (other than by operation of law or judicial process) the parties shall notify the District Office, in advance, of the details of the proposed transfer; and the person or establishment acquiring the shoes must pay ration currency to the District Office for all rationed shoes to be acquired. (Sections 2.16 and 2.17 permit a new or existing establishment to get ration currency to acquire a stock of shoes.) However, if the shoes are acquired by a person who will operate the business, or liquidate it, at the same location, the District Office may waive the payment of ration currency, and may also permit him to get the establishment's ration currency, instead of issuing him a shoe purchase allowance as a new establishment under section 2.16. In such a case the new owner shall file an inventory for the business as a new establishment and open an account, or obtain a registration number if he is not eligible for an account. A person making a transfer under this paragraph and ceasing to deal in rationed shoes at the same location shall comply with the provisions of the preceding paragraph.

(c) *Moving of establishment.* If a person moves his establishment to a new location, that moving is treated as a transfer subject to the previous paragraph, except where both the old and the new locations are in the same District Office area and the establishment is not merged or consolidated with another establishment. In the latter case the owner of the establishment must notify

the District Office of the new address, within five days after the establishment is moved.

(d) *Transfer of institutions and businesses.* Any person who buys (or otherwise acquires) substantially all the assets of an institution or business, other than an establishment, may acquire any shoes included among the assets without giving up ration currency. He may furnish the shoes to the students or residents of the institution, or to the employees of the business, as the case may be, if he keeps title to them. If any rationed shoes so acquired are transferred in any other manner, ration currency must first be obtained, and such ration currency must be surrendered to the District Office within five days.

(e) *Closing of institutions or businesses.* If an institution or business, other than an establishment, is closed it may transfer ration-free any shoes which have been worn. It may transfer new shoes if it gets ration currency.

The currency received must be surrendered to the District Office within five days.

[Sec. 3.7 as amended by Am. 45, effective 11-23-43]

Prohibited Acts Relating to Shoes and Certificates

SEC. 3.8 *Transfer of shoes is prohibited.* (a) No person shall transfer or acquire shoes (or offer to do so) except in accordance with this order.

(b) Manufacturers shall not transfer infant's shoes unless the size has been plainly marked on at least one shoe of each pair. In marking the size of such shoes, he shall use the same measurement standards and size markings as were customarily used by him before February 7, 1943.

[Sec. 3.8 as amended by Am. 10, 8 F.R. 5589, effective 5-3-43]

SEC. 3.9 *Other prohibitions*—(a) *Evidences generally not transferable.* No person shall use, possess without authority, or transfer a stamp, certificate, or ration check except as permitted in this order.

[Paragraph (a) as amended by Am. 46, effective 11-24-43]

(b) *Other prohibitions in General Ration Order 8.*[5] General Ration Order 8 contains provisions, applicable to this and all other ration orders, which prohibit, among other matters:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, defacing, 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 multilated 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.

[Sec. 3.9a added by Am. 31, 8 F.R. 11445, effective 8-16-43; redesignated Sec. 3.9 (b) by Am. 46, effective 11-24-43]

Appeals and Suspension Orders

SEC. 3.10 *Persons affected may appeal.* Any person directly affected by the action of a Board, District Director, or Regional Administrator taken with respect to any matter before him under this order may appeal from the action in the way permitted by Procedural Regulation No. 9.[6] (Uniform Appeals Procedure)

[Sec. 3.10 as amended by Am. 37, 8 F.R. 12548, effective 9-15-43]

SEC. 3.11 *Violators may lose right to rationed products.* Any person who violates this order may, by administrative suspension order, be prohibited from acquiring or transferring new shoes or other rationed products for such period as in the judgment of the Administrator is necessary or appropriate in the public interest and to promote national security.

Scope of Ration Order No. 17

SEC. 3.12 *Where this order applies.* Ration Order No. 17 shall apply within the 48 States of the United States and the District of Columbia.

Definitions

SEC. 3.13 *Terms explained.* (a) When used in this order the term:

"Account" means the shoe ration bank account opened for an establishment at a bank pursuant to this order.

"Acquire" means to accept a transfer.

"Bank" means the bank at which the shoe ration bank account of an establishment is opened.

"Board" means a war price and rationing board or the war price and rationing board having jurisdiction over a certain person or establishment, as the language indicates. The term also includes the war plant area boards authorized to act on applications under this order.

"Certificate" means a shoe purchase certificate (OPA Form R-1705A or 1705B).

[Above definition as amended by Am. 37, 8 F.R. 12548, effective 9-15-43]

"Convert to use" means to use shoes held for some purpose other than use, whether or not there is a change of ownership or possession.

"Consumer" means any individual acquiring or seeking to acquire shoes for personal use; or an employer or institution acquiring or seeking to acquire shoes for the use of its employees, students, residents, or members.

"District Office" means a District Office of the Office of Price Administration, or the District Office of the Office of Price Administration having jurisdiction over a certain person or establishment, as the language indicates. If there is no District Office serving an area, the term means the State Office of the Office of Price Administration serving the area.

"Distributing establishment" means a business, other than a manufacturing establishment or public warehouse, conducted at a certain location from which shoes are sold or at which shoes are stored.

"Distributor" means any person operating a distributing establishment.

"Establishment" means a manufacturing or distributing establishment, or both, as the language indicates.

"Family" means a group of two or more persons living in the same household who are related by blood, marriage, or adoption.

"House slippers" means any footwear constructed exclusively for indoor or house wear other than athletic, sport, or gymnasium use. However, the term does not include footwear made with any cattle hide leather in the upper, or with grain leather outsoles (other than heads, bellies, shins, and shanks of five iron or less), or with any rubber in the outsoles (other than reclaimed rubber in an amount not more than 15 percent by volume), if such footwear was shipped from the factory in the United States after August 31, 1943, or imported into the United States after August 31, 1943.

[Above definition added by Am. 30, 8 F.R. 10762, effective 8-7-43 and amended by Am. 32, 8 F.R. 11515, effective 8-18-43]

"Manufacturing establishment" means a business manufacturing, processing, or assembling shoes. All factories, warehouses, storage places, salesrooms, and distributing agencies owned by one person may constitute one manufacturing establishment. However, if more than 50% of the dollar value of the shoes transferred by the warehouse, storage place, salesroom, or distributing agency is to consumers it may not be considered a part of a manufacturing establishment.

"Manufacturer" means any person operating a manufacturing establishment. However, if a manufacturer acquires or transfers shoes not manufactured by him, he is a distributor as to the shoes so acquired or transferred.

"New", as applied to shoes, means any shoes other than "used" shoes.

"Person" includes an individual, institution, corporation, partnership, association, business trust, or any organized group or enterprise, and includes the United States or any agency thereof and any government or any political subdivision or agency thereof.

"Ration currency" means the evidence of authority to acquire shoes and includes war ration stamps, special shoe

[5] 8 F.R. 3783, 5677, 9626.

[6] 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480, 11806.

stamps, shoe purchase certificates, and shoe ration checks.

[Above definition as amended by Am. 37, 8 F.R. 12548, effective 9-15-43]

"Rubber" includes crude rubber, latex, reclaimed rubber, scrap rubber, and synthetic rubber.

[Above definition added by Am. 25, 8 F.R. 9062, effective 7-7-43]

"Rubber sole" means an inner or outer sole which contains any rubber, except as a cement used only to the extent necessary to attach a sole or platform to each other or to the upper.

[Above definition added by Am. 46, effective 11-24-43]

"Safety shoes" means protective occupational shoes incorporating one or more of the following safety features: (1) steel toe box, (2) electrical conductivity, (3) electrical resistance, (4) nonsparking, (5) molders' (Congress type) protection, (6) plastic or fibre toe box for use in women's safety shoes only, if designed to furnish the same type of protection as a steel toe box.

[Above definition added by Am. 5, 8 F.R. 3371, effective 3-24-43 and amended by Am. 19, 8 F.R. 7261, effective 6-3-43]

"Shoes" means any footwear made in whole or in part of leather or with a rubber sole, except waterproof, and snow or water repellent, rubber footwear.

[Above definition amended by Am. 2, 8 F.R. 2487, effective 2-25-43; Am. 11, 8 F.R. 5678, effective 5-5-43; Am. 25, 8 F.R. 9062, effective 7-7-43; Am. 30, 8 F.R. 10762, effective 8-7-43; Am. 32, 8 F.R. 11515, effective 8-18-43, and Am. 46, effective 11-24-43]

"Stamp" means a war ration stamp contained in a war ration book and designated for shoes or a special shoe stamp, or both, as the language indicates.

"Temporary shoe purchase certificate." [Revoked.]

[Above definition revoked by Am. 37, 8 F.R. 12548, effective 9-15-43]

"Transfer" means convert to use, sell, lease, lend, trade, exchange, give, ship, deliver, physically transfer to another in any manner, or make any transaction involving a change in possession, right, title, or interest; when used as a noun the term means a conversion to use, sale, lease, loan, trade, gift, exchange, shipment, delivery, physical transfer to another in any manner, and any transaction involving a change in possession, right, title, or interest.

"Used", as applied to shoes, means any shoes that have been used as footwear to the extent that they cannot be sold as new.

[Above definition as amended by Am. 1, 8 F.R. 2040, effective 2-13-43]

(b) Words of the masculine gender shall also denote the feminine and neuter genders; words of the singular shall also denote the plural; and vice versa.

(c) When any right or duty is conferred or imposed upon an establishment by this order, the right or duty must be deemed to be conferred or imposed upon the owner of the establishment.

Effective Dates

This Ration Order No. 17 shall become effective at 3:00 p. m. February 7, 1943.

[Issued February 7, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected.]

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

Issued this 19th of November, 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18662; Filed, November 19, 1943; 4:17 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 24]

USED LUMBER IN THE TERRITORY OF HAWAII

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

Section 54 is added to read as follows:

SEC. 54. *Maximum prices for all sales of second hand or used lumber at wholesale and retail*—(a) *What products are covered.* This section covers all sales of second hand or used lumber. Second hand or used lumber for the purpose of this section is all used lumber that has been recovered as salvage from any source whatsoever. For example, some of the specific sources of such material are demolished buildings, dunnage, crating, scrap from construction projects, and odds and ends purchased from distributors of new lumber which because of the condition of the material can no longer be considered new lumber.

(b) *What persons are covered.* All persons selling second hand lumber either wholesale or retail, regardless of whether or not they maintain distribution yards or sell direct from the original source of the supply.

(c) *Classifications of second hand or used lumber.* For the purpose of this section, second hand lumber shall be divided into the following grades or classifications; firewood, salvage, reclaimed and refined. The following description of the grades is general and not all inclusive. The use intended must be considered in all grades. Recoverable lumber means lumber which is sound and free from any structural defects that will prevent its use for ordinary construction.

(1) "Firewood" is second hand lumber which contains less than 50% recoverable lumber or is the waste resulting from the refining of second hand lumber.

(2) "Salvage" is second hand lumber which is in its original salvaged condition. It will, however, show more than 50% recoverable lumber in one foot multiple lengths longer than three feet when cleaned of cement, barnacles or other foreign matter, will be free from nails or bolts, and trimmed or ripped to eliminate broken ends, splits, rot or other defects.

(3) "Reclaimed" is second hand lumber from which all the nails, bolts, or other foreign matter has been removed and trimmed if necessary. Although it may be stained, weathered and worn from use, it must be sound and 100% usable for the purpose intended.

(4) "Common refined" is second hand lumber, remanufactured from larger material to a standard uniform size, sawsized or surfaced and trimmed to standard lengths. The lumber must be sound strong lumber, well manufactured of firm grain and suitable for good substantial construction purposes, free from loose or rotten knots, knot holes, shakes, rot and defects which materially impair the strength of the piece. Size of the knots, nail or bolt holes shall be considered in connection with the size of the piece and in combination must not impair the strength of the lumber. This classification may also include lumber which due to only temporary use has the appearance of new lumber and will meet the above requirements without further remanufacture.

(5) "Clear refined" is second hand lumber remanufactured from larger material to a standard uniform size, sawsized or surfaced and trimmed to standard lengths. Defects based on 8" widths 12' long are to be considered in connection with the size of the piece and its general quality. It will allow three of the following defects for each 8 board feet including corresponding half of the edges: sap ¼" width and ¾" thickness, pitch pockets narrow, each not over 4", knots sound, if not in clusters ½" and less in 1" stock varying according to thickness up to 1½" and 5" and thicker, seasoning checks slight, split or check not over width of the piece or equivalent in both ends. Occasional nail holes may be substituted for allowable defects if they do not impair the use of the lumber for the purpose intended. The grade must contain an average of six or more annual rings per inch at either one end or the other of the piece. In general this grade must be suitable for interior finish, furniture manufacture, or other similar uses for which a clear type of lumber with limited defects is needed.

(d) *Maximum prices for second hand lumber.*

Firewood, per cord 4' x 4' x 8'		F. o. b. distribution yard, per MBM			
F. o. b. salvage point	F. o. b. distribution yard	Salvage	Reclaimed	Common refined	Clear refined
$4.00	$5.00	$40.00	$50.00	$65.00	$85.00

(1) Firewood "as is" at original salvage source—$2.00 per cord. Salvage "as is"

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

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10668, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139.

at original salvage source—$15.00 per MBM. Salvage FOB trucks at original salvage source—$20.00 per MBM. For sales totaling less than $7.50, 10% may be added to the maximum price of Reclaimed, Common Refined, and Clear Refined.

(e) *Delivery charges.* (1) Where the delivery is made by common or contract carrier, an amount equal to the charge made by the carrier to the seller for such delivery.

(2) Where the delivery is made with equipment owned or operated by the seller, an amount not in excess of a maximum charge for such delivery which has been authorized by the Office of Price Administration. In order to obtain authorization for such charges, the seller should file with the Office of Price Administration, Honolulu, T. H., a list of proposed maximum charges for such deliveries. If such proposed charges are not in excess of those currently made by common or contract carriers whose services are available in the area served by the seller, such charges will be authorized and the seller notified that such authorization has been made. Such authorization shall be subject to revocation by the Office of Price Administration.

(3) Any charge made for delivery must be separately stated and shown on the invoice, bill of sale, or such sales memorandum as may be used in connection with the sale.

(f) *Maximum milling charges.* (1) The following additions per 1,000 feet B. M. may be made to the maximum prices when the following workings are required to be performed by a seller and are actually performed:

	6 x 6 and under	Over 6 x 6	4/4, 5/4, 6/4	4/4, 5/4, 6/4 x 6" & 8"	4/4, 5/4, 6/4 x 10" & 12"	All sizes	All sizes
S1S	4.50	12.00					
S2S	6.00	13.00					
S3S	7.50	14.00					
S4S	9.00	15.00					
D & M Shiplap, rustic, V or beaded			9.00				
Special patterns							
Less than 500' BM				15.00	18.00		
More than 500' BM				9.00	15.00		
Cross cutting						3.00	
Resawing							
Less than 500' BM							
One cut							15.00
Additional cuts							7.50
More than 500' BM							
One cut							10.00
Additional cuts							5.00

Ripping all sizes:
Less than 500' BM, $0.005 per lineal foot.
More than 500' BM, 1st cut $4.50; Additional cuts $1.50 per MBM.
Mouldings, $0.005 per lineal foot.
Permitted minimum milling charge $0.50.

(2) The above charges for ripping or resawing may be added only to the "reclaimed" or lower grades, and then only upon the specific request of the buyer.

(3) When the work required cannot be performed by the seller making the sale because he does not have the necessary facilities, he may add to the maximum prices the milling charges set forth in subparagraphs (f) (1) and (2) having the work performed at a custom establishment. In adding the working charges permitted by this section, the seller may not make any extra charge for hauling or trucking that may be required in getting the stock to or from the custom establishment.

(4) When any of the above charges for workings at the yard or custom establishment are made, the invoice, bill of sale or other billings must clearly state that the work was done at the distribution yard or at the custom establishment, and the amount must be separately shown.

(g) *What the invoice must contain.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not; i. e., grade, quantity, size, type of dressing, pattern or any other extras of specifications which affect the maximum prices.

(h) *Prohibited practices.* In addition to the practices prohibited by section 6 of this MPR 373 the following specific practices are prohibited:

(1) Getting the effect of a higher price by changing credit practices on cash discounts from what they were October 1941 or any subsequent date of the establishment of the concern. This includes reducing the cash discount period, increasing credit periods, or making greater charges for extension of credit. For purposes of this paragraph, no discount over 2% is considered a cash discount.

(2) Grading lumber into any other grades than permitted by this regulation; or wrongly grading or invoicing lumber in any other way.

(3) Refusing to sell on an f. o. b. yard basis, and insisting on selling on a delivered basis.

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

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

(i) *Special specifications, workings, or extras.* For special workings, specifications, services or extras not specifically priced under any provision of this regulation, the seller should apply to the Office of Price Administration, Honolulu, T. H. for instructions. In the application the seller must set forth the amount customarily charged (not to exceed the maximum price fixed by the regulation previously controlling such as the General Maximum Price Regulation[3]), for the special working, specifications, service or extra, or in the absence of a customary charge, the amount which in his opinion represents a fair and reasonable charge, together with a statement of how it was arrived at. Instructions will be furnished by letter or telegram. After writing for instructions the seller may quote and deliver at the requested price, but must not accept final payment until the instructions have been received. In the event that they are not received within 30 days after application has been made, the price for which approval is requested shall be deemed to have been approved and may be used by the seller. Instructions issued pursuant to this paragraph apply only to the particular seller who has applied for them.

(j) *Posting of price and delivery charges.* (1) On and after the effective date of this regulation every person offering to sell second hand lumber shall post the maximum prices for second hand lumber in a manner plainly visible to and understandable by the purchasing public, in his place of business.

(2) Upon authorization pursuant to paragraph (e) of this section by the Office of Price Administration of maximum delivery charges which may be made by the seller of second hand lumber, such seller shall immediately post a list of such charges at the place in the establishment where second hand lumber is sold.

This amendment shall be effective as of November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18667; Filed, November 19, 1943; 4:20 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 25]

SHRIMP IN THE TERRITORY OF HAWAII

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

Section 55 is added to read as follows:

SEC. 55. *Maximum wholesale and retail prices for green frozen, headless shrimp (unpeeled).* (a) Maximum

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

[1] 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

prices for sales at wholesale and retail of green frozen, headless shrimp (unpeeled), in the Territory of Hawaii shall be:

Count (number of shrimps per pound)	Wholesale price per pound (packed in 5-pound containers)	Retail price per pound
10 to 15	$0.60	$0.77
15 to 20	.53	.68
20 to 25	.48	.61
25 to 30	.43	.55
30 to 40	.41	.52
40 to 50	.39	.50
50 and over	.37	.47

(b) *Definitions.* When used in this section 55, the term:

(1) "Sale at retail" means a sale or selling to an ultimate user.

(2) "Sale at wholesale" means a sale to any person other than the ultimate consumer and shall include sales to licensed retail stores, peddlers, hotels, restaurants, licensed boarding houses, the United States or any of its political subdivisions, public institutions, and all commercial and industrial users.

(3) "Green frozen, headless shrimp (unpeeled)" means frozen shrimp, with heads removed, which have not been cooked or peeled.

(c) Maximum prices for sales at wholesale and retail of green frozen, headless shrimp not set forth in this section shall be a price approved by the Office of Price Administration, Iolani Palace, Honolulu, Hawaii, which approval shall be obtained before any such shrimp is sold or offered for sale at wholesale or retail.

(d) All wholesalers shall file with the Office of Price Administration, Honolulu, Hawaii, a list of all green frozen, headless shrimp (unpeeled), purchased, or contracted to be purchased before November 1, 1943, and which has not been resold before November 1, 1943. Such list shall be filed on or before November 10, 1943.

This amendment shall become effective with respect to sales at wholesale as of November 1, 1943, except with respect to shrimp purchased, or contracted to be purchased before November 1, 1943. Such shrimp need not be priced under this section until December 15, 1943. This amendment shall become effective as of November 1, 1943, with respect to sales at retail, except with respect to sales at retail of shrimp for which the maximum wholesale price is not established by this section. Such shrimp need not be priced under this section until December 20, 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 19th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18666; Filed, November 19, 1943; 4:20 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9B]

NEW COOKING STOVES FOR THE TERRITORY OF HAWAII

Preamble. This ration order is being issued in acordance with a direction from the War Production Board that new cooking stoves be rationed in the Territory of Hawaii in order to effect a fair distribution of the limited supply available for civilian use. War conditions have created a shortage of stoves throughout the United States. This shortage is accentuated in the Territory of Hawaii by the uncertainty of available shipping facilities to transport stoves from the mainland. Consumers, except the Army, Navy, and other exempt agencies, will be required to obtain a certificate from their local board in order to purchase a new cooking stove. In this manner those consumers who most need new cooking stoves will have access to the available supply.

§ 1432.70 *New cooking stoves for the Territory of Hawaii.* Under the authority vested in the Office of Price Administration and the Price Administrator by Executive Order No. 9125 issued by the President on April 7, 1942, by Directive No. 1, Supplementary Directive No. 1-S, and Supplementary Directive No. 1-V of the War Production Board, issued on January 24, 1942, May 8, 1943 and August 11, 1943, respectively, and under the authority vested in me by General Order No. 48, issued by the Price Administrator on March 5, 1943, this ration order (New Cooking Stoves for the Territory of Hawaii), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1432.70 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562; Supp. Dir. 1-S, 8 F.R. 6018; Supp. Dir. 1-V, 8 F.R. 11201; Gen. Order 48, 8 F.R. 2303.

RATION ORDER 9B—NEW COOKING STOVES FOR THE TERRITORY OF HAWAII

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SECTION 1.1 *Transfer of new cooking stoves prohibited except in certain cases.* (a) Transfers of new cooking stoves, manufactured in the United States, to consumers in Hawaii are permitted in exchange for certificates. No other transfers to consumers in Hawaii are permitted.

(b) The Army, Navy, Marine Corps, War Shipping Administration, Maritime Commission, the Coast and Geodetic Survey, the Coast Guard, and the Civil Aeronautics Authority of the United States may acquire new cooking stoves without obtaining certificates, but they must, at or before the time of delivery, give to the seller a memorandum receipt on an official letterhead of the agency, signed by an authorized representative thereof, setting forth the date of delivery, the name and address of the dealer, and the number of units delivered.

SEC. 1.2 *Acquisition of new cooking stoves on certificate.* (a) A person who wishes to acquire a new cooking stove for use must first obtain a certificate. Certificates may be obtained only in the manner and by the persons set forth in section 1.3 herein.

(b) The consumer must first give the certificate to the seller before or at the time of delivery of the new cooking stove. However, where the seller is not engaged in the business of selling cooking stoves, the buyer must not surrender the certificate to the seller. In such a case, a seller must sign his name and address on the certificate and the buyer must return the certificate to the Territorial Director of the Office of Price Administration, Hawaii Territorial Office, or the War Price and Rationing Board which issued it.

SEC. 1.3 *Issuance of certificates.* (a) A person desiring to obtain a certificate must make application therefor on OPA Form THR-2, and file this application with the Hawaii Territorial Office of the Office of Price Administration or with the local War Price and Rationing Board which serves the area where the stove will be used.

(b) The only persons who may obtain a certificate for a new cooking stove are those who:

(1) Need a new cooking stove for household use and who do not have other adequate means for cooking;

(2) Have not in the sixty (60) days preceding the application disposed of any cooking stove which would have served the desired purpose;

(3) The Territorial Director or the appropriate War Price and Rationing Board shall determine to have an urgent need therefor.

(c) If the Territorial Director or the appropriate War Price and Rationing Board finds that the applicant is eligible for a new cooking stove, he or it shall issue to the applicant a certificate authorizing him to buy such cooking stove.

SEC. 1.4 *Dealers must obtain certificate in transferring new cooking stoves.* When a dealer, or any one engaged in the business of selling new cooking stoves manufactured in the United States, transfers such a cooking stove to a customer for use, he must obtain a certificate from the consumer.

SEC. 1.5 *Records which must be kept by dealers.* On and after December 1, 1943, all dealers must keep for two (2)

years permanent records containing the following information:

(a) The number of new cooking stoves, manufactured in the United States, in inventory at 12:01 a. m. on December 1, 1943; the name and address of the person or firm from whom such equipment was received, and the number of cooking stoves received.

(b) The date of each delivery of new cooking stoves, manufactured in the United States, received by them on or after 12:01 a. m. on December 1, 1943; the name and address of the person or firm from whom such equipment was received, and the number of stoves of each type received.

(c) The date of each sale of new cooking stoves, manufactured in the United States, made by them on or after 12:01 a. m. on December 1, 1943; the name and address of the person to whom such cooking stove sold, and the serial number of the certificate received for each cooking stove, if sold to a consumer.

(d) All certificates received for cooking stoves transferred.

SEC. 1.6 *Transfer by judicial process, operation of law, security.* (a) A new cooking stove may be acquired by a lien permitted thereon in favor of the following persons and in the following cases without the surrender of a certificate:

(1) Any person pursuant to judicial process or an order issued by a court of competent jurisdiction, or by operation of law;

(2) A government or political subdivision or agency thereof, in the enforcement or exercise against such new cooking stove of statutory rights or powers;

(b) A security interest in a cooking or heating stove, other than pledge, may be created in favor of the following persons and in the following cases, without the surrender of a certificate:

(1) A government or political subdivision or agency thereof;

(2) Any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State, or the United States, or by the government of a Territory or possession of the United States;

(3) Any person where the security interest arises or is transferred, with respect to all or substantially all the assets of a business enterprise;

(c) A new cooking stove, or any interest therein or lien thereon, acquired pursuant to paragraph (a) or (b) of this section, may be returned to the person from whom it was acquired, or may be released without the surrender of a certificate.

(d) Any person who has acquired a new cooking stove for security purposes, or in whose favor a lien thereon has been created, as permitted by this section, or who holds a lien on or security interest in a new cooking stove, created on or before May 8, 1943, may enforce the security, lien, or other interest in the manner provided by applicable law. A new cooking stove so acquired by a person, unless by inheritance, may not be used by him, and may be transferred only to a person expressly authorized by this ration order to acquire a new cooking stove.

SEC. 1.7 *Violators may lose right to rationed products.* Any person who violates this ration order may be prohibited from receiving or using a cooking stove, or any other rationed products or facilities, or from selling or disposing of them. The prohibition will be in the form of an administrative suspension order, which may be issued for such period of time as in the judgment of the Territorial Director is necessary or proper to promote the public welfare and national requirements. In addition, there are prohibitions in General Ration Order 8[1] applicable to all ration orders.

SEC. 1.8 *Appeals.* Any applicant for a certificate or authorization, whose application has been denied in whole or in part, may appeal from such action to the Territorial Director in accordance with the provisions of Procedural Regulation 9.[2]

SEC. 1.9 *Definitions.* The words used in this ration order shall have their common or usual meanings in the extent to which they are used. For the purpose of clarity, definitions of the terms whose meanings may be open to doubt are included in this order. The meanings given herein shall be regarded as controlling.

(a) "Certificate" means a certificate issued by the Territorial Director or an appropriate War Price and Rationing Board to authorize the acquisition of a new cooking stove manufactured in the United States.

(b) "Cooking stoves" means all types of cooking stoves and ranges, combination heating and cooking stoves, combination ranges, and conversion range burners designed to burn oil, but does not include the following: (1) equipment which is especially designed for commercial, industrial, institutional or agricultural uses; (2) equipment having a factory sales value of $10.00 or less (which may be freely transferred without certificate); (3) electric stoves or ranges having a factory sales value of $80.00 or less (which may be transferred only on authorization of the War Production Board).

(c) "Consumer" means any person who acquires new cooking stoves manufactured in the United States, other than persons who acquire such stoves for resale without using them for the purposes for which they were designed.

(d) "Dealer" means any person who is engaged in the business of selling new cooking stoves manufactured in the United States.

(e) "New", as applied to domestic cooking stoves, means stoves which have not been sold to a consumer, and stoves which have been sold to a consumer but which have been used for not more than sixty (60) days.

(f) "Person" means any individual, partnership, corporation, association, government or government agency, and any other organized group or enterprise.

Effective date. This ration order shall become effective November 22, 1943.

Issued this 16th day of November 1943.

MELVIN C. ROBBINS,
Director, Territory of Hawaii.

[F. R. Doc. 43-18663; Filed, November 19, 1943; 4:19 p. m.]

[1] 8 F.R. 3783.
[2] 7 F.R. 8756.

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 1-3, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN CONNECTICUT

For the reasons set forth in the statement of considerations, issued simultaneously herewith,* Restaurant Maximum Price Regulation No. 1-3 is hereby amended in the following respects:

1. A new section to be known as section 3a is added to read as follows:

SEC. 3a. *How you figure your prices for seasonal items.* First, determine your ceiling price for a "seasonal food item" (defined in section 17 (g)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item, provided that in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

2. Section 4 is amended by adding the following class of food items:

(23a) *Seasonal desserts.* Seasonal dessert specialties such as watermelon, cantaloupe and strawberry shortcake.

3. Section 5 is amended by adding the following paragraph:

The provisions of this section shall not apply to seasonal dessert specialties included in section 4 (a), Class (23A).

4. Section 8 is deleted, and the following section 8 substituted for it:

SEC. 8. *Rules for new proprietors.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted, it may be subject to such con-

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

ditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11 immediately upon the opening of your place.

5. Section 13 of the regulation is deleted, and the following section 13 is substituted for it:

SEC. 13. *Relation to other maximum price regulations.* The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time.

6. Section 17 is amended by adding the following paragraph:

(g) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

7. Section 18 is amended by adding the following paragraph:

(e) Eating and drinking places operated by any school, college or university which is a non-profit institution, or by any non-profit agency for any such school, college or university which is a non-profit institution which sell 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 institution by arrangement with the War Department or Department of the Navy shall be considered as students. A non-profit institution or agency is one where no part of the net earnings inures to the benefit of any private individual.

8. A new section, to be known as section 22, is added to read as follows:

SEC. 22. *Seasonal eating and drinking places.* (a) If you are the proprietor of a seasonal eating or drinking place, you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to 10, 1943, use the rules set forth in sections 2, 3 and 3A.

(2) If the place was not in operation during the base period from April 4 to 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 8 (b).

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for prices to the Office of Price Administration, Connecticut District Office, 55 Allyn Street, Hartford, Connecticut. Your application must be filed ten days prior to the date you plan to commence operations and must present the following information:

(i) Your name and address.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season.

(iv) The date when you plan to commence operations.

(v) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

This Amendment No. 2 to Restaurant Maximum Price Regulation No. 1-3 shall become effective November 8, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 29th day of October 1943.

ANTHONY F. ARPAIA,
Director.

[F.R. Doc. 43-18664; Filed, November 19, 1943; 4:18 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-11, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

For the reasons set forth in the statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, and under the authority vested in the Director of the Shreveport, Louisiana, District Office of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order 50, issued by the Office of Price Administration, Restaurant Maximum Price Regulation No. 5-11 (Food and Drink Sold for Immediate Consumption) is amended in the following respects:

1. Subparagraph (1) of section 8 (a) is amended to read as follows:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price.

2. The following paragraphs are added to section 18:

(e) Eating and drinking places owned and operated by charitable, religious or cultural organizations such as the United Service Organization, Red Cross or similar organizations selling food items or meals on a non-profit basis primarily to members of the Armed Forces.

(f) Bona fide fraternity or sorority houses located at a recognized school, college or university insofar as such houses sell only to members and bona fide guests of members. If such houses sell to persons other than members or bona fide guests of members, such houses shall be considered for all sales an eating or drinking place within the meaning of this regulation. No such house shall be considered to be exempt within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and it otherwise is operated as a fraternity or sorority house.

(g) 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 shareholder or 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 institution. For purposes of this subparagraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy shall be considered students.

(h) Eating and drinking places operated on a non-profit basis by the school department of any parish, city or town, and like places operated on a non-profit basis by any private or religious organization, and serving food items or meals exclusively to pupils and teachers.

(i) Eating cooperatives formed by officers in the Armed Forces (as, for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual), which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to officers who are members of the cooperative.

(j) Bona fide private clubs insofar as such clubs sell only to members and bona fide guests of members. If such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation. No club shall be considered to be exempt as a pri-

vate club, within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and it otherwise is operated as a private club. No club organized after the effective date of this amendment shall be exempt unless and until it has filed a request for exemption with the Shreveport, Louisiana, District Office of the Office of Price Administration, furnishing such information as may be required, and has received communication from such office authorizing exemption as a private club.

3. Paragraph (b) of section 19 is amended by adding subparagraph (7), to read as follows:

(7) Such other information as the District Director may desire.

4. The last unnumbered paragraph of section 19 is amended to read as follows:

Applications for adjustments may be acted upon by the District Director of the Shreveport, Louisiana, District Office.

This amendment shall become effective November 1, 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; Gen. Order 50, 8 F.R. 4808)

Issued this the 29th day of October 1943.

J. E. BRUMFIELD,
District Director.

[F. R. Doc. 43-18652; Filed, November 19, 1943; 4:17 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-12]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN FORT WORTH REGION, TEX.

In the judgment of the Fort Worth, Texas, District Director, the prices of food and beverages sold for immediate consumption in the following counties in Texas:

Archer, Baylor, Bell, Bosque, Brown, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Denton, Eastland, Erath, Falls, Fisher, Foard, Hamilton, Hardeman, Haskell, Hill, Hood, Jack, Johnson, Jones, Knox, Lampasas, McCulloch, McLennan, Mills, Montague, Nolan, Palo Pinto, Parker, Runnels, San Saba, Shackelford, Somervell, Stephens, Tarrant, Taylor, Throckmorton, Tom Green, Wichita, Wilbarger, Wise, Young.

have risen and are threatening further to rise to an extent and in a manner inconsistent with the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the Fort Worth, Texas, District, the maximum prices established by this regulation are generally fair and equitable and are necessary to (and will) check inflation and effectuate the purposes of the Act. So far as practicable, the District Director of the Fort Worth, Texas, District gave due consideration to prices prevailing between October 1 and 15, 1941; and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living", 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the District Director of the Fort Worth, Texas, District hereby issued this Restaurant Maximum Price Regulation No. 5-12, establishing as maximum prices for food and drink sold for immediate consumption in the counties mentioned above the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.412 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the District Director of the Fort Worth, Texas, District by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, issued by the Office of Price Administration, and Order of Delegation of Authority under General Order 50, issued by the Regional Administrator of Region V, Restaurant Maximum Price Regulation No. 5-12 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.412 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION NO. 5-12—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

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SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the direction in the next four sections (sections 2 to 5, inclusive). You may, of course, sell at lower than ceiling prices. However, a price charged during the period April 4, 1943, to April 10, 1943, as provided under section 2 hereof, or a price charged during the period March 7, 1943, to April 3, 1943, inclusive, as provided under section 3 hereof, shall not become a maximum price under this regulation if it exceeded the maximum price established by another regulation applicable at that time. In such case, the lawful maximum price applicable at that time shall be the maximum price hereunder.

SEC. 2. *How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.* Your ceiling price for any "food item" or "meal" is the highest price at which you offered the same "food item" or the "same meal" in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. (There are thirteen classes of "meals" provided for in section 21 (b) of this regulation.)

Example. If you charged during the seven-day period 75 cents for a dinner on week days and $1.00 for the identical dinner on Sunday, the most you can charge for the dinner on week days is 75 cents because section 21 (b) provides that week-day dinners are dinners of a different class from Sunday dinners.

SEC. 3. *How you figure ceiling prices for food items and meals which you cannot price under section 2.* If you cannot figure your ceiling price for a "food item" or "meal" under section 2, and if you have adequate records of the prices you charged during the four-week period from March 7 to April 3, 1943, inclusive, you must take, as your ceiling price for such "food item" or "meal," the highest price at which you offered the same "food item" or the "same meal" during that four-week period. (See section 21 (b) for classes of meals.)

SEC. 4. *How you figure ceiling prices which you cannot determine under sections 2 or 3.* If you cannot determine your ceiling price for a "food item" or "meal" under sections 2 or 3, you must proceed as follows:

(a) Determine the cost of the raw food which you use in preparing the new "food item" or "meal."

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

(b) From the "food items" and "meals" for which you have already established ceiling prices, choose a "food item" or "meal" which currently has raw food cost equal to or less than the raw food cost of the new "food item" or "meal."

Example. You desire to determine your ceiling price for a broiled trout dinner to be served on week days and you did not serve such a dinner on week days during the period from March 7 to April 10, 1943, inclusive. You find that the raw food cost of this meal is 50 cents. You select from the meals for which you have already established ceiling prices a week-day dinner which has a raw food cost equal to or less than 50 cents. Since you may not select a meal which has a greater food cost than the raw food cost of the meal you are pricing, the meal you select in this instance must not have a raw food cost of more than 50 cents.

(c) Take as your ceiling price for the new "food item" or "meal" your ceiling price for the "food item" or "meal" chosen for comparison. The "food item" or "meal" offered for such comparison should be of the same class as the new "food item" or "meal" (the different classes of "meals" and "food items" are set out in section 21 (b)). If, however, you can find no "food item" or "meal" of the same class, you may use for comparison the most similar "food item" or "meal" of another class having a food cost equal to or less than your food cost for the new "food item" or "meal". "Currently" as used herein means current on the day you figure your price.

(d) Under no circumstances are you permitted to use a raw food cost which exceeds the current maximum price fixed under any applicable maximum price regulation or order of the Office of Price Administration.

(e) Under no circumstances are you permitted to charge a price for any "food item" or "meal" determined under this section which is higher than either of the following prices:

(1) Your highest ceiling price for "food items" or "meals" of the same class offered in the seven-day period; or

(2) The last price at which you sold the same "food item" or the same "meal" prior to March 7, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of the record showing the last price charged. The limitations under this section 4, paragraph (e) shall not apply to seasonal dessert specialties specified in section 21 (a), Class 25A.

Example 1. If you did not serve split pea soup during the five-week period and you determine the price in accordance with section 4, arriving at a price of 25 cents for split pea soup, and the highest price you charged for any soup during the seven-day period was 15 cents, you may not now charge more than 15 cents for split pea soup, unless you find that the last time you served the soup prior to March 7, 1943, you offered it at a price of more than 15 cents, in which event you may take as your price either the 25 cents arrived at under section 4 or the highest price charged by you for split pea soup prior to March 7, 1943, whichever is the lower.

Example 2. If you did not serve a chicken dinner on a week day during the five-week period and now wish to do so, you must calculate your maximum price under section 4. Suppose that your calculated price is $1.25 and the highest priced week-day dinner you served during the seven-day period from April 4, 1943, to April 10, 1943, inclusive, was $1.00, you may not now charge more than $1.00 for this week-day dinner, unless the last time you served a week-day chicken dinner prior to March 7, 1943, you served it at a higher price than $1.00. In such case, you may use the last price charged, or your price calculated under section 4, whichever is lower. Observe the requirement that a supporting menu or certified copy of a record showing the maximum price charged must be first filed with your War Price and Rationing Board.

(f) Except for ceiling prices which are to be varied in accordance with section 5, all of your ceiling prices for food items or meals once fixed or determined may not be changed by you.

SEC. 5. *How you figure your prices for seasonal items.* (a) First you determine your ceiling price for a "seasonal food item" (defined in section 20 (e)) in accordance with the first applicable pricing provision contained in sections 2, 3 and 4 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: *Provided,* That in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

Example. Suppose when you first determine your maximum price for a serving of strawberries and cream it is 25 cents per serving and the raw food cost of this item is 12½ cents. Later, your raw food cost on this item is reduced to 10 cents, then the maximum price you may charge for a serving of strawberries at such time is 20 cents.

(b) In reducing your price of a "seasonal food item", you may ignore any reduction in the raw food cost which would reduce the price of the item less than 5 cents. If the reduction is more than 5 cents and you customarily express your prices in multiples of 5 cents, you may adjust your price to the nearest figure which will be a multiple of 5 cents.

SEC. 6. *Substitution of food items in meals.* If you have already determined your ceiling price for a meal, you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 4.

SEC. 7. *Prohibition against manipulation of meal offerings.* You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things you must not:

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class. To determine the mid-point, add the price of your highest priced meal to the price of your lowest priced meal of the same class and divide by two.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Example 1 You have always offered five meals on week days at $1.50, $1.25, $1.00, 85¢ and 65¢. The mid-point is $1.07½. Your middle price is $1.00. You may not eliminate your 85¢ meal without eliminating either your $1.25 or your $1.50 meal.

Example 2 If you select Friday April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, $1.00, $1.10, and $1.50, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 8. *Evasion.* (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price.

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal.

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, checkroom, parking or any other special charges, or making such charges when they were not in effect in the seven-day period, except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period.

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period.

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal or give your customers less value for their money.

(6) Shortening the period of time in each day during which table d'hote meals are offered unless there is a corresponding reduction in the period of time in which a la carte meals are served.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful, except that less than that may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 9. *Rules for new proprietors.* (a) If you acquired or acquire another's business subsequent to the seven-day period beginning April 4, 1943, and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. However, if you acquired another's business between April 10, 1943, and the effective date hereof, you may apply to the District Director not later than December 31, 1943, for permission to fix your prices under paragraph (b) of this section, whereupon the District Director may establish your prices as in his judgment seems equitable.

(b) If you open an eating or drinking place after the seven-day period you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

SEC. 10. *Seasonal eating and drinking places*—(a) *Exempt places.* If you are the proprietor of a seasonal eating or drinking place that meets all of the following requirements:

(1) Was not open during the base period from April 4 to 10, 1943;

(2) Receives 90 per cent or more of its total annual revenue during four calendar months of the year; and

(3) Is located in an area for which no maximum rent regulation has been issued;

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order 50, and you are still subject to the provisions of section 22 of this regulation. Pursuant to this latter section, the Administrator will, by special order, establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) *Non-exempt places.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3, 4 and 5.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(i) Your name and address;

(ii) A brief description of your business and the manner of operation;

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season;

(iv) The date when you plan to commence operations;

(v) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

SEC. 11. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. *Records.* (a) You must observe all the record keeping and filing requirements of General Order No. 50 which are hereby made a part of this regulation by reference.

(b) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) *Records of the seven-day period.* You must make readily available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make readily available for such examinations a list of the highest prices you charged in the seven-day period.

(d) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) of General Order 50, except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus, you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for these places at a central office or the central office of the principal place of business within the city.

SEC. 13. *Posting.* (a) Beginning November 1, 1943, each menu must have clearly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration Regulation, our ceiling prices are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available in the seven-day period, you shall continue to make them available.

(c) In addition to the requirements in (a) and (b), you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

SEC. 14. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 15. *Relation to other maximum price regulations.* The provisions of this regulation shall not be applicable to the

sale of those food items and beverages which are now, or may hereafter be, covered by specific regulations or the General Maximum Price Regulation; for example, such items as (but not limited to) bottled soft drinks, fluid sweet milk, malt beverages, candy, chewing gum, cigarettes, cigars, chewing tobacco, smoking tobacco, etc.

SEC. 16. *Geographical application.* This Restaurant Maximum Price Regulation No. 5–12 applies to the following counties:

Archer, Baylor, Bell, Bosque, Brown, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Denton, Eastland, Erath, Falls, Fisher, Foard, Hamilton, Hardemann, Haskell, Hill, Hood, Jack, Johnson, Jones, Knox, Lampasas, McCulloch, McLennan, Mills, Montague, Nolan, Palo Pinto, Parker, Runnels, San Saba, Shackelford, Somervell, Stephens, Tarrant, Taylor, Throckmorton, Tom Green, Wichita, Wilbarger, Wise and Young.

SEC. 17. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and also any sales of food and beverages by churches, Sunday schools, and other religious organizations unless such sales are made as a regular business.

(b) Hospitals, except for food items and meals served to persons other than patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such) including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(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 shareholder or 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 institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy shall be considered students.

(e) Bona fide private clubs insofar as such clubs sell only to members and bona fide guests of members. If such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation. No club shall be considered to be exempt as a private club within the meaning of this paragraph unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and it otherwise is operated as a private club.

No club organized after the effective date of this regulation shall be exempt unless and until it has filed a request for exemption with the nearest State or District Office of the Office of Price Administration, furnishing such information as may be required, and has received communications from such office authorizing exemption as a private club.

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period, and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

(7) Together with such other and further information as the District Director may deem necessary.

SEC. 20. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other Government, any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal". Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. (Mere heating, cooling, seasoning or mixing with other food items does not constitute preparation.) It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food item" means a food item (excluding beverages) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon; certain fresh vegetables such as summer squash; certain fresh fruits such as berries and melons. Canned and quick-frozen foods are not seasonal items, nor are meats derived from domestic animals and fowl.

The terms "generally offered for sale" and "normally available" refer to practices and conditions prevailing prior to the entry of the United States into the present war.

(f) "Beverages" mean all beverages not excepted by the terms of section 15 hereof.

(g) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

(h) Two meals may be considered the same only if they consist of identical combinations of food items and belong to the same class of meal; classes of meals are set forth in section 21 hereof.

SEC. 21. *Classes of food items and meals.* (See definitions of "Food item" and "Meal" contained in section 18.)

(a) *The classes of food items.*

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices
2. Cereals
3. Entrees; egg and combination egg dishes served at breakfast
4. Entrees; meat and meat combination dishes served at breakfast
5. Entrees; all other dishes served at breakfast
6. Breads, rolls, buns, Danish-pastries, etc., served at breakfast
7. All other breakfast dishes including jams, jellies and preserves

OTHER ITEMS

8. Appetizers, except alcoholic cocktails
9. Soups, including soups in jelly
10. Beef; steaks and roasts
11. Veal; steaks, chops and roasts
12. Pork; loin, chops, steaks, and roasts
13. Lamb or Mutton; chops, roasts
14. Poultry and fowl
15. Fish and shell-fish
16. Game
17. Miscellaneous and variety meats, including liver and kidneys
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof
20. All other dishes such as spaghetti and combinations, vegetable platters, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes
22. Salads (except as served as a main course or appetizer course in a meal)
23. Tamales, anchilades, chili concarne and other Mexican dishes
24. Desserts; cakes, cookies, pies, pastries and other baked goods
25. Desserts; Ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts

25a. Desserts; seasonal dessert specialties such as watermelon and cantaloupe

26. Desserts; all others, including fruits, puddings and cheese
27. Cold sandwiches, including garnishings, salads and vegetables
28. Hot sandwiches, including garnishings, salads and vegetables
29. All other food items served in a meal including mints and preserves
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk

BEVERAGES

31. Non-alcoholic beverages, including sparkling and mineral water
32. Wines, including sparkling wines

(b) *The classes of meals.* For the purposes of this regulation there shall be thirteen classes of meals; namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

SEC. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

SEC. 23. *Licensing.* The provisions of Licensing Order No. 1 of the Office of Price Administration, 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.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

This regulation shall become effective November 1, 1943.

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

Issued this 20th day of October 1943.

MARK MCGEE,
District Director.

[F. R. Doc. 43-18651; Filed, November 19, 1943; 4:19 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296,[1] Amdt. 9]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS AND BLENDERS

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.*

Maximum Price Regulation No. 296 is amended in the following respects:

1. Section 1351.1651a is added to read as follows:

§ 1351.1651a *Notification of change in maximum prices.* With the first delivery of any commodity listed in Appendix A hereof after a miller changes a maximum price pursuant to any provision of any amendment to this regulation he shall:

(a) Supply each wholesaler and retailer subject to the provisions of Maximum Price Regulations Nos. 421, 422 or 423, who purchases from him with written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, variety, brand and container type and size*) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after (*insert date when new price becomes effective*). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the miller shall place upon or attach to each invoice the written notice set forth above.

(b) Notify each purchaser of the item from him who is a distributor, wholesaler or retailer not subject to Maximum Price Regulations Nos. 421, 422 or 423 of such change in maximum price by the following written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after the new price becomes effective:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (*describe item by kind, variety, brand and container type and size*) has been changed from $_____ to $_____ under the provisions of Maximum Price Regulation No. 296. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (*insert date when new price becomes effective*), of any allowable change in your maximum price. This notice must be made in the manner prescribed in § 1351.1651a of Maximum Price Regulation No. 296.

2. Section 1351.1666, Appendix A, V. is amended to read as follows:

V. *Maximum prices for family flours in carload quantities, packed in 98 pound cotton sacks, delivered at specified destinations.* The maximum prices for family flour in carload quantities, packed in 98 pound cotton sacks delivered at destinations in the various states and the District of Columbia, shall be as follows:

	Per barrel
Colorado, east of the Rocky Mountains	$7.25
Montana, Wyoming	7.50
Colorado, except east of the Rocky Mountains, Kansas, Nebraska, New Mexico, North Dakota, South Dakota	7.75
Oregon, Washington	8.00
Idaho	8.10
Arizona, Oklahoma, Utah	8.25
Iowa, Missouri	8.40
Texas	8.45
Arkansas, Minnesota	8.50
Nevada	8.75
Illinois	8.80
Indiana	8.90
Michigan, Ohio, Wisconsin	9.00
Delaware, District of Columbia, Maryland, Pennsylvania and West Virginia	9.20
California, New Jersey, New York	9.25
The New England States	9.30
Florida, Kentucky, Louisiana, Virginia	9.80
Tennessee	10.05
Alabama, Georgia, Mississippi, South Carolina	10.15
North Carolina	10.25

This amendment shall become effective November 26, 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 19th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18661; Filed, November 19, 1943; 4:18 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 25 to Supp. 1]

MEAT, FATS, FISH AND CHEESES

The Official Tables of Point Values (No. 8) referred to in paragraph (a) of § 1407.3027 are amended in the following respects:

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

[1] 8 F.R. 158, 612, 2598, 3703, 7567, 7599, 8544, 9159, 10362, 10758, 11563, 13174.

[1] 8 F.R. 3591, 3714, 4892, 5408, 5758, 6810, 7264, 7492, 8869, 9203, 10090, 10728, 11688, 12299, 12444, 12549, 13164, 13165.

1. The Official Table of Consumer Point Values is amended as follows:

a. Under the headings "Pork" and "Bacon", the point value of each item is reduced 2 points per pound below the current point value assigned to that item. Any such item currently having a point value of 2 or less points per pound shall have a point value of zero.

b. Under the heading "Ready-to-eat meats" the point value of each item, except "Corn beef brisket (sliced)", "Dried beef, slices", and "Tongue, slices", is reduced 2 points per pound below the current point value assigned to that item.

c. Under the heading "Variety meats", the point values of "Heart", "Liver", and "Tongue" under the classification "Pork" are reduced to 1 point per pound.

d. Under the heading "Sausage", the point value of each item in which the only meat is pork meat, is reduced 2 points per pound below the current point value assigned to that item.

2. The Official Table of Trade Point Values is amended as follows:

a. Under the heading "Pork" (section (A)), the point value of each item, except items under the classification "Carcass or side", is reduced 2 points per pound below the current point value assigned to that item. Any such item currently having a point value of 2 or less points per pound shall have a point value of zero.

b. Under the heading "Pork" (section (A)), the point value of each item under the classification "Carcass or side", is reduced 1½ points per pound below the current point value assigned to that item.

c. Under the heading "Sausage" (section (A)), the point value of each item in which the only meat is pork meat, is reduced 2 points per pound below the current point value assigned to that item. Any such item currently having a point value of 2 or less points per pound shall have a point value of zero.

This amendment shall become effective 12:01 a. m., November 19, 1943.

Issued this 19th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18620; Filed, November 19, 1943; 11:14 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 457,[1] Amdt. 1]

POTATO CHIPS

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

Maximum Price Regulation No. 457 is amended in the following respects:

1. In the table in section 2 (b), the phrase "For package weights * * *" in the first square of the left-hand column is amended to read as follows:

For package weights less than ¾ oz.

2. Section 2 (c) is re-designated section 2 (j).

3. A new section 2 (c) is added to read as follows:

(c) *Maximum prices applicable in cases where persons sell to wholesalers, primary distributors or retailers at or below ceiling prices provided in paragraphs* (a) *and* (b). When a person who packs potato chips sells to a wholesaler or primary distributor at or less than a figure listed in Column 2 of the following table (but in excess of the price listed immediately above that figure) or sells to a retailer at or less than a figure listed in Column 3 (but in excess of the price listed immediately above that figure), he shall mark on the individual retail package or label attached to it the consumer price listed in Column 1 opposite the greater of the two listed figures.

When a person who packs potato chips has marked on the individual retail package a consumer price listed in Column 1 of the following table, no person may charge a consumer more than that price, no person may charge a wholesaler or primary distributor more than the figure listed on the same line of Column 2, and no person may charge a retailer more than the figure listed on the same line of Column 3.

These maximum prices shall prevail regardless of the actual weight of the package; however, in any case, the actual weight of the package must not be lower than the weight specified in paragraph (a) or (b) for the particular maximum price named therein or to be figured thereunder. No person shall increase the consumer price marked on the package after it has been sold by the person who packed it, but any person selling to a consumer may reduce that price.

Column 1	Column 2	Column 3
Maximum delivered price per package to consumers, as marked on the package (or label attached to it)	Maximum delivered price per dozen packages to wholesalers and primary distributors	Maximum delivered price per dozen packages to retailers
$0.05	$0.35	$0.45
.06	.42	.54
.07	.49	.63
.08	.56	.72
.09	.61	.79
.10	.70	.90
.11	.77	.99
.12	.84	1.08
.13	.91	1.17
.14	.98	1.26
.15	1.05	1.35
.16	1.12	1.44
.17	1.19	1.53
.18	1.26	1.62
.19	1.33	1.71
.20	1.40	1.80
.21	1.47	1.89
.22	1.54	1.98
.23	1.61	2.07
.24	1.68	2.16
.25	1.75	2.25
.26	1.82	2.34
.27	1.89	2.43
.28	1.96	2.52
.29	2.03	2.61
.30	2.10	2.70
.31	2.17	2.79
.32	2.24	2.88
.33	2.31	2.97
.34	2.38	3.06
.35	2.45	3.15

Directions for retailers. If the consumer price marked on the retail package is a figure listed in Column 1, above, you must not pay more than the figure listed on the same line in Column 3 and you must not charge more than the price marked on the package. For example, if the retail package is marked "8¢" you may not pay more than 72 cents per dozen nor charge more than 8 cents per package.

Directions for wholesalers and primary distributors. If the consumer price marked on the retail package is a figure listed in Column 1, above, you must not pay more than the figure listed on the same line in Column 2 and you must not charge more than the figure listed on the same line in Column 3. For example, if the retail package is marked "8¢" you may not pay more than 56 cents per dozen nor charge more than 72 cents per dozen.

4. Section 2 (k) is added to read as follows:

(k) *Meaning of other terms.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to the other terms used in this regulation.

5. Section 2b is added to read as follows:

SEC. 2b. *Maximum prices for potato chips in special type package.* The maximum delivered prices which sellers may charge for potato chips packed in triple laminated bags enclosed in paper-board cartons with outer cellophane or glassine wrappers shall be as follows:

Size of package:	*Maximum price*
2¼ ounces:	
Persons selling to consumers	$ .14 per package
Persons selling to retailers	$1.29 per dozen
Persons selling to wholesalers	$1.03 per dozen
Persons selling to primary distributors	$1.03 per dozen

6. Section 5 is amended to read as follows:

SEC. 5. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order.

This amendment shall become effective November 26, 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 20th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18692; Filed, November 20, 1943; 3:40 p. m.]

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

[1] 8 F.R. 11445.

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 16]

POULTRY AND EGGS IN PUERTO RICO

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

Section 57 is added to read as follows:

SEC. 57. *Maximum prices for poultry and shell eggs*—(a) *Definitions.* When used in this section 57 the term:

(1) "Poultry" means all fresh broilers, fryers, roasters, capons, old roosters and hens, turkeys, including live, dressed, drawn, and all other forms of the foregoing.

(2) "Dressed poultry" means poultry which has been killed, bled and plucked without regard to the method of plucking or finishing.

(3) "Drawn poultry" means dressed poultry from which the entrails, head and feet have been removed without contamination of the body cavity.

(4) "Shell eggs" means the eggs of the fowl known as the domestic or barnyard hen in their natural state, which have not been frozen.

(b) *Exemptions.* Hatching eggs and breeding poultry are exempt when sold by producers to buyers other than food dealers or consumers.

TABLE 49—MAXIMUM PRICES FOR POULTRY

Type	Live	Price per pound, dressed	Drawn
Chickens:			
Less than 13 weeks	$0.60	$0.75	$0.97
13 weeks to 1 year	0.65	0.80	1.05
1 year and over	0.45	0.55	0.72
Turkeys	0.65	0.80	1.05

TABLE 50—MAXIMUM PRICES FOR SHELL EGGS

	Weight per dozen	From Jan. 1 to May 31 (not delivered)		From June 1 to Dec. 31 (not delivered)	
		Per dozen	Per egg	Per dozen	Per egg
Large	Over 23 oz	$0.48	$0.04	$0.72	$0.06
Medium	20 to 23 oz	0.36	0.03	0.60	0.05
Small	Less than 20 oz	0.24	0.02	0.36	0.03

NOTE: On deliveries to the home the maximum price may be increased 1¢ per egg for large and medium eggs and ½¢ per egg for small eggs.

This amendment shall become effective November 26, 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 20th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18695; Filed, November 20, 1943; 3:40 p. m.]

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

[1] 8 F. R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090.

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183,[1] Amdt. 17]

PUERTO RICO

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 183 is amended in the following respects:

1. Section 58 is added to read as follows:

SEC. 58. *Maximum prices for machetes sold or delivered in the Territory of Puerto Rico.*

TABLE 51—MAXIMUM PRICES FOR MACHETES

Item	At wholesale	At retail
		Each
Machetes Collins #370-22" with handle or similar	$7.00	$0.85
Machetes Collins #371-25" with handle or similar	7.00	0.85
Hojas Sables Collins #372-28" with handle	11.28	1.30

2. Section 59 is added to read as follows:

SEC. 59. *Maximum prices for galvanized barbed wire*—(a) *Definitions.* When used in this section 59 the term:

(1) "Galvanized Special Barbed Wire No. 14" means No. 14 wire A. S. & W. Gauge Strands—2 pts. 4" spacing—Barbs #16 A. S. & W. Gauge.

(2) "Galvanized Barbed Wire No. 12½" means No. 12½ wire A. S. & W. Gauge Strands—4 pts. 5" spacing—Barbs #14 A. S. & W. Gauge.

TABLE 52—MAXIMUM PRICES FOR GALVANIZED BARBED WIRE

Description	Sales at wholesale	Sales at retail
No. 14 Galvanized Special Barbed Wire (52.5 lbs. spool gross weight)[1]	$3.70	$5.55
No. 12½ Galvanized Barbed Wire (87½ lbs. gross weight spools)[2]	5.45	8.13

[1] For sales involving less than one spool of 52.5 lbs. the price should be established on the basis of $0.12 per lb.

[2] For sales involving less than one spool of 87½ lbs. the price should be established on the basis of $0.11 per lb.

(b) For galvanized special barbed wire No. 14 and galvanized barbed wire No. 12½ on spools of gross weights other than those specified, the prices at wholesale and at retail shall be proportionately computed on the basis of the maximum prices established herein.

3. Section 60 is added to read as follows:

SEC. 60. *Maximum prices for galvanized steel sheets sold or delivered in the Territory of Puerto Rico.*

TABLE 53—MAXIMUM PRICES FOR GALVANIZED STEEL SHEETS

Description of item	Sizes	U. S. S. G. or G. S. G. No.	Price at wholesale per hundred lbs.	Price at retail per hundred lbs.
Plain Galvanized Steel Sheets	36 x 72	16	$5.45	$7.65
Plain Galvanized Steel Sheets	36 x 72	20	5.35	7.45
Plain Galvanized Steel Sheets	36 x 72	22	5.40	7.55
Plain Galvanized Steel Sheets	36 x 72	24	5.45	7.65
Plain Galvanized Steel Sheets	36 x 72	26	5.75	8.10
Plain Galvanized Steel Sheets	36 x 72	28	6.35	8.90
Plain Galvanized Steel Sheets	36 x 72	30	7.00	9.80
Plain Galvanized Steel Sheets	36 x 96	20	5.65	7.90
Plain Galvanized Steel Sheets	36 x 96	22	5.70	8.00
Plain Galvanized Steel Sheets	36 x 96	24	5.75	8.10
Plain Galvanized Steel Sheets	36 x 96	26	6.10	8.50
Plain Galvanized Steel Sheets	36 x 96	28	6.65	9.30
Plain Galvanized Steel Sheets	36 x 96	30	7.30	10.20
Galvanized Plain Brick Siding (Steel Sheets)		29	6.75	9.40
Galvanized Rock Face Brick Siding (Steel Sheets)		29	6.75	9.40
Galvanized Corrugated Steel Sheets	5 to 10 ft. long		5.65	7.90
	12 ft. long		5.80	8.10

This amendment shall become effective as of November 15, 1943, except with respect to section 60 which shall become effective November 26, 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 20th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18696; Filed, November 20, 1943; 3:41 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373,[1] Amdt. 26]

SOFTWOOD IN THE TERRITORY OF HAWAII

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

[1] 8 F.R. 5383, 6359, 6349, 7200, 7457, 8064, 8550, 10270, 10866, 10934, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139.

Section 56 is added to read as follows:

SEC. 56. *Maximum prices for distribution yard sales of softwood*—(a) *What products are covered.* This section covers sales out of distribution yard stock of any lumber or shingles for which "direct mill" maximum prices are fixed in the following maximum price regulations as amended or revised:

Douglas Fir and other West Coast Lumber—Rev. MPR 26.[2]
Western Pine and Associated Species of Lumber—MPR 94.[3]
Red Cedar Shingles—MPR 64.[4]
Redwood Lumber—MPR 253.[5]
Sitka Spruce—MPR 290.[6]
Western Red Cedar—MPR 402.[7]

This section sets maximum prices which are based upon the price definitions contained in the above "direct mill" regulations. Every dealer affected by this section should, therefore, secure copies of the above regulations for use in connection with this section.

(b) *What a distribution yard is.* A "distribution yard" is a wholesale or retail yard which gets lumber from mills or other yards; unloads, sorts, stores and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which is equipped to make quick deliveries of different items of lumber and which has been located at its particular site in order to be near a lumber consuming area.

(c) *Maximum prices.* (1) The maximum price for sales out of distribution yard stock is the sum, less the amount of any cash discount up to 2% allowed by the seller during October, 1941, of the following:

(i) "Landed cost" as determined under paragraph (d) hereof, plus

(ii) $5.00 per MBM "handling charge" (or 30¢ per square for shingles and 60¢ per M pieces of lath), plus

(iii) The following percentage markups to be applied to the sum of (i) and (ii) above.

(*a*) Quantities of over MBM—45%.
(*b*) Quantities of MBM, or less—50%.

(iv) The amount of any charges permitted under paragraphs (e), (g), (h), and (n) hereof.

(2) The maximum price for sales of softwood ordered for the buyer by a distribution yard and delivered to him at the dock in the port of entry in the Territory of Hawaii shall be the sum of the following:

(i) "Landed cost" as determined under paragraph (d) hereof, plus

(ii) 10% of the f. o. b. mill maximum price.

(d) *Landed cost.* (1) For lumber imported directly from the mainland of the United States landed cost shall be the sum of the following amounts:

(i) F. o. b. mill maximum price, in the mill regulation for the particular species, regardless of the amount actually paid to the mill.

(ii) An amount equal to the transportation charges, if any, actually incurred by the dealer for transportation from the mainland point at which the dealer received delivery to the mainland port of ocean shipment, including Federal transportation taxes and terminal charges.

(iii) An amount equal to any charges incurred on the mainland of the United States for wharfage, demurrage, handling, and/or spraying of lumber for the purpose of camouflaging.

(iv) An amount equal to mainland storage charges and insurance in connection with such storage, actually incurred by the dealer. Charges for storage and insurance in connection therewith in excess of three months shall not be included.

(v) An amount equal to cartage charges actually incurred by the dealer for cartage from the storage yard to the dock in port of ocean shipment.

(vi) An amount equal to charges for ocean freight, war risk and marine insurance actually incurred by the dealer, including Territorial tolls and tonnage tax shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rate charged by the War Shipping Administration shall not be included.

(vii) An amount not in excess of $1.50 per MBM where cartage from the dock to the yard in the port of entry in the Territory of Hawaii is at the expense of the distribution yard. Where such cartage is for longer hauls than those normally made prior to December 7, 1941, such amount may be equal to the actual costs incurred for such cartage in the following cases only:

(*a*) Where the customary port of entry has, due to war conditions, been closed to commercial shipping.

(*b*) Where a yard is now located farther from its customary port of discharge due to war conditions.

(2) For lumber received from or via another island in the Territory of Hawaii, landed cost shall be the sum of the following amounts:

(i) An amount equal to the maximum price in the island from which the lumber was shipped, as determined under paragraph (d) (1) above:

(ii) An amount equal to cartage charges for cartage from the yard to dock in the island from which the lumber was shipped, but shall not exceed the rate permitted in paragraph (d) (1) (vii) above:

(iii) An amount equal to ocean freight, war risk and marine insurance actually incurred by the dealer for shipment between the islands, including Territorial tolls and tonnage tax shown on the bill of lading. However, the amount by which any cost of war risk insurance exceeds the rate charged by the War Shipping Administration shall not be included.

(iv) An amount equal to cartage charges from dock to yard in the island on which the dealer is located, but shall not exceed the rate permitted in paragraph (d) (1) (vii) above.

(3) If an identical item on hand in the distribution yard has two or more different landed costs then the landed cost for the item may be determined by calculating a weighted average landed cost for the entire inventory of that item on hand. Weighted average landed cost shall be calculated as follows:

(i) Each different landed cost shall be multiplied by the number of units having such landed cost. The products of such multiplication shall be added and the sum thereof divided by the total number of units for which the weighted average landed cost is desired. The quotient or result of such division is the weighted average landed cost. This provision is permissible and is not mandatory. The distribution yard need not average the different landed costs for the identical item but may establish the maximum price for each of the items on the basis of its appropriate landed cost.

(e) *Delivery charges.* (1) No charges for deliveries may be made for deliveries within a radius of five miles of the distribution yard.

(2) For deliveries to points more than five miles from the distribution yard, the following delivery charges may be made:

(i) Where the delivery is made by common or contract carrier, an amount equal to the charge made by the carrier to the distribution yard for such delivery.

(ii) Where the delivery is made with equipment owned or operated by the distribution yard, an amount not in excess of a maximum charge for such delivery which has been authorized by the Office of Price Administration. In order to obtain authorization for such charges, the distribution yard should file with the Office of Price Administration, Honolulu, T. H., a list of proposed maximum charges for such deliveries. If such proposed charges are not in excess of those currently made by common or contract carriers whose services are available in the area served by the distribution yard, such charges will be authorized and the distribution yard notified that such authorization has been made. Such authorization shall be subject to revocation by the Office of Price Administration.

(3) Any charge made for delivery must be separately stated and shown on the invoice, bill of sale, or such sales memorandum as may be used in connection with the sale.

(f) *Prices must be evened out.* In all sales under this section the maximum prices shall be evened out to the nearest 25¢ per MBM on all sales involving a quantity over 1 MBM (or to the nearest 5¢ per square for shingles, or thousand pieces of lath). Where the quantity is 1 MBM or less, the maximum price may be established as per foot or lineal foot, in which event it must be evened out to the nearest quarter of a cent per foot.

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

[2] 8 F.R. 7570, 9519, 11508, 12315, 12406.

[3] 7 F.R. 1381, 1796, 2132, 8383, 8948, 10848; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756, 11040, 12136, 12296, 12878.

[4] 7 F.R. 1329, 2000, 2132, 4404, 5872, 6221, 8948; 8 F.R. 1974, 4640, 4930, 5633, 9218, 13294.

[5] 7 F.R. 9230, 10848; 8 F.R. 4136, 4720, 7197, 1169, 11479.

[6] 8 F.R. 19, 2270, 6959.

[7] 8 F.R. 7662.

(g) *Maximum milling charges.* (1) The following additions per 1000 ft. BM may be made to the maximum prices when the following workings are required to be performed by a distribution yard and are actually performed by it. These charges are to apply to the total quantity involved in one order where the milling does not involve a change in the machine set-up. These are to be added to the maximum price as determined under paragraph (c) hereof; that is, no percentage mark-up may be applied to the amount of the working charge.

MAXIMUM MILLING CHARGES

Price Per MBM

	1 x 1½ to 2 x 2	1 x 3 to 6 x 6	Over 6 x 6	4/4, 5/4, 6/4	4/4, 5/4, 6/4 x 6" and 8"	Over 4/4, 5/4, 6/4 x 8"	All sizes	2 x 4 or under	Over 2 x 4	All sizes
S1S	5.00	3.00	8.50							
S2S	5.00	4.00	9.00							
S3S	10.00	5.00	9.50							
S4S	10.00	6.00	10.00							
D & M, Shiplap, Rustic, "V" or Beaded				6.00						
Special patterns										
Less than 500'					10.00	12.50				
More than 500'					6.00	10.00				
Cross Cutting							2.00			
Ripping—One Cut								6.00	3.00	
Additional Cuts								3.00	1.00	
Resawing—Less than 500' one cut										10.00
Additional cuts										5.00
More than 500'—one cut										6.50
Additional cuts										3.50
Moulding .005 per lineal foot. Permitted minimum milling charge $0.50.										

Set up charge for special patterns in quantities of less than 100 ft. BM $2.50.

(2) Where the required working cannot be performed by the distribution yard making the sale because it does not have the necessary facilities, the yard may add to the maximum prices the milling charges set forth in subparagraph (1) above for having this work performed at a custom establishment. In adding the working charges permitted by this regulation, the distribution yard may not make any extra charge for hauling or trucking that may be required in getting the stock to or from the custom establishment.

(3) When any of the above charges for workings at the yard or at a custom establishment are made, the invoice, bill of sale or other billings must clearly state that the working was done at the distribution yard or at the custom establishment, and the amount must be separately shown.

(4) When lumber is normally ordered rough, due to shipping and climatic conditions an addition for surfacing when required may be added. However, when lumber is ordered surfaced or run to pattern at the mill, no addition over the mill ceiling prices may be added. The additions for ripping, resawing and cross cutting to standard sizes may only be added when it is impossible to procure through normal channels the desired size. In no case may the final cost including milling charges, saw-kerf and waste exceed the most economical final cost of producing the required size. The addition of unnecessary milling charges as a means of increasing the maximum selling price is a violation of this regulation.

(5) When remanufacturing boards, dimension, plank or small timbers from heavier lumber at the yard, a listing of the original sizes as well as a copy of the invoice covering the transaction must be kept on file for inspection by the Office of Price Administration.

(h) *Seasoned lumber.* An addition of $4.00 per MBM may be added for lumber seasoned in the Territorial distribution yards. For the purpose of this regulation seasoned lumber means lumber which has been properly stuck for drying, protected from the elements and which has been on sticks not less than 180 days. This addition is to be added after the percentage mark-up has been added; that is, no percentage mark-up may be applied to the amount of the seasoning charges.

(i) *Lumber in transit.* A sale by a distribution yard may be considered a sale out of distribution yard stock even if the sale was made while the lumber was in transit to the yard.

(j) *What the invoice must contain.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not: i. e., grade, quantity, size, condition of dressing, pattern, species, and any other extra, or specification which affects the maximum prices. The amount added for each specification or extra does not have to be separately shown except in those cases where the provision permitting the addition expressly requires it. Where the invoice does not specify the amount of each grade shipped or delivered the maximum price of the lowest grade in the shipment shall apply to the whole order.

(k) *Prohibited practices.* In addition to the practices prohibited by section 6 of this MPR 373, the following specific practices are prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were in October, 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit. For purposes of this paragraph, no discount over 2 percent is considered a cash discount.

(2) Selling as specified lengths a shipment of lumber which is substantially equivalent to standard or random lengths.

(3) Grading as a special grade lumber which can be graded as a standard grade; or wrongly grading or invoicing lumber in any other way.

(4) Refusing to sell on an f. o. b. yard basis, and insisting on selling on a delivered basis, except in the case of sales whose price includes free delivery; or refusing to make delivery within the free delivery zone, unless it has not been the the practice of the seller to make delivery in the particular circumstances.

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

(6) Breaking up an order which would normally be a single order into a series of smaller orders in order to evade the maximum price limitations in this regulation.

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

(l) *Combination grades.* Lumber sold on combination grades may not be sold above the maximum price for the lowest priced grade actually named in the combination. For example, the maximum price for lumber sold as No. 2 Common and better is the maximum price fixed for No. 2 Common lumber. But it is permissible to quote a grade with specified percentages of higher grade: *Provided,* That when the lumber is shipped, lumber of each grade is tallied on a board foot basis and invoiced separately at prices not in excess of ceiling prices for the respective grades.

(m) *Determination of quantities.* Quantity is in every instance to be determined by the total amount ordered without regard to the number of kinds or species or grades of lumber included. Furthermore, the amount delivered at a particular time does not determine the quantity. The test is the total amount involved in the transaction. For example, if buyer and seller at the time the sale is negotiated know that the quantity to be bought for a particular job will run to 20,000 feet, the sale is one for 20,000 feet even though it may be split into five orders of 4,000 each or requisitioned in quantities of 4,000 feet, and this is true regardless of whether five different deliveries in loads of 4,000 feet each are made on different days. In determining the size of sale of shingles or lath, a conversion ratio of 10,000 shingles to 1,000 board feet of lumber and 6,000 lath to 1,000 board feet of lumber shall be used.

(n) *Special specifications, workings or extras.* For special workings, specifica-

tions, services or extras not specifically priced under any provision of this regulation, the seller should apply to the Office of Price Administration, Honolulu, T. H. for instructions. In the application the seller must set forth the amount customarily charged (not to exceed the maximum price fixed by the regulation previously controlling such as the General Maximum Price Regulation), for the special working, specifications, service or extra, or in the absence of a customary charge, the amount which in his opinion represents a fair and reasonable charge, together with a statement of how it was arrived at. Instructions will be furnished by letter or telegram. After writing for instructions the seller may quote and deliver at the requested price, but must not accept final payment until the instructions have been received. In the event that they are not received within 30 days after application has been made, the price for which approval is requested shall be deemed to have been approved and may be used by the seller. Instructions issued pursuant to this paragraph apply only to the particular seller who has applied for them.

(o) *Effect of changes in mill ceilings.* (1) All changes in the f. o. b. mill ceiling prices (on which the prices established herein are built) apply to all sales made under this regulation as of their effective date. For example, if the ceiling price of No. 1 Common 2 x 4—16' Douglas fir, which is priced at $29.50 per MBM under RMPR 26, should be reduced to $28.50 per MBM, effective December 1, 1943, in establishing the maximum price under this regulation for that item after December 1, 1943, the reduced price, i. e., $28.50 per MBM, shall be used in building up the distribution yard maximum ceiling price regardless of whether or not the seller had stocks on hand at the time which had been purchased at the higher price. The same rule applies to ceiling increases.

(2) Where an amendment to, or a revision of, a mill schedule deletes a specific price for an item theretofore priced, a distribution yard having stocks of the item in inventory or actually in transit on the effective date of the amendment or revision shall have 90 days from the effective date thereof within which to sell these stocks on the basis of ceiling prices in effect before the deletion. Thereafter, it may not use the additions previously established in computing its selling price.

(3) Where producer establishes a specific price for an item under a special pricing provision of a mill schedule, and distribution yard selling that item may use the price so established in figuring its selling price under this regulation, provided it first obtains from the producer written assurances that an authorization has been issued to him, and provided further, that the distribution yard files a copy of its purchase invoice with the Office of Price Administration, Honolulu, T. H.

(p) *Issuance and posting of dollar and cents prices and delivery charges.* (1) On or before November 30, 1943, every distribution yard offering to sell any lumber covered by this section shall prepare a dollar and cents price schedule covering all standard items of lumber. Standard items means the items which have heretofore normally been included in the price lists issued by the distribution yard. A copy of such price schedule must be posted at the place in the establishment where lumber is sold. A copy of such price schedule must also be filed with the Office of Price Administration, Honolulu, T. H.

(2) Upon authorization pursuant to paragraph (e) (2) (ii) by the Office of Price Administration of maximum delivery charges which may be made by a distribution yard, such distribution yard shall immediately post a list of such charges at the place in the establishment where lumber is sold.

This amendment shall become effective as of November 15, 1943.

[1] 8 F.R. 6621, 8873, 9996, 11438, 12661, 13345, 14144.

(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 20th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18694; Filed, November 20, 1943; 3:41 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 7]

VIRGIN ISLANDS

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

Maximum Price Regulation 395 is amended in the following respects:

1. Section 22 Table IX is amended by adding items 22 and 23 to read as follows:

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
22. Smoked regular ham	1 lb.	$0.43	$0.43	$0.43
23. Smoked skinned ham	1 lb.	.43	.43	.51

2. Section 28 is added to read as follows:

SEC. 28. *Maximum retail prices for toys and games.* The maximum retail prices for toys and games sold or delivered in the Virgin Islands of the United States shall be computed as follows:

(a) On imported toys and games the direct cost to the importer as defined in section 12 (a) (5) may be multiplied by 1.75 on all mechanical toys and games and toys made of glass; and by 1.50 for all other toys and games.

3. Section 29 is added to read as follows:

SEC. 29. *Maximum retail prices for sanitary napkins and tampons*—(a) *Definitions.* When used in this section 29, the term:

(1) "Sanitary napkins" includes all absorbent dressings sold for use by women during the menstrual period, the wadding of which is composed of wood cellulose in any proportion.

(2) "Tampons" are specially constructed wads of cotton and/or cellulose, non-medicated, with or without applicator, designed for internal menstrual sanitary protection.

(b) *Pricing method.* The maximum retail prices for sanitary napkins and tampons shall be the sum of the following costs multiplied by 1.30:

(1) The landed cost,

(2) Local trucking charges,

(3) If sold in the island of St. Thomas or the island of St. John, the applicable trade tax imposed by the municipality.

This amendment shall become effective November 26, 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 20th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18693; Filed, November 20, 1943; 3:41 p. m.]

PART 1440—PROCESSED FOOD COMMODITIES

[MPR 483,[1] Correction]

PICKLES AND CERTAIN PICKLED PRODUCTS

In the notice contained in section 7 (b) the reference to section 9 (a) of Maximum Price Regulation No. 488 is corrected to read section 7 (a) of Maximum Price Regulation No. 488.

This correction shall become effective November 20, 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 20th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18697; Filed, November 20, 1943; 3:40 p. m.]

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

[1] 8 F.R. 15187.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR. 14,[1] to GMPR, Amdt. 54]

DOGWOOD AND PERSIMMON SHUTTLE BLOCKS

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 Supplementary Regulation No. 14 to the General Maximum Price Regulation is amended in the following respect:

Section 6.30 is added to read as follows:

SEC. 6.30 *Dogwood and persimmon shuttle blocks*—(a) *Maximum prices for certain sizes and specifications.* The maximum prices for dogwood and persimmon shuttle blocks in the following sizes and specifications shall be as set forth below. These prices are f. o. b. mill, and apply to all sellers.

(1) *Maximum prices for dogwood shuttle blocks.*

Dry size (inches):	*Price per block*
12½ x 1½ x 1¼	$0.0489
12½ x 1⅝ x 1¼	.0528
13½ x 1⅝ x 1¼	.0570
12½ x 1⅝ x 1⅜	.0776
13½ x 1⅝ x 1⅜	.0840
14½ x 1⅝ x 1⅜	.0900
12½ x 1¾ x 1⅜	.0836
13 x 1¾ x 1⅜	.0868
13½ x 1¾ x 1⅜	.0904
14½ x 1¾ x 1⅜	.0968
15½ x 1¾ x 1⅜	.1036
16½ x 1¾ x 1⅜	.1104
14½ x 1⅞ x 1⅜	.1040
15½ x 1⅞ x 1⅜	.1112
13½ x 1⅞ x 1½	.1452
14 x 1⅞ x 1½	.1502
14½ x 1⅞ x 1½	.1557

(2) *Maximum prices for persimmon shuttle blocks.* The maximum prices for persimmon shuttle blocks in the sizes mentioned in (1) above shall be 60 percent of the maximum price for dogwood shuttle blocks of the same size.

(3) *Specifications.* The specifications for dogwood and persimmon shuttle blocks priced in (1) and (2) above shall be as follows:

"Quality" shall be dense wood, 100% sap wood, straight flat grain free of heartwood, pith, checks, dote, worm or grub holes, wane, and discoloration (stain). Shall be free of knots or other visible defects within 3 inches of either end, and within ½ inch of either wide face, or any defect combinations which render a piece unfit for a serviceable shuttle.

"Manufacture" shall be evenly sawed, squarely butted and of sufficient over-all sizes (anticipating dimensional shrinkage), to assure the full net specified dimensions when later thoroughly dried. Shall be sufficiently air dried before preparation for shipment to prevent staining while in transit. Ends shall be waxed.

(b) *Maximum prices for all other sizes or specifications not covered in* (a) *above.* The maximum prices for all sales of dogwood and persimmon shuttle blocks in sizes or specifications not covered in (a) above shall be the seller's maximum price for blocks of the particular size and specification established under the General Maximum Price Regulation, excepting that sales for export or to Lend-Lease may be made at the same prices as would apply to domestic sales.

This amendment shall become effective November 20, 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 20th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18698; Filed, November 20, 1943; 3:42 p. m.]

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

[1] 8 F.R. 9787, 9880, 10432, 10566, 10433, 10668, 10731, 10759, 10763, 10939, 10674, 10984, 10758, 11174, 18182, 11247, 11215, 11479, 11572, 11754, 11873, 12325, 12466, 12739, 12550, 12633, 12557, 12710, 12669, 12950, 13059, 13171, 13180, 13257, 13846, 14016.

Chapter XIII—Petroleum Administration for War

[PDO 19]

PART 1532—MARKETING PETROLEUM WAX

RESTRICTION ON MICRO-CRYSTALLINE WAX

The fulfillment of the requirements of the defense of the United States has created a shortage in the supply of micro-crystalline wax for defense, for private account and for export; and the following order is deemed necessary in the public interest to promote the national defense and provide adequate supplies of micro-crystalline wax for military and other essential uses.

§ 1532.1 *Petroleum Distribution Order No. 19*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Wax" means micro-crystalline wax or any blend or mixture of such wax with paraffin wax.

(3) "Micro-crystalline wax", commonly known as amorphous wax or petrolatum wax, means a solid hydrocarbon mixture, of molecular weight averaging higher than paraffin wax, possessing plastic properties, separated entirely from that part of crude petroleum commonly designated as heavy lubricating and cylinder oil stocks, and having a minimum kinematic viscosity of 5.75 centistokes at 210 degrees Fahrenheit and a maximum penetration of 60 at 77 degrees Fahrenheit, determined by A. S. T. M. method D5-25.

(4) "Supplier" means any person who produces or refines micro-crystalline wax, or who blends or mixes the micro-crystalline wax that he produces or refines with paraffin wax.

(5) "Use" means the consumption of wax in the manufacture of any article or product made from wax, or the blending of one kind of wax with a different kind of wax or any other material: provided the term "use" shall not include the refining or production of wax.

(6) "Director" means Director of Marketing, Petroleum Administration for War, Interior Building, Washington 25, D. C.)

(b) *Limitation on delivery, acceptance of delivery and use of wax.* Except as authorized by the Director:

(1) No supplier shall deliver in any calendar quarter more than 2½% of such supplier's total production of wax during such period; and

(2) No person or supplier shall accept delivery of or use in any calendar quarter more than 3,000 pounds of wax.

(c) *Spacing deliveries.* No person or supplier shall accept delivery in any calendar month of more than ⅓ of the quantity of wax such person or supplier is entitled to receive under paragraph (b) or is authorized to receive by the Director, unless the delivery represents a delivery that such person or supplier was entitled to receive under paragraph (b) or was authorized to receive by the Director during a preceding month, but which was not delivered during such month, or unless the delivery is specifically exempted from this provision by the Director. Should the quantity of wax which such person or supplier is entitled to receive under paragraph (b) or is authorized to receive by the Director be insufficient to fill the container or tank car that would ordinarily be used to deliver such quantities of wax, such person or supplier may accept such additional quantities of wax as will enable his supplier to fill such container or tank car. Such excess quantities so received shall be deducted from the quantities such person or supplier is entitled to receive under paragraph (b) or is authorized to receive by the Director during the following calendar month or calendar quarter.

(d) *Application for allocations.* If any person or supplier desires to apply for authorization to accept delivery of or use any quantity of wax other than that specified in paragraph (b), such person or supplier shall file, in the manner prescribed in the appendix to this order, Form WPB PD-2945 with the Director.

(e) *Reports.* On or before the 12th day of the month preceding each calendar quarter, each supplier shall furnish the Director the following information:

(1) Estimates of the quantities (in short tons) of each grade of wax in inventory as of the first day of the following calendar quarter; and

(2) Estimates of the quantities (in short tons) of each grade of wax such supplier expects to produce or refine during the following calendar quarter.

Should such estimates be revised, such revisions shall be forwarded to the Director as promptly as possible.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional or unreasonable hardship upon him may appeal. Such appeal shall be in duplicate and shall be addressed to the Director.

(g) *Violations.* Any person who wilfully violates any provision of this order,

or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(h) *Status of completed or pending matters.* Every order, allocation, exception or other act or thing done under or by virtue of Allocation Order M-195 shall remain valid until such order, allocation, exception or other act or thing expires by its terms or is duly amended or revoked, and any person affected by any order, allocation or exception issued under Allocation Order M-195 may carry out any transactions in accordance therewith.

All pending matters and proceedings under Allocation Order M-195 shall not be terminated hereby, but may be carried into completion by the War Production Board or the Petroleum Administration for War.

(E.O. 9276, 7 F.R. 10091; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; Sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of November 1943.

HAROLD L. ICKES,
Petroleum Administrator for War.

APPENDIX—INSTRUCTIONS FOR PREPARING AND SUBMITTING FORM WPB-2945

General Instructions. (1) Each applicant shall prepare 4 copies of WPB Form WPB-2945 (obtainable at local office of War Production Board or Petroleum Administration for War) for each supplier and delivery destination involved, and shall forward 3 copies of such form to the Director on or before the first day of the month preceding the calendar quarter for which the application is made.

(2) No person who uses or accepts delivery of wax under the small order exemption contained in paragraph (b) (2) of PDO No. 19 shall apply to the Director for an allocation.

(3) Leave Columns (3) and (4) in Table I and Tables II and III blank on one of the three copies forwarded to the Director. Such copy, if approved, will be forwarded to the supplier named in the application.

Specific instructions. Each applicant shall:

(1) In filling out the heading of the form:

(a) Specify under "Name of Chemical"—Micro-crystalline Wax.

(b) Specify under "For month of"—the calendar quarter for which the allocation is requested.

(c) Specify under "W. P. B. Order No."—PDO No. 19.

(d) Specify under "Unit of Measure"—Short Tons (2,000 lbs.).

(e) Strike the words designating the Agency and address shown therein and substitute therefor the words "Director of Marketing, Petroleum Administration for War, Interior Building, Washington 25, D. C."

(f) Specify under "Supplier with whom this order is placed," the supplier from whom he prefers to receive his allocation. If, however, such supplier has not previously supplied the applicant, such applicant shall, in addition, specify a supplier who has previously supplied such applicant. In the event the order is to be handled through a sales agent, the applicant should specify such agent as his supplier, and, if such order is approved, such agent shall certify to the supplier who is to deliver the wax to the applicant that such applicant has received an approved WPB Form WPB-2945 for the allocation requested.

(g) Specify under "Supplier's shipping point", the point from which the supplier will actually ship the wax (if such point can be ascertained).

(2) In filling out Table I:

(a) Specify, in the heading, the calendar quarter (instead of month) for which the allocation is to be made.

(b) Specify, in Column (1), the trade name or number and the A. S. T. M. melting point of the wax.

(c) Specify, in Column (2), the quantities requested in short tons (2000 lbs.) of each item in Column (3) and (4) that will be required in the following calendar quarter.

(d) Specify, in Column (3), the purpose for which the wax is required, i. e., "use", "inventory", "resale" or "export" and each applicant shall indicate whether such quantities represent "anticipated" or "received" orders.

(e) Specify, in Column (4), opposite the quantities shown in Column (2) the end use of such quantities, the government or Federal Economic Authority (Lend-Lease) contract and specification numbers, and the grade and type, if any, so specified.

(f) Leave Column (9) blank.

(g) Add any necessary comments in Column (10).

(3) In filling out Tables II and III:

(a) Strike the word "month" in each Table and specify in the space provided the calendar quarter for which the allocation is requested.

(b) Specify in Column (11) all of the items specified in Column (1) of Table I.

(c) Consider the word "current" in Columns (15a), (15b), (15c) and (16) of Table II as meaning the calendar quarter preceding the calendar quarter for which the allocation is requested.

(d) Fill in Table III as indicated.

(4) Leave Tables IV and V blank.

[F. R. Doc. 43-18718; Filed, November 22, 1943; 10:51 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 6—NAVAL RESERVE

TRANSPORTATION OF ENLISTED MEN

Section 6.7107 (b) is amended to read as follows:

§ 6.7107 *Transportation, men.*[1] * * *

(b) An enlisted man of the Naval Reserve, upon release from active duty or training duty, with pay, is not entitled to transportation greater than that from his last duty station to the place from which ordered to active or training duty; i. e., the place to which his orders to such duty were addressed. Enlisted personnel of the Naval Reserve released from active duty or discharged and not reenlisted are entitled to travel allowances of five cents per mile under conditions specified in Navy Travel Instructions (Articles 2503-10, 2503-11, 2512), from the place of discharge or release from active duty to the place to which their initial orders to active duty were addressed. [Manual Circular Letter No. 29-43, Nov. 2, 1943]

(52 Stat. 1175, 54 Stat. 162, 55 Stat. 3, 56 Stat. 266, 730, 739; 34 U.S.C. 853, 854*e*, Supp. 855*f*, 855*o*, 857-857*g*, 853*c*, 853*e*, 855*d*)

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 43-18745; Filed, November 22, 1943; 11:40 a. m.]

[1] 8 F.R. 9694.

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

BIG HORN RIVER BASIN INVESTIGATIONS

REVOCATION OF FIRST FORM WITHDRAWAL

NOVEMBER 2, 1943.

The SECRETARY OF THE INTERIOR:

SIR: From recent investigations in connection with the Big Horn River Basin Investigations, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388), by departmental order of April 16, 1941, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

BIG HORN RIVER BASIN INVESTIGATIONS

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 101 W.,
Secs. 1, 2, 4, 5, 7, 8, 9, 11 and 12.

WILLIAM E. WARNE,
Acting Commissioner.

I concur: November 10, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

NOVEMBER 13, 1943.

[F. R. Doc. 43-18880; Filed, November 20, 1943; 12:26 p. m.]

Coal Mines Administration.

[Order CMA-1]

ALABAMA FUEL AND IRON CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

NOVEMBER 17, 1943.

I have been advised that no strikes or stoppages have occurred since October

25 or are threatened in the coal mines of the mining companies listed in Appendix A. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE. Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner; and: *Provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

1. Alabama Fuel & Iron Company, First National Building, Birmingham, Alabama.
2. Albuquerque-Cerrillos Coal Company, Madrid, New Mexico.
3. Arnold Coal Co., P. O. Box #24, Charlestown, Arkansas.
4. Barnes Coal & Mining Co., Coshocton, Ohio.
5. Beaver Fork Coal Co., 203 Youngstown Terminal Bldg., Youngstown, Ohio.
6. Bennett, Andrew, Bryant, Illinois.
7. Buckeye Coal Mining Co., 131 E. Lincoln Way, Lisbon, Ohio.
8. Burk Hollow Coal Company, Inc., Jellico, Tennessee.
9. Caprock Fuel Company, The, 648 Equitable Building, Denver, Colorado.
10. Chemical Coal Company, c/o Ralph W. Ward, Bickmore, W. Va.
11. Clara Bell Coal Company, Colorado Springs, Colorado.
12. Clinchfield Coal Corporation, Dante, Virginia.
13. Colorado Springs Company, Colorado Springs, Colorado.
14. Coryell Coal Company, Hayden, Colorado.
15. Cross Creek Coal Company, 713 Grant Building, Pittsburgh, Pennsylvania.
16. Crawford Mining Company, Monterey, Tennessee.
17. Crowe Coal Company, 210 South Main St., Clinton, Missouri.
18. Dawson Collieries, Inc., Box D, Dawson Springs, Kentucky.
19. Dawson Daylight Coal Company, Box D, Dawson Springs, Kentucky.
20. Elk River Coal & Lumber Company, 150 E. Broad St., Columbus, Ohio.
21. Grass Creek Fuel Company, Coalville, Utah.
22. Greene County Coal and Mining Company, Jefferson, Iowa.
23. Hume-Sinclair Coal Mining Co., 114 West 11th St., Kansas City, Missouri.
24. Huntsville-Sinclair Mining Co., 114 South 11th St., Kansas City, Missouri.
25. International Harvester Company, Benham, Kentucky.
26. Middle River Coal Company, Fulton, Missouri.
27. Minnequa Coal Company, The, 648 Equitable Bldg., Denver, Colorado.
28. Nugget Coal Company, P. O. Box 737, Laramie, Wyoming.
29. Pearson Coal Company, Clarinda, Iowa.
30. Pine Hill Mining Company, Madisonville, Ky.
31. Quality Mining Co., Inc., 216 Centennial Ave., Bonnville, Indiana.
32. Red Diamond Mining Company, 903 Frank Nelson Building, Birmingham, Alabama.
33. Ruth Elkhorn Coals, Inc., Steinman, Virginia.
34. Seneca Coal & Coke Co., 114 West 11th St., Kansas City, Missouri.
35. Sentry Coal Mining Company, 1012 Baltimore Avenue, Kansas City, Missouri.
36. H. Shuff (Shuff Coal Co.), Box 296, Oneonta, Alabama.
37. Sixth Vein Mining Company, Madisonville, Kentucky.
38. Smith & Stokes, 565 Wells Avenue, Madisonville, Kentucky.
39. Sooner Coal Mining Co., Kansas City, Missouri.
40. United States Vanadium Corporation, Uravan, Colorado.
41. West Kentucky Coal Company, Earlington, Ky.
42. Wyodak Coal and Manufacturing Company, Lead, South Dakota.
43. Wright Coal Mining Company, Madisonville, Kentucky.

[F. R. Doc. 43-18643; Filed, November 19, 1943; 12:41 p. m.]

General Land Office.

COLORADO

REDUCING AND REVOKING CERTAIN STOCK DRIVEWAY WITHDRAWALS

The departmental orders of July 23, October 9, and November 17, 1917, January 29 and July 25, 1918, February 25, 1919, July 12 and November 11, 1920, February 8 and August 31, 1921, September 5 and 12, and October 26, 1922, October 11, 1923, September 3, 1924, January 23, 1925, January 31, 1927, November 26, 1928, March 18, 1929, August 4, 1930, July 10 and September 3, 1931, September 28, 1932, March 22 and September 24, 1934, October 11, 1938, April 6, 1939, and October 13, 1939, establishing and modifying stock driveway withdrawals under section 10 of the act of December 29, 1916, 39 Stat. 865 (U.S.C. title 43, sec. 300), are hereby revoked so far as they affect the following-described lands, which are within Colorado Grazing Districts Nos. 3 and 8:

NEW MEXICO PRINCIPAL MERIDIAN

T. 47 N., R. 1. E.,
Sec. 5, E½.
T. 48 N., R. 1 E.,
Sec. 4, E½;
Sec. 8, SE¼SE¼;
Sec. 9, N½NE¼, SW¼NE¼, E½NW¼, N½SW¼, and SW¼SW¼;
Sec. 17, E½;
Sec. 20, E½;
Sec. 29, E½;
Sec. 32, E½.
T. 49 N., R. 1 E.,
Sec. 11, E½SW¼ and W½SE¼;
Sec. 14, W½E½ and E½W½;
Sec. 23, NW¼NE¼, E½NW¼, SW¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 26, W½NW¼ and NW¼SW¼;
Sec. 27, E½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 33, E½E½;
Sec. 34, W½W½.
T. 50 N., R. 1 E.,
Sec. 13, N½;
Sec. 14, NE¼ and S½NW¼;
Sec. 15, S½NE¼, SW¼, and NW¼SE¼;
Sec. 24, SE¼SE¼;
Sec. 25, E½E½.
T. 45 N., R. 2 E.,
Sec. 1, NW¼ and S½;
Sec. 2, N½;
Sec. 3, SE¼NE¼;
Sec. 4, N½;
Sec. 5, N½.
T. 46 N., R. 2 E.,
Sec. 2, S½;
Sec. 3, E½ and E½W½;
Sec. 11, N½NE¼ and NE¼NW¼;
Sec. 12, NE¼, E½NW¼, and NW¼NW¼.
T. 47 N., R. 2 E.,
Sec. 19, S½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 28, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 29, S½NE¼, NW¼NW¼, S½NW¼, and N½S½;
Sec. 33, NE¼;
Sec. 34, N½, E½SW¼, and SE¼.
T. 49 N., R. 2 E.,
Sec. 6, W½W¼.
T. 50 N., R. 2 E.,
Sec. 17, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 18, lot 5, E½NE¼, NW¼NE¼, NE¼NW¼, SE¼SW¼, and SE¼;
Sec. 19, lots 5 to 8, inclusive, NW¼NE¼, E½NW¼, and NE¼SW¼;
Sec. 30, lots 5 to 8, inclusive;
Sec. 31, lots 5, 6, and 10.
T. 45 N., R. 3 E.,
Sec. 5, SW¼;
Sec. 6, S½.
T. 49 N., R. 3 E.,
Sec. 14, W½NW¼ and NW¼SW¼;
Sec. 15, N½S½ and SW¼SW¼;
Sec. 20, E½SE¼;
Sec. 21, N½S½;
Sec. 22, W½NW¼ and NW¼SW¼;
Sec. 29, E½NE¼ and NE¼SE¼.
T. 39 N., R. 4 E.,
Sec. 3, lots 5 to 8 inclusive.
T. 40 N., R. 4 E.,
Sec. 34, W½W½;
T. 44 N., R. 4 E.,
Sec. 1, SE¼NW¼ and SW¼;
Sec. 2, N½NW¼ and SW¼NW¼;
Sec. 3, N½S½;
Sec. 4, S½SW¼, N½SE¼ and SW¼SE¼.
T. 45 N., R. 4 E.,
Sec. 1, W½NE¼, NW¼, and SE¼;
Sec. 24, S½;
Sec. 25, NE¼, S½SW¼, and W½SE¼;
Sec. 26, SE¼SE¼;
Sec. 35, E½NE¼, SW¼NE¼, SE¼NW¼, and SW¼SW¼.

T. 42 N., R. 5 E.,
Sec. 1, W½;
Sec. 11, NE¼NE¼;
Sec. 12, NW¼;
Sec. 23, S½SW¼.
T. 45 N., R. 5 E.,
Sec. 1, E½, SW¼NW¼, and N½SW¼;
Sec. 2, S½N½;
Sec. 3, S½N½ and NW¼SW¼;
Sec. 4, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 5, S¼SE¼;
Sec. 6, SW¼ and S½SE¼;
Sec. 7, N½NE¼ and W½;
Sec. 8, N½NE¼;
Sec. 9, NW¼NW¼;
Sec. 12, E½;
Sec. 18, W½;
Sec. 19, W½;
Sec. 25, S½S½;
Sec. 26, NW¼SW¼ and S½S½;
Sec. 27, S½N½ and S½;
Sec. 28, S½N½ and S½;
Sec. 29, S½;
Sec. 30, NW¼.
T. 38 N., R. 6 E.,
Sec. 1, E½;
Sec. 12, SE¼SW¼ and SE¼;
Sec. 13, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 14, S½SE¼;
Sec. 22, S½NE¼, SW¼, and W½SE¼;
Sec. 23, N½NE¼, SW¼NE¼, NE¼NW¼, and S½NW¼.
T. 39 N., R. 6 E.,
Sec. 12, NW¼NE¼, S½NE¼, NW¼, and S½;
Secs. 13, 24 and 25.
T. 41 N., R. 6 E.,
Sec. 1, NW¼NW¼;
Sec. 2, N½NE¼, SW¼NE¼, E½NW¼, SW¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 3, S½N½ and N½S½.
T. 42 N., R. 6 E.,
Sec. 30, SW¼;
Sec. 35, SE¼SW¼ and S½SE¼.
T. 43 N., R. 6 E.,
Sec. 2, S½;
Sec. 11, NE¼;
Sec. 12, N½ and SE¼;
Sec. 25, S½;
Sec. 26, S½;
Sec. 27, SE¼SW¼ and S½SE¼;
Sec. 32, N½NE¼ and W½;
Sec. 33, N½N½;
Sec. 34, N½NW¼.
T. 44 N., R. 6 E.,
Sec. 1;
Sec. 2, S½NE¼ and NW¼.
T. 45 N., R. 6 E.,
Sec. 4, N½S½ and SE¼SE¼;
Sec. 5, N½SW¼ and NE¼SE¼;
Sec. 6, S½N½ and S½;
Sec. 7;
Sec. 9, NE¼NE¼;
Sec. 10, W½NW¼;
Sec. 11, SE¼SW¼ and S½SE¼;
Sec. 13, NW¼ and E½SW¼;
Sec. 14, N½NE¼;
Sec. 20, S½SW¼ and SW¼SE¼;
Sec. 24, NW¼NE¼, S½NE¼, and NE¼NW¼;
Sec. 28;
Sec. 29, NE¼, NE¼NW¼, W½NW¼, and NE¼SE¼;
Sec. 30, E½NE¼, S½SW¼, and SW¼SE¼;
Sec. 31, NW¼NE¼ and N½NW¼;
Sec. 33, E½ and E½W½;
Sec. 34, NW¼SW¼ and S½S½;
Sec. 35, S½SW¼.
T. 46 N., R. 6 E.,
Sec. 3, E½NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 10, E½W½;
Sec. 15, E½W½;
Sec. 22, E½W½;
Sec. 27, E½W½ and SW¼SE¼;
Sec. 34, W½E½.
T. 32 N., R. 7 E.,
Sec. 24, lots 1 to 4, inclusive, and SE¼NE¼.
T. 33 N., R. 7 E.,
Sec. 11, S½S½;
Sec. 12, S½S½;
Sec. 14, W½NW¼;
Sec. 15, SE¼NE¼ and E½SE¼;
Sec. 22, E½E½;
Sec. 27, E½E½;
Sec. 34, E½NE¼ and NE¼SE¼.
T. 35 N., R. 7 E.,
Sec. 5, NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 8, NE¼ and NE¼NW¼;
Sec. 9, N½ and SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, NW¼.
T. 36 N., R. 7 E.,
Sec. 30, W½SW¼;
Sec. 31, SW¼NE¼, NW¼, NE¼SW¼, and SE¼;
Sec. 32, SW¼.
T. 37 N., R. 7 E.,
Secs. 4, 9, 10, 15, 22, 27, and 34;
Sec. 35, W½E½ and W½.
T. 38 N., R. 7 E.,
Sec. 7, S½;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, SW¼;
Sec. 17, W½W½, SE¼SW¼;
Sec. 18, E½ and N½NW¼;
Sec. 19, E½;
Secs. 20 and 21;
Sec. 28, W½NE¼ and NW¼;
Sec. 33, S½N½ and S½.
T. 39 N., R. 7 E.,
Sec. 30, SW¼;
Sec. 31, W½.
T. 43 N., R. 7 E.,
Sec. 7, S½;
Sec. 8, S½;
Sec. 9, S½;
Sec. 10, SW¼;
Sec. 14, W½;
Sec. 15, N½;
Sec. 29, SW¼;
Sec. 30, S½;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34, N½.
T. 44 N., R. 7 E., secs. 19 to 24, inclusive.
T. 45 N., R. 7 E.,
Sec. 19, SW¼NW¼, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 20, S½SW¼ and SW¼SE¼;
Sec. 22, S½SE¼;
Sec. 25, S½S½;
Sec. 26, S½S½;
Sec. 27, N½, SE¼SW¼, and SE¼;
Sec. 28, NE¼, E½NW¼, SW¼, and W½SE¼;
Sec. 29, SW¼NE¼, NW¼, and N½SE¼;
Sec. 30, N½NE¼ and NE¼NW¼;
Sec. 33, N½NE¼;
Sec. 34, NW¼NE¼ and N½NW¼.
T. 32 N., R. 8 E.,
Sec. 1, lot 4;
Sec. 2, lots 1, 2, 3, and 4, SW¼NW¼, and W½SW¼;
Sec. 3, SE¼SE¼;
Sec. 8, S½SE¼;
Sec. 9, E½NE¼, S½S½, and NE¼SE¼;
Sec. 10, N½N½;
Sec. 17, W½NE¼ and S½NW¼;
Sec. 18, SE¼NE¼ and E½SE¼;
Sec. 19, NE¼NE¼ and S½N½.
T. 33 N., R. 8 E.,
Sec. 6, lots 4 to 7, inclusive;
Sec. 7, lots 1 to 4, inclusive.
T. 34 N., R. 8 E.,
Sec. 6, lots 4 to 7, inclusive;
Sec. 7, lots 1 to 4, inclusive;
Sec. 18, lots 1 to 4, inclusive;
Sec. 19, lots 1 to 4, inclusive;
Sec. 25, S½SW¼ and SW¼SE¼;
Sec. 26, S½S½;
Sec. 27, S½S½;
Sec. 28, S½S½;
Sec. 29, S½S½;
Sec. 30, lots 1 to 4, inclusive, SE¼SW¼, and S½SE¼;
Sec. 31, lots 1 to 4, inclusive.
T. 35 N., R. 8 E.,
Sec. 31, lots 1 to 4, inclusive.
T. 44 N., R. 8 E.,
Sec. 2, E½NE¼;
Sec. 3, SW¼NE¼, NW¼NW¼, and S¼NW¼;
Sec. 4, N½N½ and SE¼NE¼;
Sec. 5, NE¼NE¼.
T. 45 N., R. 8 E.,
Sec. 13, N½N½;
Sec. 14, E½NE¼, S½SW¼, NE¼SE¼, and S½SE¼;
Sec. 23, E½E½;
Sec. 26, E½E½;
Sec. 30, SW¼SW¼;
Sec. 31, S½NE¼, NW¼, N½S½, and SE¼SE¼;
Sec. 32, SW¼NW¼, SW¼, and S½SE¼;
Sec. 33, SW¼SW¼;
Sec. 35, E½E½.
T. 46 N., R. 8 E.,
Sec. 13, N½NW¼;
Sec. 14, N½N½;
Sec. 15, N½N½;
Sec. 21, N½S½;
Sec. 22, NE¼NE¼, S½NE¼, N½SW¼, and NW¼SE¼.
T. 32 N., R. 9 E.,
Sec. 3, E½E½;
Sec. 10, E½E½;
Sec. 15, E½E½;
Sec. 22, lot 4 and E½NE¼.
T. 45 N., R. 9 E.,
Sec. 7, W½W½;
Sec. 18, NW¼NW¼.
T. 46 N., R. 9 E.,
Sec. 5, SW¼SW¼;
Sec. 6, SW¼NW¼, NW¼SW¼, and S½S½;
Sec. 8, W½W½, SE¼SW¼, and S½SE¼;
Sec. 29, E½E½;
Sec. 32, E½NE¼ and N½S½.
T. 46 N., R. 1 W.,
Sec. 7, S½;
Sec. 8, S½S½;
Sec. 9, S½S½;
Sec. 10, N½S½ and SW¼SW¼;
Sec. 16, N½N½;
Sec. 17, N½N½;
Sec. 18, NE¼NE¼.
T. 50 N., R. 1 W.,
Sec. 3, lots 3 and 4, SW¼NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 4, lots 1 to 4 inclusive, SW¼NW¼, W½SW¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 5, lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 7, S½N½;
Sec. 8, SW¼NE¼ and S½NW¼;
Sec. 9, NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼;
Sec. 10, SW¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 11, SW¼SW¼;
Sec. 30, SW¼SW¼;
Sec. 31, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 32, SW¼SW¼.
T. 51 N., R. 1 W.,
Sec. 29, W½E½ and lots 1 and 4;
Sec. 32, lot 1, N½ lot 2, N½ lot 4, W½NE¼ and SE¼;
Sec. 33, S½S½;
Sec. 34, SW¼SW¼.
T. 46 N., R. 1½ W.,
Sec. 11, E½SE¼;
Sec. 12, S½;
Sec. 13, NW¼NW¼;
Sec. 14, E½NE¼.
T. 48 N., R. 1½ W.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼;
Sec. 11, E½NE¼;
Sec. 12, SW¼NE¼, NW¼, NE¼SW¼, and SE¼.
T. 46 N., R. 2 W.,
Sec. 13, N½;
Sec. 14, NE¼.

T. 50 N., R. 2 W.,
Sec. 12, S½N½;
Sec. 14, SW¼SW¼;
Sec. 23, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼.
T. 51 N., R. 2 W.,
Sec. 11, W½E½ and SE¼SE¼;
Sec. 13, NE¼, N½NW¼, and E½SE¼.
T. 49 N., R. 3 W.,
Sec. 1, W½W½;
Sec. 6, NW¼NW¼;
Sec. 12, W½W½;
Sec. 13, NW¼NW¼, S½NW¼, E½SW¼, and W½SE¼;
Sec. 24, E½;
Sec. 25, E½.
T. 46 N., R. 4 W.,
Sec. 5, NW¼ and W½SW¼;
Secs. 6 and 7;
Sec. 8, W½.
T. 47 N., R. 4 W.,
Sec. 2, NW¼NW¼;
Sec. 3, E½E½ and SW¼SE¼;
Sec. 5, W½NW¼ and NW¼SW¼;
Sec. 6, E½SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, W½W½;
Sec. 10, W½NE¼, SE¼NW¼, and E½SW¼;
Sec. 15, N½NW¼ and SW¼NW¼;
Sec. 16, SE¼NE¼ and E½SE¼;
Sec. 17, W½W½ and SE¼SW¼;
Sec. 20, E½NW¼, NE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 21, N½NE½, SW¼NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 29, N½NE¼, SW¼NE¼, S½SW¼, and W½SE¼;
Sec. 31, NE¼NE¼, S½NE¼, N½SW¼, SW¼SW¼, and NW¼SE¼.
T. 48 N., R. 4 W.,
Sec. 4, W½W½ and SE¼SW¼;
Sec. 9, SW¼NE¼, E½NW¼, and N½SE¼;
Sec. 10, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 15, W½E½ and SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, W½NW¼, N½SW¼, and SE¼SW¼;
Sec. 26, W½E½ and NE¼NW¼;
Sec. 30, S½SW¼;
Sec. 31, S½NE¼ and E½NW¼;
Sec. 32, SW¼NW¼ and W½SW¼;
Sec. 35, W½NE½, NE¼SW¼, S½SW¼, and NW¼SE¼.
T. 49 N., R. 4 W.,
Sec. 13, E½W½;
Sec. 16, W½W½;
Sec. 21, W½W½;
Sec. 23, E½SE¼;
Sec. 24, E½NW¼ and N½SW¼;
Sec. 26, E½NE¼ and NE¼SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, E½NE¼.
T. 46 N., R. 5 W.,
Sec. 1, E½E½;
Sec. 2, W½W½;
Sec. 3, NE¼NE¼.
T. 47 N., R. 5 W.,
Sec. 15, SW¼NW¼ and W½SW¼;
Sec. 22, W½W½;
Sec. 27, W½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 34, NW¼NE¼, S½NE¼, and E½SE¼;
Sec. 36, SE¼SE¼.
T. 48 N., R. 5 W.,
Sec. 23, SE¼SE¼;
Sec. 24, S½S½;
Sec. 25, E½E½.
T. 48 N., R. 6 W.,
Sec. 6, S½.
T. 50 N., R. 6 W.,
Sec. 7, S½N½.
T. 47 N., R. 7 W.,
Sec. 36, E½SE¼.
T. 48 N., R. 7 W.,
Sec. 1, NE¼SE¼ and S½S½;
Sec. 2, NW¼SW¼ and S½S½;
Sec. 3, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 5, lots 3, 4, 5, 12, and NW¼SW¼;
Sec. 6, lots 1 to 12, inclusive.
T. 49 N., R. 7 W.,
Sec. 31, E½SE¼;
Sec. 32, S½;
Sec. 33, S½.
T. 50 N., R. 7 W.,
Sec. 4, S½S½;
Sec. 6, SW¼NW¼ and W½SW¼;
Sec. 7, N½N½;
Sec. 8, N½N½;
Sec. 9, E½NE¼ and NW¼NW¼;
Sec. 10, S½N½;
Sec. 11, S½N½;
Sec. 12, S½N½.
T. 49 N., R. 8 W.,
Sec. 7, S½;
Sec. 15, SW¼SW¼;
Sec. 16, S½;
Sec. 17, SW¼NW¼, N½SW¼, and SE¼;
Sec. 18, NE¼ and NE¼SE¼;
Sec. 22, SW¼NE¼, NW¼, SE¼SW¼, and W½SE¼.
T. 50 N., R. 8 W.,
Sec. 1, S½N½;
Sec. 2, S½N½;
Sec. 3, S½N½;
Sec. 4, S½N½;
Sec. 5, NW¼NW¼ and S½N½.
T. 51 N., R. 8 W.,
Sec. 30, SW¼NE¼ and W½SE¼;
Sec. 31, W½E½ and SE¼SE¼;
Sec. 32, SW¼SW¼.
T. 49 N., R. 9 W.,
Sec. 2, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 3, NW¼NE¼, S½NE¼, N½NW¼, and NE¼SE¼.
Sec. 11, N½NE¼;
Sec. 12, NW¼NW¼, S½NW¼, E½SW¼, and SE¼.
T. 50 N., R. 9 W.,
Sec. 4, E½ and NE¼NW¼;
Sec. 9, E½;
Sec. 16, E½;
Sec. 21, E½;
Sec. 22, SW¼SW¼;
Sec. 27, NW¼NW¼, S½NW¼, and SW¼;
Sec. 28, E½NE¼;
Sec. 34, W½.
T. 51 N., R. 9 W.,
Sec. 8, E½E½;
Sec. 9, W½W½;
Sec. 16, NW¼ and E½SW¼;
Sec. 21, W½;
Sec. 28, W½;
Sec. 33, W½ and SW¼SE¼.
T. 48 N., R. 10 W.,
Sec. 5, lot 13, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 6, lots 5, 6, 11, 14, 15, and 16;
Sec. 8, NE¼NE¼;
Sec. 10, SE¼SE¼;
Sec. 11, S½SW¼;
Sec. 13, NE¼NW¼ and W½W½;
Sec. 14, SE¼SE¼;
Sec. 15, NE¼NE¼, S½NE¼, S½SW¼, and W½SE¼;
Sec. 19, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 20, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, and NW¼SW¼;
Sec. 21, N½N½;
Sec. 22, NW¼NW¼;
Sec. 23, E½NE¼, N½SE¼, and SW¼SE¼;
Sec. 26, NW¼NE¼, NE¼NW¼, S½NW¼, and W½SW¼;
Sec. 30, N½NW¼;
Sec. 34, E½E½;
Sec. 35, NW¼NW¼.
T. 49 N., R. 10 W.,
Sec. 30, lot 3 and E½SW¼;
Sec. 31, E½W½ and S½SE¼.
T. 48 N., R. 11 W.,
Sec. 1, lots 1 and 8;
Sec. 25, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 26, SE¼SE¼;
Sec. 35, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼.
T. 49 N., R. 11 W.,
Sec. 2, E½W½ and S½SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, SE¼NE¼, W½NE¼, N½NW¼, and E½SE¼;
Sec. 13, E½E½;
Sec. 24, E½E½;
Sec. 25, E½NE¼ and NE¼SE¼.
T. 50 N., R. 11 W.,
Sec. 7, lots 1, 2, and 3, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 17, W½W½;
Sec. 18, NE¼NE¼;
Sec. 20, N½N½;
Sec. 21, W½E½ and N½NW¼;
Sec. 27, E½NW¼, NW¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 28, N½NE¼;
Sec. 34, NE¼NE¼;
Sec. 35, SE¼NW¼, W½NW¼, and E½SW¼.
T. 50 N., R. 12 W.,
Sec. 1, W½W½;
Sec. 3, NE¼NE¼, S½NE¼, NE½SW¼, S½SW¼, and NW¼SE¼;
Sec. 4, SE¼SE¼;
Sec. 8, SE¼SE¼;
Sec. 9, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 12, N½N½;
Sec. 17, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 30, NW¼NW¼.
T. 51 N., R. 12 W.,
Sec. 7, W½;
Sec. 18, W½NW¼ and NW¼SW¼;
Sec. 25, N½S½;
Sec. 26, SE¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 27, SE¼SW¼ and SW¼SE¼;
Sec. 34, N½NE¼, NE¼NW¼, and E½SE¼;
Sec. 35, N½NE¼, SE¼NE¼, NW¼, NW¼SW¼, and NE¼SE¼;
Sec. 36, W½SW¼.
T. 50 N., R. 13 W.,
Sec. 3, N½NW¼;
Sec. 4, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 5, SE¼SE¼;
Sec. 8, N½NE¼, SW¼NE¼, SE¼NW¼, and N½SW¼;
Sec. 24, SE¼SE¼;
Sec. 25, W½NE¼, E½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 26, NE¼SE¼ and S½SE¼;
Sec. 35, NW¼NE¼, E½NW¼, N½SW¼, and SW¼SW¼.
T. 51 N., R. 13 W.,
Sec. 9, E½;
Sec. 13, E½SE¼;
Sec. 16, NW¼NE¼, NE¼NW¼; S½NW¼, and NW¼SW¼;
Sec. 17, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 19, NE¼NE¼, S½NE¼, SE¼NW¼, and N½SW¼;
Sec. 20, N½NW¼;
Sec. 24, E½E½;
Sec. 25, E½NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 34, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 35, N½NE¼, SW¼NE¼, S½NW¼, and NW¼SW¼;
Sec. 36, N½NW¼.
T. 51 N., R. 14 W.,
Sec. 24, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 25, N½NW¼;
Sec. 26, NE¼NE¼, S½NE¼, SE¼NW¼, and N½SW¼;
Sec. 27, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 31, N½N½;

Sec. 32, N½N½;
Sec. 33, N½N½;
Sec. 34, N½NW¼.

SIXTH PRINCIPAL MERIDIAN

T. 14 S., R. 85 W.,
Sec. 28, W½SW¼;
Sec. 33, W½W½.
T. 15 S., R. 85 W.,
Sec. 4, W½W½;
Sec. 27, NW¼SW¼ and S½SW¼;
Sec. 34, E½W½.
T. 15 S., R. 86 W.,
Sec. 4, E½E½;
Sec. 9, NE¼NE¼.
T. 12 S., R. 89 W.,
Sec. 8, S½N½;
Sec. 9, S½N½;
Sec. 19, N½N½;
Sec. 20, NW¼NE¼ and N½NW¼;
Sec. 27, S½SW¼;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼ except that part in H. E. Gunnison 02739 (H. E. S. No. 146);
Sec. 34, N½N½;
Sec. 35, NE¼NE¼, N½NW¼NE¼, and N½N½NW¼;
Sec. 36, N½NW¼, SE¼NW¼, E½SW¼, and S½SE¼.
T. 13 S., R. 89 W.,
Sec. 1, Lots 5, 6, 7, 10, 11, and 12.
T. 13 S., R. 90 W.,
Sec. 30, N½N½.
T. 13 S., R. 91 W.,
Sec. 5, W½W½NE¼NE¼, W½W½SE¼NE¼, and SE¼;
Sec. 8, E½;
Sec. 17, E½;
Sec. 25, N½N½;
Sec. 26, N½N½;
Sec. 27, E½E½;
Sec. 33, E½E½;
Sec. 34, N½N½.
T. 15 S., R. 91 W.,
Sec. 6, N½S½.
T. 13 S., R. 92 W.,
Sec. 6, Lots 8 to 11, inclusive.
T. 15 S., R. 92 W.,
Sec. 1, N½S½;
Sec. 2, N½S½.
T. 13 S., R. 93 W.,
Sec. 1, lots 5, 12, and 13.
Sec. 4, W½W½;
Sec. 7, N½S½ and SW¼SW¼;
Sec. 8, N½NE¼, SW¼NE¼, N½SW¼, and NW¼SE¼;
Sec. 9, NW¼NW¼.
T. 13 S., R. 94 W.,
Sec. 12, S½S½;
Sec. 13, W½NW¼.
T. 15 S., R. 94 W.,
Sec. 5, SW¼NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 6, NE¼SE¼;
Sec. 8, NW¼NE¼, S½NE¼, NE¼NW¼, S½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 9, NW¼SW¼, and S½SW¼;
Sec. 15, SW¼NW¼ and W½SW¼;
Sec. 16, NE¼, NE¼NW¼, and E½SE¼;
Sec. 21, E½NE¼ and NE¼SE¼;
Sec. 22, W½NW¼ and SW¼;
Sec. 27, W½;
Sec. 34, W½.
T. 12 S., R. 95 W.,
Sec. 34, E½E½.
T. 13 S., R. 95 W.,
Sec. 2, SW¼NW¼ and NW¼SW¼;
Sec. 3, E½NE¼;
Sec. 5, E½W½.
T. 14 S., R. 95 W.,
Sec. 6, W½NW¼, E½SW¼, and SW¼SE¼;
Sec. 7, N½NE¼;
Sec. 8, SW¼NE¼, NW¼NW¼, S½NW¼, NW¼SE¼, and E½SE¼;
Sec. 16, W½W½, SE¼SW¼, and SW¼SE¼;
Sec. 17, NE¼NE¼;
Sec. 21, N½NE¼ and SE¼NE¼;
Sec. 22, SW¼NW¼ and N½SW¼;
Sec. 27, W½SW¼;
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, S½NW¼ and S½;
Sec. 31, W½W½;
Sec. 33, E½E½;
Sec. 34, W½W½.
T. 13 S., R. 96 W.,
Sec. 26, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 27, NE¼SE¼;
Sec. 34, NW¼SW¼ and S½SW¼;
Sec. 35, E½NE¼;
Sec. 36, SW¼NW¼, N½SW¼, and SE¼SW¼.
T. 14 S., R. 96 W.,
Sec. 1, N½NE¼ and NE¼NW¼;
Sec. 3, E½NW¼, NE¼SW¼, and W½SE¼;
Sec. 5, W½;
Sec. 8, W½.
Sec. 10, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 11, NW¼SW¼ and S½SW¼;
Sec. 13, SW¼NW¼, SW¼, and S½SE¼;
Sec. 14, NW¼NE¼, S½NE¼, and NE¼NW¼;
Sec. 17, NW¼ and W½SW¼;
Sec. 18, E½SE¼;
Sec. 19, E½E½;
Sec. 24, E½;
Sec. 25, NE¼, S½NW¼, and N½S½;
Sec. 26, S½N½ and N½S½;
Sec. 27, S½N½ and N½S½;
Sec. 28, S½NE¼ and S½;
Sec. 29, S½;
Sec. 30, E½NE¼ and S½;
Sec. 31, E½E½.
T. 15 S., R. 96 W.,
Sec. 6, E½E½;
Sec. 7, E½E½;
Sec. 18, N½NE¼.
T. 14 S., R. 97 W.,
Sec. 25, S½N½, N½S½, and SE¼SE¼;
Sec. 26, lots 1, 2, and 3.
T. 15 S., R. 97 W.,
Sec. 7, lots 3 and 4;
Sec. 18, W½E½;
Sec. 19, W½NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 29, SW¼NE¼ and W½SE¼;
Sec. 30, NW¼NW¼;
Sec. 32, W½E½.
T. 14 S., R. 98 W.,
Sec. 1, N½N½ and SW¼NW¼;
Sec. 2, lot 2 and SE¼NE¼.
T. 15 S., R. 98 W.,
Sec. 25, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 35, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 36, NW¼NW¼.

UTE MERIDIAN

T. 3 S., R. 2 E.,
Sec. 25, E½SE¼;
Sec. 36, N½NE¼, SW¼NE¼, S½NW¼, and W½SW¼.
T. 4 S., R. 3 E.,
Sec. 5, W½;
Sec. 6, N½;
Sec. 8, N½;
Sec. 9, N½ and SE¼;
Sec. 10, S½;
Sec. 13, N½ and N½SE¼;
Sec. 14, N½;
Sec. 15, NE¼.

The areas described, including both public and non-public lands, aggregate approximately 126,270 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of Interior.

NOVEMBER 11, 1943.

[F. R. Doc. 43-18669; Filed, November 20, 1943; 9:59 a. m.]

Grazing Service.

CONSTRUCTION WORK IN WYOMING

RECOMMENDATIONS OF THE GRAZING SERVICE WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the order of the Secretary of the Interior dated June 15, 1943, and entitled "Wage Fixing Procedures, Field Employees, Grazing Service, Department of the Interior," the Grazing Service Wage Board has determined prevailing wage rates for field employees of the Grazing Service who are not allocated to grade under the Classification Act of 1923, as amended, and who are engaged in construction in Region 10 of the Grazing Service. Region 10 is composed of the State of Wyoming. The Board has considered rates currently being paid by private employers, predeterminations by the Secretary of Labor under the Davis-Bacon Act, rates paid by other Government agencies, and rates established by collective agreement.

The Grazing Service Wage Board finds that the hourly wage rates listed below are prevailing for construction work in the State of Wyoming and recommends them for your adoption:

Construction job title	Prevailing hourly rate on private work	Recommended basic hourly rate for GRS field employees
Blacksmith	$1.25	$1.25
Blacksmith helper	.90	.90
Carpenter	1.25	1.25
Compressor operator	1.00	1.00
Concrete finisher	1.25	1.25
Concrete mixer operator	1.25	1.25
Construction laborer	.75	.75
Construction laborer leadman	.85	.85
Electrician	1.50	1.50
Electrician helper	1.00	1.00
Grader operator (road or blade)	1.25	1.25
Heavy duty mechanic	1.50	1.50
Iron worker, reinforcing	1.25	1.25
Iron worker, structural	1.37½	1.37½
Jackhammer operator	1.00	1.00
Labor foreman	1.00	1.00
Mixed gang foreman	1.25	1.25
Apprentice engineer and oiler	.90	.90
Painter	1.25	1.25
Pile driver operator	1.50	1.50
Plasterer	1.50	1.50
Plumber	1.50	1.50
Powderman	1.00	1.00
Powderman helper	.85	.85
Rock crusher operator	1.25	1.25
Shovel or dragline operator	1.50	1.50
Stone mason	1.50	1.50
Teamster, 2 up	.65	.65
Teamster, 3 up	.70	.70
Teamster, 4 up	.75	.75
Tractor operator (under 50 hp.)	1.25	1.25
Tractor operator (50 hp. and over)	1.50	1.50
Truck driver	.90	.90
Truck driver, special	1.25	1.25
Well driller	1.25	1.25
Well driller helper	.75	.75

It is the understanding of the Wage Board that the Grazing Service employees paid in connection with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to forty-hour week Act (Sec. 23, Act of March 28, 1934; 48 Stat. 522).

The Wage Board recommends that all field employees of the Grazing Service in Region 10 not allocated to grade and

engaged in construction be classified or reclassified in accordance with the foregoing schedule, effective as of the beginning of business on May 1, 1943. The Board further recommends that all positions not allocated to grade and for which job titles are not listed above be abolished.

The Wage Board further recommends that no person employed by the Grazing Service on or after May 1, 1943, shall receive a reduction in basic wage rate due to promulgation of the recommended rates listed above.

The foregoing recommendations approved and adopted by the Grazing Service Wage Board this 27th day of October 1943.

GUY W. NUMBERS,
Chairman.
ARCHIE D. RYAN,
Member.
JOHN F. SHANKLIN,
Member.

Approved: November 10, 1943.

MICHAEL W. STRAUS,
Acting Secretary of the Interior.

[F. R. Doc. 43-18682; Filed, November 20, 1943; 12:26 p. m.]

Office of the Secretary.

[Order 1903]

COMMISSIONER OF RECLAMATION
DELEGATION OF AUTHORITY

Pursuant to the provisions of the Act of December 19, 1941 (55 Stat. 842), it is hereby ordered as follows:

1. With respect to powers and authorities vested in the Secretary of the Interior or the Department of the Interior by the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplemental thereto (herein called the Federal Reclamation Laws), the Commissioner of Reclamation, and in cases of designation by the Commissioner as provided in section 2 hereof, an Assistant Commissioner, or the officer in charge of any office, division, district, or project, of the Bureau of Reclamation, subject to the limitations herein set out, shall have the following powers and authority:

(a) To appoint appraisers or appraisal boards to make appraisals or reappraisals of lands or interests therein in connection with acquisitions under the Federal Reclamation Laws; to make or approve appraisals in all cases where the amounts involved do not exceed $50,000 for a property in one ownership; and to contract for and effect the purchase or exchange of lands or interests therein at appraised values, but any exchange involving withdrawn public lands shall be effected only with the concurrence of the Commissioner of the General Land Office. In the event the authority under this subsection is exercised by other than the Commissioner of the General Land Office, exchange contracts shall be first approved by the Commissioner.

(b) To contract for the relocation of properties pursuant to the authority of section 14 of the Reclamation Project Act of 1939 (53 Stat. 1187, 1197) in any case where the expenditure of funds by the United States is estimated not to exceed $50,000, and in connection therewith to execute, in the name of the Secretary, all necessary grants or conveyances, but any grant or conveyance involving withdrawn public lands shall be executed only with the concurrence of the Commissioner of the General Land Office. In the event the authority under this subsection is exercised other than by the Commissioner, all such grants or conveyances shall be on forms approved by the Commissioner.

(c) To contract, under the authority of the Federal Reclamation Laws, for performance of investigations, surveys and studies by the Bureau independently or in cooperation with other agencies or parties and for the performance with contributed funds of construction work or development work incident thereto, in any case where the total expenditure of funds under the contract is estimated not to exceed $50,000. Any such contract for investigations, surveys or studies involving the electric power production aspects of authorized projects, or of proposed projects found or believed by the Bureau to embrace power sites capable of economic development, shall be made only after consultation with the Division of Power.

(d) To lease or license for grazing or agricultural uses, or other uses within the scope of the Federal Reclamation Laws, excluding the development or transmission of electric power and energy, public lands under reclamation withdrawal and lands acquired for reclamation purposes, to consent to subleases or sublicenses thereunder, and to modify, consent to assignment of, terminate or cancel such leases and licenses; and to grant permits for the removal of sand, gravel, or building materials from public lands under reclamation withdrawal or lands acquired for reclamations purposes, and to modify, consent to assignment of, terminate or cancel such permits. All leases, licenses or permits made pursuant to this subsection shall be on terms and conditions that are deemed by the executing officer to be adequate to protect the interests of the United States and the project for which the particular lands are being administered and to be compatible with the purposes for which the lands were withdrawn or acquired; and all such leases, licenses or permits of more than five years' duration shall be first approved by the Commissioner.

(e) To effect the sale of acquired lands or interests therein where permitted under the Federal Reclamation Laws and, in connection therewith, to execute in the name of the Secretary, on forms approved by the Commissioner, the requisite deeds of conveyance; and, with the concurrence of the Commissioner of the General Land Office, to authorize the sale of public lands under reclamation withdrawal where permitted under the Federal Reclamation Laws, all such sales of such withdrawn public lands to be under the jurisdiction of the Commissioner of the General Land Office. The sale of any lands acquired or withdrawn as a site or part of a site for the development of electric power and energy may be made, however, only after consultation with the Division of Power, but no lands withdrawn, reserved, or classified for power purposes may be sold under authority of this order.

(f) To appoint appraisers or appraisal boards to make appraisals of lands or interests therein where permitted or required in connection with contracts, concerning excess lands or the control of speculation in lands, made or to be made pursuant to the Federal Reclamation Laws; and to approve such appraisals.

(g) To issue public notices and other notices to water users and water users' organizations under the Federal Reclamation Laws and repayment contracts made thereunder covering annual water rental charges, annual operation and maintenance charges and other annual rates and charges, and covering various annual credits to which the water users or water users' organizations are entitled.

(h) To approve, whenever the repayment obligation of an irrigation district or other water users' organizatinon will not be impaired thereby, the inclusion of lands within or the exclusion of lands from the boundaries of such irrigation district or from the control of such water users' organization.

(i) To approve the reclassification of lands under the provisions of the Act of May 25, 1926 (44 Stat. 636, 647), as amended; and to determine the justification for the classification or reclassification of lands pursuant to the provisions of section 8 of the Reclamation Project Act of 1939.

(j) To approve all amendments to farm unit plats.

2. The foregoing powers and authorities shall be exercised under the supervision and direction of the Secretary and subject to such regulations as he deems proper. The exercise of any of these powers and authorities by an officer of the Bureau of Reclamation, other than the Commissioner, is contingent upon the promulgation of an order or orders by the Commissioner designating the powers and authorities so to be exercised. In connection with any such order the Commissioner may prescribe such rules and regulations to govern the exercise of the powers and authorities so indicated as he deems appropriate and as are consistent with this order. The Commissioner shall keep the Secretary currently advised of any orders promulgated and all rules and regulations prescribed under this section.

3. There shall be legal review of all matters handled pursuant to this order that involve legal phases, and such review shall be the responsibility of the Chief Counsel of the Bureau of Reclamation, subject to the supervisory jurisdiction of the Solicitor. With the approval of the Solicitor, the Chief Counsel may delegate the responsibility for legal review of matters involving the exercise of powers and authorities covered by this order to Bureau District Counsel or to the ranking attorney re-

sponsible for legal matters of the office of the officer exercising the power or authority.

4. This order shall be effective on November 15, 1943, but all matters then pending before the Department will be cleared as heretofore. All existing orders, rules or regulations in conflict herewith are hereby superseded to the extent of such conflict. Such conflicting orders, rules or regulations shall be brought to the attention of the Secretary within a reasonable time to the end that he may effect whatever formal revisions or revocations are desirable to bring them into conformity with this order.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 17, 1943.

[F. R. Doc. 43-18715; Filed, November 22, 1943; 10:21 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

DETERMINATION OF MINIMUM WAGE IN MEN'S HAT AND CAP INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Whereas, the prevailing minimum wage determination for the men's hat and cap industry, issued by the Secretary of Labor on July 28, 1937, pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35), as amended January 24, 1938 and June 12, 1942, provides that the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of that Act, for the manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction; shall be 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piece-work basis, and that there shall be a tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the Act, for auxiliary workers: *Provided,* That such auxiliary workers be paid not less than 37½ cents per hour or $15 per week of 40 hours, arrived at either upon a time or piece-work basis: *And provided further,* That the term "auxiliary worker" when used in connection with employees in the uniform cap and in the stitched hat branches of the industry shall not be interpreted to include cutters or workers in the cutting room, machine workers, or workers on any kind of machine, blockers, pressers, and hand sewers; and

Whereas, the minimum wage required to be paid by the manufacturers of such men's hats and caps subject to the provisions of the Fair Labor Standards Act of 1938 is not less than 40 cents an hour pursuant to the wage orders for the Hat Industry and for the caps and cloth hats division of the Apparel Industry issued by the Administrator of the Wage and Hour Division and effective July 1, 1940 and July 15, 1940, respectively; and

Whereas, it appears that substantially all employees subject to the Men's Hat and Cap Wage Determination of the Secretary are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, the aforementioned wage orders of the Administrator have had the effect of establishing not less than 40 cents per hour as the prevailing minimum wage for auxiliary workers in the Men's Hat and Cap Industry; and

Whereas, the Men's Headwear Manufacturers Group, Incorporated, and the St. Louis Association of Hat and Cap Manufacturers submitted to the Administrator of the Wage and Hour and Public Contracts Divisions petitions requesting that the meaning of the words "machine workers, or workers on any kind of machine" be defined, that the term "auxiliary worker" be clarified, and that the 20-percent tolerance for auxiliary workers be increased; and

Whereas, on July 17, 1942 and July 23, 1942, preliminary conferences were held for the purpose of providing an opportunity to all interested parties representing the manufactuers' associations in the Men's Hat and Cap Industry and to the trade union representing employees in that industry to participate in a discussion and analysis of the requests for relief presented by the petitioners; and

Whereas, further surveys were made and conferences held following receipt of objections pursuant to opportunity extended by a similar show-cause notice dated December 10, 1942; and

Whereas, it appeared that changing conditions of production and employment in the uniform cap and stitched hat branches of the Industry require that the allowance for auxiliary workers be increased; and

Whereas, it appears advisable to amend the Men's Hat and Cap Wage Determination by

1. Providing that the prevailing minimum wage for auxiliary workers shall be not less than 40 cents per hour;

2. Permitting the employment of auxiliary workers in the uniform cap and stitched hat branches of the Industry without limitation as to number; and

3. Clarifying the definition of the terms (a) "auxiliary workers," (b) "machine workers, or workers on any kind of machine," and (c) "cutters or workers in the cutting room," as applied to the uniform cap and stitched hat branches of the Industry,

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before December 14, 1943 why the Secretary of Labor should not amend the Men's Hat and Cap Wage Determination pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act so that the amended determination will read as follows:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35) for the manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction, shall be 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piece-work basis;

(2) That a tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the Walsh-Healey Public Contracts Act be granted for auxiliary workers in the Men's Hat and Cap Industry except that there shall be no limitation on the number or proportion of auxiliary workers employed in the uniform cap and stitched hat branches of the Industry: *Provided,* That any auxiliary workers in the Industry shall be paid not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piece-work basis;

(3) The term "auxiliary workers" as applied to the employees in the uniform cap and stitched hat branches of the Industry shall include only those employees engaged in auxiliary occupations enumerated and defined as follows:

Hand clipping. The operation of separating component parts of the article after they have been sewn.

Hand cleaning. The operation of removing excess threads from the article or removing stains or dust.

Size stamping. The operation of stamping the head size mark on the article.

Floor boys (girls). One who carries items of work to and from the various departments.

Examining. The operation of inspecting the article for imperfections during any stage of manufacture.

Sweat band, braid, and strap cutter and measuring. The operation of measuring and cutting bands, straps and ribbons.

Turning. The operation of turning the article inside out or outside in.

Packing. The operation of packing the finished caps into shipping containers, spraying larvex or moth flakes; if necessary, inserting tissue paper in caps and inserting a cardboard ring stiffener to support crown of cap.

Shipping and receiving. The operation of unloading and checking stock and preparing containers for shipment.

Waste material sorting. The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

Hand stapling. The operation by hand pressure of a wire stapling machine to join together parts of the article, to attach labels, bows or cloth to the article or part of the article, or to join ends of a cardboard strip to form a packing ring.

Drawstring pulling. The operation of slipping a cord or drawstring through part of a cap, hood or helmet.

Basting pulling. The operation of pulling out basting threads.

Porter. The operation of cleaning floors or carrying boxes.

Band and braid fitting. The operation of placing by hand but not sewing on a cap a prepared band or braid.

Wire stiffener inserting. The operation of slipping a wire ring into the cap.

Hand buckling. The operation of slipping a buckle on a strap.

Visor inserting. The operation of inserting a canvas stiffener into a cloth pocket before the visor is attached.

Pasting. The operation of attaching a label or ticket to a part of hat with paste or glue.

Hand button inserting. The operation of inserting, by hand, into a prepared hole a button and bending over clips to hold the button in place, or inserting a button with a

threaded neck, and screwing a nut on neck to hold button firm.

Hand hole punching. The operation of punching a hole into material by use of an ice pick or similar pointed hand instrument.

Wire cutting and ring forming. The operation of cutting a wire to length and joining the ends to form a stiffener ring.

Hand eyeletting. The operation by hand pressure of a machine to attach an eyelet to the article.

Hand snap fastening. The operation by hand pressure of a machine to attach a snap fastener to the article.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, Washington 25, D. C., and should be filed with the Administrator not later than December 14, 1943. An original and four copies should be filed.

Signed at New York, New York, this 11th day of November.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-18668; Filed, November 20, 1943; 9:19 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), 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 (9 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

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Amory Garment Company, Inc., Amory, Mississippi; pants; 10 percent (T); effective November 16, 1943, expiring November 15, 1944.

Kay Andrews Company, Inc., 1126 Dickenson Street, Elizabeth, New Jersey; Wave's smocks; 5 learners (T); effective November 20, 1943, expiring November 19, 1944.

Arena Manufacturing Company, 23 Washington Street, Natick, Massachusetts; dresses; 10 learners (T); effective November 20, 1943, expiring November 19, 1944.

Artcraft Shirt Company, Lewistown, Pennsylvania; army shirts and civilian dress shirts; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Atlanta Knitting Mills, Catskill, New York; knitted cotton polo shirts and women's knitted underwear; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Bridgewater Garment Company, Bridgewater, Virginia; pants and breeches; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Chesnin & Leis, Inc., 12 Bankard Avenue, Newburgh, New York; ladies' underwear; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Chesnin & Leis, Inc., Main Street, Walden, New York; dresses; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Chesnin & Leis, Inc., Pine Street, Walden, New York; ladies' underwear; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

Chesnin & Leis, Pleasant Avenue, Walden, New York; dresses; 10 percent (T); effective November 17, 1943, expirng November 16, 1944.

Cumberland Rainwear Company, Broad Street, Jellico, Tennessee; mackinaws, sport jackets, raincoats; 10 learners (T); effective November 20, 1943, expiring November 19, 1944.

Doncaster Collar and Shirt Company, Rutherfordton, North Carolina; women's dresses and uniforms, neckerchiefs for U. S. Navy, men's shirts; 25 learners (E); effective November 22, 1943, expiring May 21, 1944.

Elizabeth Undergarment Corporation, 136-140 Commerce Street, Newark, New Jersey; ladies' undergarments; 7 learners (T); effective November 19, 1943, expiring November 18, 1944.

Ely and Walker Dry Goods Company, Ilimo, Missouri; work clothing; army uniforms; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Ely and Walker Dry Goods Company, 16th and Locust Streets, St. Louis, Missouri; men's robes and neckwear; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Ely and Walker Dry Goods Company, Kitty Fisher Junior Dress Factory; 1200 South 8th Street, St. Louis, Missouri; junior dresses; 20 percent (AT); November 15, 1943, expiring May 14, 1944.

Ely and Walker Dry Goods Company, Salem, Missouri; pajamas, sport shirts, men's and boys' shirts, navy shorts; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Fawn Grove Manufacturing Company, Fawn Grove, Pennsylvania; men's and boys' work pants, overalls, coveralls, dungarees; 5 percent (T); effective November 20, 1943, expiring November 19, 1944.

M. Fine and Sons Manufacturing Company, Inc., Washington Street, Vicksburg, Mississippi; cotton work pants; 15 percent (AT); effective November 18, 1943, expiring May 17, 1944.

Great Western Garment Company, 501 Travis Street, Wichita Falls, Texas; pants, overalls, jackets and work shirts; 10 percent (T); effective November 16, 1943, expiring November 15, 1944.

Gross Galesburg Company 152-162 East Ferris Street, Galesburg, Illinois; overalls, work shirts and pants; 10 percent (T); effective November 16, 1943, expiring November 15, 1944.

Haiff Manufacturing Company, 345 East Commerce Street, San Antonio, Texas; women's work clothing and sportswear; 10 learners (T); effective November 16, 1943, expiring November 15, 1944.

The Juvenile Manufacturing Company, Inc., 327 North Flores Street, San Antonio, Texas; infants' and children's wear, herringbone twill jackets; 10 percent (AT); effective November 16, 1943, expiring February 15, 1944.

Lebanon Shirt Company, Magnolia Street, Union, Mississippi; herringbone twill jackets; 10 percent (T); effective November 17, 1943, expiring November 16, 1944.

H. D. Lee Mercantile Company, 20th and Wyandotte Street, Kansas City, Missouri; overalls, union-alls, pants, other odd outerwear; 5 percent (T); effective November 20, 1943, expiring November 19, 1944.

S. Liebovitz and Sons, Inc., York and Factory Streets, Mechanicsburg, Pennsylvania; men's cotton pajamas; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Lustberg Nast & Company, Inc., First Street, Warwick, New York; men's rain jackets; 50 learners (E); effective November 20, 1943, expiring May 19, 1944.

Morehead City Garment Company, Inc., 1504 Bridges Street, Morehead City, North Carolina; men's shirts; 10 percent (T); effective November 15, 1943, expiring November 14, 1944.

Midvalley Manufacturing Corporation; Wilburton, Pennsylvania; wash dresses; 35 learners (E); effective November 16, 1943, expiring May 15, 1944.

Morgan Shirt Company, Inc., Morgantown, West Virginia; cotton dress shirts, cotton pajamas, army shirts; 10 percent (T); effective November 15, 1943, expiring November 14, 1944.

Newport Dress Factory, 28 South Third Street, Newport, Pennsylvania; blouses and infants' dresses; 10 learners (T); effective

November 20, 1943, expiring November 19, 1944.

Peerless Manufacturing Company, 20 Fair Street, Hackensack, New Jersey; women's brassieres; 10 percent (T); effective November 19, 1943, expiring November 18, 1944.

Royal Miss, Inc., One South Webster Avenue, Scranton, Pennsylvania; ladies' cotton dresses; 40 learners (E); effective November 19, 1943, expiring May 18, 1944.

Rutherford Garment Company, Rutherford, Tennessee; wool jackets, mackinaws; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Slatington Dress Company, Inc., Cherry Street, Slatington, Pennsylvania; ladies, and misses' dresses; 10 learners (T); effective November 20, 1943, expiring November 19, 1944.

Sterling Garment Corporation, 301 West Wallace Street, Sterling, Illinois; men's work pants, boys' pants; 10 percent (T); effective November 20, 1943, expiring November 19, 1944.

Tuf-Nut Garment Manufacturing Company, 423 East Third Street, Little Rock, Arkansas; men's and boys' jumpers, overalls, work shirts, trousers, army trousers; 10 percent (AT); effective November 16, 1943, expiring May 15, 1944.

GLOVE INDUSTRY

Streetor, Hackney & Company, Lasselsville, New York; leather dress gloves; 3 learners (T); effective November 15, 1943, expiring November 14, 1944.

HOSIERY INDUSTRY

Baker-Cammack Hosiery Mills, Inc., Webb Avenue, Burlington, North Carolina; seamless hosiery; 5 percent (T); effective November 20, 1943, expiring November 19, 1944.

Barber Hosiery Mills, Inc., Mount Airy, North Carolina; seamless hosiery; 10 percent (AT); effective November 20, 1943, expiring May 19, 1944.

Blackstone Hosiery Mills, Inc., Valdese, North Carolina; seamless hosiery; 5 percent (T); effective November 15, 1943, expiring November 14, 1944.

Browns Hosiery Mills, Inc., 102 East Holt Street, Burlington, North Carolina; seamless hosiery; 5 learners (T); effective November 17, 1943, expiring November 16, 1944.

Dolly Hosiery Mills, Inc., Valdese, North Carolina; seamless hosiery; 5 learners (T); effective November 20, 1943, expiring November 19, 1944.

John L. Feaet and Sons, 1635 Poplar Street, Port Huron, Michigan; seamless hosiery; 15 percent (AT); effective November 18, 1943, expiring May 17, 1944.

Fremont Hosiery Mills, Thomasville, North Carolina; seamless hosiery; 5 percent (T); effective November 17, 1943, expiring November 16, 1944.

Galax Knitting Company, Inc., Virginia Street, Galax, Virginia; seamless hosiery; 40 learners (AT); effective November 20, 1943, expiring May 19, 1944.

Graysville Hosiery Mill, Inc., 125 East Main Street, Dayton, Tennessee; seamless hosiery; 5 percent (T); effective November 18, 1943, expiring November 17, 1944.

Hagerstown Hosiery Company, Inc., West Antietam Street, Hagerstown, Maryland; seamless hosiery; 20 learners (AT); effective November 17, 1943, expiring May 16, 1944.

Staley Hosiery Mill Company, Staley, North Carolina; seamless hosiery; 3 learners (T); effective November 17, 1943, expiring November 16, 1944.

Varina Knitting Company, Varina, North Carolina; seamless hosiery; 10 learners (AT); effective November 20, 1943, expiring May 19, 1944.

KNITTED WEAR INDUSTRY

Sakura Mills, Inc., Kane, Pennsylvania; ladies' and children's silk and rayon underwear; 5 percent (T); effective November 19, 1943, expiring November 18, 1944.

Waynesboro Knitting Company, 312 West Second Street, Waynesboro, Pennsylvania; men's, women's and children's knitted underwear, pajamas, and polo shirts; 5 percent (T); effective November 19, 1943; expiring November 18, 1944.

TEXTILE INDUSTRY

Burrows Manufacturing Company, Inc., Third Street West, Hendersonville, North Carolina; tufted bedspreads and tufted house coats; 5 learners (T); effective November 17, 1943, expiring November 16, 1944.

Duplan Silk Corporation, Berwick, Pennsylvania; textiles, rayon throwing; 10 percent (AT); effective November 20, 1943, expiring May 19, 1944.

Duplan Silk Corporation, Diamond Avenue, Hazleton, Pennsylvania; textiles, parachute flares, etc., dress fashions; 10 percent (AT); effective November 20, 1943, expiring May 19, 1944.

Duplan Silk Corporation, Nanticoke, Pennsylvania; rayon and nylon textiles; 10 percent (AT); effective November 20, 1943, expiring May 19, 1944.

The Kendall Company, Wateree Plant, Camden, South Carolina; surgical gauze; 3 percent (T); effective November 20, 1943, expiring November 19, 1944.

White Sulphur Industries, Inc., White Sulphur Springs, West Virginia; narrow textiles; 30 learners (E); effective November 18, 1943, expiring May 17, 1944.

Signed at New York, N. Y., this 20th day of November 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-18730; Filed, November 22, 1943; 11:01 a. m.]

ADVISORY BOARD ON JUST COMPENSATION.

COMPENSATION FOR VESSELS USED OR INSURED BY WAR SHIPPING ADMINISTRATION

NOTICE OF HEARING

The Advisory Board on Just Compensation, consisting of Judge Learned Hand, Judge John J. Parker, and Judge Joseph C. Hutcheson, Jr., appointed by President Roosevelt under Executive Order 9387, dated October 15, 1943 (8 F. R. 14105), will hold a hearing commencing at ten o'clock on Friday and Saturday, November 26 and 27, 1943, in Hearing Room B, Interstate Commerce Commission Building, 12th and Constitution Avenue, Washington, D. C. in connection with the establishment of "fair and equitable standards, rules and formulae of general applicability for the guidance of the War Shipping Administration in determining the just compensation to be paid for all vessels requisitioned, purchased, chartered, or insured by the Administration".

The Board will consider the following questions at the hearing:

1. What is the legal meaning and effect of the enhancement clause of section 902 (a) of the Merchant Marine Act of 1936 in determining just compensation for vessels, or use of vessels, requisitioned by the War Shipping Administrator?

2. Should the provisions of the enhancement clause of section 902 (a) be applied in the valuation of foreign vessels requisitioned by the War Shipping Administrator?

3. Should the provisions of the enhancement clause of section 902 (a) be applied in the valuation of foreign vessels chartered by the War Shipping Administrator?

4. Should the provisions of section 802 of the Merchant Marine Act of 1936 be applied to vessels which have received mail subsidies under the Merchant Marine Act of 1928?

5. The foregoing questions aside, what factors should control the determination of just compensation for vessels, or use of vessels, requisitioned by the War Shipping Administrator?

The Board will not hear presentations relating to particular vessels. All persons desiring to be heard shall communicate on or before November 24, 1943, with John P. Davis, Executive Officer of the Board, Room 6627 Commerce Building, War Shipping Administration, Washington, D. C.

No more than thirty minutes will be allowed for any presentation. Allocation of time will be made in accordance with the number of names received. Briefs may be filed, but shall not be in excess of thirty pages, must be mimeographed or printed, and six copies shall be filed with the Board.

By order of the Advisory Board on Just Compensation.

JOHN P. DAVIS,
Executive Officer.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18672; Filed, November 20, 1943; 10:33 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-507]

HOPE NATURAL GAS COMPANY

NOTICE OF APPLICATION

NOVEMBER 22, 1943.

Notice is hereby given that on November 15, 1943, Hope Natural Gas Company (hereinafter sometimes referred to as "Applicant"), a West Virginia Corporation with principal place of business located at 445 West Main Street, Clarksburg, West Virginia, filed with the Federal Power Commission an application for a certificate of public convenience and necessity under Section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(a) 18 miles of 12¾-inch natural gas transmission pipeline extending from Applicant's existing Hastings Compressor Station in Wetzel County, West Virginia, to the West Virginia-Pennsylvania boundary near Hundred, Wetzel County, West Virginia.

(b) Two additional steam-engine-driven natural-gas compressors at Applicant's Hastings Compressor Station aggregating 4,000 horsepower, with additional boiler and auxiliary equipment.

In the application of November 15, 1943, Applicant states that the proposed transmission pipe line will connect with a proposed transmission pipe line of the New York State Natural Gas Corporation for which an application has also been filed.[1]

Applicant represents in such application that through the proposed facilities it will deliver out of its general sources of supply all of the natural gas which New York State Natural Gas Corporation will require to meet its present and future market demands, over and above the quantities of gas which that company may produce and purchase in northern Pennsylvania and western New York. It is expected, Applicant states, that in order to supply its present and future market demands, New York State Natural Gas Corporation will call upon Applicant for daily quantities of gas up to 50,000 M. c. f. per day; that this gas will be taken at a high load factor; and that annual volumes will approximate 12,000,000 M. c. f. per year.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 9th day of December, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-18736; Filed, November 22, 1943; 11:16 a. m.]

[Docket No. G-508]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

NOVEMBER 22, 1943.

Notice is hereby given that on November 15, 1943, New York State Natural Gas Corporation (hereinafter sometimes referred to as "Applicant"), a New York corporation with principal place of business located at 30 Rockefeller Plaza, New York, New York, filed with the Federal Power Commission an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

127 miles of 12¾-inch natural gas transmission pipeline extending from a point on the boundary line between Greene County, Pennsylvania, and Wetzel County, West Virginia, in a northeasterly direction to a terminal point in Limestone Township, Clarion County, Pennsylvania.

Applicant states in its application that at the Pensylvania-West Virginia boundary it will connect with a 12¾-inch transmission pipe line which Hope Natural Gas Company proposes to construct.[1] In Limestone Township, the application states, the proposed transmission pipe line will connect with the 12-inch pipe line now leased and operated by Applicant and proposed to be purchased by Applicant from The Peoples Natural Gas Company. That line extends from said point in Limestone Township approximately 90 miles to a point in Hebron Township, Potter County, Pennsylvania, where it now connects with the southern extremity of the transmission pipe line system owned and operated by Applicant, the application states.

The purpose of the construction, as set forth in the application, is to enable Applicant to receive gas which it proposes to purchase from Hope Natural Gas Company at the Pennsylvania-West Virginia State line and to deliver said gas into Applicant's existing pipe line system from which it will in turn be sold to other gas companies operating in Pennsylvania and New York.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 9th day of December, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-18737; Filed, November 22, 1943; 11:16 a. m.]

[1] Simultaneously with the filing of the application by Hope Natural Gas Company, New York State Natural Gas Corporation filed an application for a certificate of public convenience and necessity under Section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of 127 miles of 12¾-inch transmission pipe line extending from the terminus of Hope Natural Gas Company's proposed line in a northeasterly direction to a terminal point in Limestone Township, Clarion County, Pennsylvania (In the Matter of New York State Natural Gas Corporation, Docket No. G-508).

[1] Simultaneously with the filing of the application by New York State Natural Gas Corporation, Hope Natural Gas Company filed an application for a certificate of public convenience and necessity under Section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of 18 miles of 12¾-inch transmission pipe line extending from the latter's existing Hastings Compressor Station in Wetzel County, West Virginia, to a point of interconnection with New York State Natural Gas Corporation's proposed transmission line in Wetzel County, West Virginia. The application of Hope Natural Gas Company has been designated in the files of the Commission as In the Matter of Hope Natural Gas Company, Docket No. G-507.

[Docket Nos. G-484, G-499, and G-504]

CONSOLIDATED GAS UTILITIES CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

NOVEMBER 17, 1943.

Upon consideration of the following applications filed by the Consolidated Gas Utilities Corporation for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, and application pursuant to section 7 (b) of the Natural Gas Act for authorization to abandon a certain portion of its transmission facilities;

(a) Application filed July 15, 1943 (Docket No. G-484) for authority to construct and operate a compressor station complete with two new 400 horsepower gas engine driven compressors, 3 horizontal 250 horsepower units and other auxiliary compressor station equipment including structure and incidental equipment to be located near Twitty, Texas;

(b) Application filed September 10, 1943 (Docket No. G-499) for authority to construct and operate a 10¾ O. D. gas transmission pipe line approximately 5,600 feet in length and appurtenant facilities interconnecting its existing facilities near Blackwell, Oklahoma;

(c) Application filed October 28, 1943 (Docket No. G-504) seeking authority to construct and operate in Grant County, Oklahoma, an 8⅝ inch O. D. gas transmission pipe line approximately 2,985 feet in length to replace a 6⅝ inch O. D. gas transmission pipe line approximately 4,600 feet in length, and to abandon the latter line;

It appearing to the Commission that: Good cause exists for consolidating the above matters for purposes of hearing;

The Commission orders that:

(A) The proceedings in the above matters be and they are hereby consolidated for the purposes of hearing;

(B) A public hearing be held commencing on December 10, 1943, at 9:45 a. m. in District Court Room, Ninth Floor, U. S. Post Office and Court House, Oklahoma City, Oklahoma, respecting the matters involved and the issues presented in these proceedings;

(C) Interested State Commissions may participate in this hearing as provided in § 67.4 of the provisional rules of practice and regulations under the act.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-18738; Filed, November 22, 1943; 11:16 a. m.]

INTERSTATE COMMERCE COMMISSION.

UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 30th day of October, A. D. 1943.

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating revenue account 108½, "Protective service revenue—Perishable freight," for electric railways, and subsequent orders, finally changing the effective date to January 1, 1944.

It is ordered, That the effective date be changed to January 1, 1945.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-18679; Filed, November 20, 1943; 11:46 a. m.]

[S. O. 164, Special Permit 2]

COMMON CARRIERS BY RAILROAD

ORDER TO PROVIDE STANDARD REFRIGERATION

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration on car NWX 1417 containing 308 boxes of lemons and 249 boxes of Valencia oranges from Carlo Panno Fruit Company, Pico, California, consigned to Carlo Panno Fruit Company, Chicago, Illinois, diverted to Charles Abbate Company, Incorporated, Chicago, Illinois (UP-Council Bluffs, C&NW-Chicago)

To accord standard refrigeration on car PFE 13966, Navel oranges, shipped by Randolph Marketing Company, Porterville, California, November 12, 1943, consigned to Merkel Brothers, Chicago, Illinois. (SP-UP-CNW)

To accord standard refrigeration on car PFE 29925, Navel oranges, shipped by Randolph Marketing Company Porterville, California, November 13, 1943, consigned to Charles Abbate Company, Incorporated, Chicago, Illinois. (SP-UP-CB&Q)

To accord standard refrigeration on car SFRD 21295, Navel oranges, shipped by Randolph Marketing Company, Porterville, California, November 13, 1943, consigned to Merkel Brothers, Chicago, Illinois (SP-UP-CNW)

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of November, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-18734; Filed, November 22, 1943; 11:05 a. m.]

[S. O. 164, Gen. Permit 3]

COMMON CARRIERS BY RAILROAD

ORDER TO PROVIDE STANDARD REFRIGERATION

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with a mixed shipment of citrus fruit and vegetables originating at any point or points in the States of Arizona, California, Florida, or Texas, provided that the total of the percentages which the actual or estimated weight of each kind of citrus in the car bears to the carload minimum weight applicable in connection with the carload rate assessed on that commodity, is not more than fifty (50) percent.

The waybills shall show reference to this general permit.

This permit shall become effective at 12:01 AM, November 20, 1943.

General Permit No. 1 (8 F.R. 15015) of November 11, 1943, is hereby revoked, effective at 12:01 AM, November 20, 1943.

A copy of this general permit and revocation has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this general permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of November 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-18735; Filed, November 22, 1943; 11:05 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2323]

ALOISIE POTZLBERGER, ET AL.

In re: Real properties situated in Philadelphia, Pennsylvania, and a bank account owned by Aloisie Potzlberger, and others.

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 persons whose names, last known addresses and respective interests are as set forth in Exhibit B attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the persons named in Exhibit B attached hereto and by reference made a part hereof, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Four parcels of real property situated in the City of Philadelphia, County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;

b. All right, title, interest and claim of the persons whose names and respective interests are set forth in Exhibit B attached hereto and by reference made a part hereof, in and to a certain bank account in the Real Estate Trust Company, Philadelphia, Pennsylvania, which is due and owing to and held for and in the name of James J. Breen, Administrator of the Estate of Martha Hooley, deceased, 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 nationals of a designated enemy country (Germany);

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

And further 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 a designated enemy country (Germany).

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 October 5, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

FIRST PARCEL OF REAL ESTATE—PREMISES, 1416 NORTH 62ND STREET

All that certain lot or piece of ground with the buildings and improvements thereon erected, situate on the Westerly side of Sixty-second Street at the distance of One hundred and twenty-four feet two inches Northwardly from the Northerly side of Master Street in the Thirty-fourth Ward of the City of Philadelphia. Containing in front or breadth on the said Sixty-second Street Fifteen feet five inches and extending of that width in length or depth Westwardly between parallel lines at right angles to the said Sixty-second Street Fifty-nine feet six and one half inches to a certain Three feet wide alley leading Northwardly and Southwardly from Master Street to Media Street.

SECOND PARCEL OF REAL ESTATE—PREMISES, 6011 HAVERFORD AVENUE

All that certain lot or piece of ground with the two story brick store and dwelling thereon erected SITUATE in the Thirty-fourth Ward of the City of Philadelphia and described according to survey and Plan thereof made by Joseph Johnson Esquire, surveyor and regulator of the Eleventh Survey District on the Fifth day of January A. D. 1905, as follows to wit:

Beginning at a point on the Northeasterly side of Haverford Street at the distance of Seventy feet ten and three-eighths inches Northwestwardly from the Seven feet cut off formed by the intersection of the Northeasterly side of Haverford Street with the West side of Sixtieth Street and extending thence Northeastwardly on a line at right angles to said Haverford Street Forty-one feet Seven and three quarters inches to a point thence Eastward on a line at right angles to said Sixtieth Street Twenty-five feet ten and three-eighth inches to the West side of Sixtieth Street, thence Northward along same Twenty-five feet Six and three-quarter inches to the South side of a certain Three feet wide alley extending Eastward into said Sixtieth Street, thence Westward along the South side of said alley Twenty-six feet Eleven and three-eighths inches to a point thence Southwestwardly on a line at right angles to said Haverford Street Fifty-eight feet Six and one quarter inches to the Northeasterly side of said Haverford Street and thence Southeastwardly along same Nineteen feet two and three quarter inches to the first mentioned point and place of beginning.

THIRD PARCEL OF REAL ESTATE—PREMISES, 6015 HAVERFORD AVENUE

All that certain lot or piece of ground with the two-story brick store and dwelling thereon erected situate in the Thirty-fourth Ward of the City of Philadelphia, and described according to a Survey and Plan thereof made by Joseph Johnson, Esquire, Surveyor and Regulator of the Eleventh Survey District on the fifth day of January A. D. 1905, as follows to wit:

EXHIBIT A

In re: Real properties situated in Philadelphia, Pennsylvania, comprising the estate of Martha Hooley, deceased

Beginning at a point on the Northeasterly side of Haverford Street, at the distance of One hundred and Eight feet one and one-eighth inches Northwestwardly from the Seven feet cut off formed by the intersection of the Northeasterly side of said Haverford Street with the West side of said Sixtieth Street.

Containing in front or breadth on the said Haverford Street Fifteen feet and extending of that width in length or depth Northeastwardly between parallel lines at right angles to said Haverford Street Fifty-four feet and one quarter of an inch to a certain three feet wide alley extending Southeastwardly and Eastwardly into Sixtieth Street.

FOURTH PARCEL OF REAL ESTATE—PREMISES, 6017 HAVERFORD AVENUE

All that certain lot or piece of ground with the Messuage or tenement thereon erected Situate on the Northeasterly side of Haverford Street at the distance of One hundred and twenty-three feet, one and one eighth inches Northwestwardly from the Seven feet cut off formed by the intersection of the Northeasterly side of Haverford Street with the West side of Sixtieth Street in the Thirty-fourth Ward of the City of Philadelphia.

Containing in front or breadth on the said Haverford Street fifteen feet and extending of that width in length or depth Northeastwardly between parallel lines at right angles to said Haverford Street on the Northwesterly line thereof Sixty-eight feet, Four and three eighths inches and on the Southeasterly line thereof Fifty-four feet and one fourth of an inch to a certain Three feet wide alley leading Southwardly and Southeastwardly into another Three feet wide alley which leads Eastward into said Sixtieth Street and containing on the rear end thereof along said first mentioned alley Twenty-feet nine inches.

EXHIBIT B

NAMES AND RESIDENCES OF THE FOREIGN RELATIVES OF THE DECEDENT, MARTHA HOOLEY, AS FAR AS KNOWN

Aloisie Potzlberger, Vienna XVII, Haupstrasse 150, Austria, Germany, Aunt: 5/25 undivided interest in real property described in Exhibit A.

Johanna Pohlner, Braunseifen, Sudetengau, Germany, Aunt: 5/25 undivided interest in real property described in Exhibit A.

Franz Maywald, Braunseifen, District of Romerstadt, Sudetengau, Germany, Burgenheimgasse 12, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Hermine Palme, Bodenbach a/Elbe, Sudetengau, Schlachthofstrasse 682, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Emma Liebisch, Topkowitz-Kartitz, District Tetschen, Sudetengau, Gasthof zum Bahnof, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Stephanie Julfe, Audsiz a/Elbe, Sudetengau, Johannisgasse, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Marie Berger, Braunseifen, Sudetengau, Johannisgasse, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Franz Hadwiger, Braunseifen, Sudetengau, Spitalgasse 1, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Johann Hadwiger, Herzpagdorf near Romerstadt, Sudetengau, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Anna Winter, Pernik near Mahr Neustadt, Sudetengau, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Hedwig Polzer, Herzogsdorf near Romerstadt, Sudetengau, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Josef Hadwiger, Treppau, Schutzengasse, 18, Sudetengau, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Marie Meier, Altstadt Nr. 90, Sudetengau, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Franz Groger, Treppauadt, Irmsdorferstrasse 5, Sudetengau, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Adolph Groger, Troppau, Sudetengau, Backerei, Irrenanstalt, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Johanna Schneider, Vienna IX, Georg Seigelstrasse 12/17 Ostmark, Austria, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

Anna Rotter, Neu-Vogelseifen Nr. 4, Sudetengau, Germany, First Cousin: 1/25 undivided interest in real property described in Exhibit A.

[F. R. Doc. 43-18700; Filed, November 22, 1943; 10:35 a. m.]

[Vesting Order 2532]

MATHIAS KOHLER, ET AL.

In re: Real property in Andover Township, New Jersey, formerly owned by German American Bund Auxiliary, but now held in the name of Mathias Kohler and others.

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

1. Finding that the German American Bund Auxiliary, a corporation organized under the laws of the State of New Jersey, was the owner of the property described in paragraph 10 hereof until June 2, 1941;

2. Finding that the Germany American Bund Auxiliary was a subsidiary of the German American Bund;

3. Finding that the property described in paragraph 10 hereof was used by the German American Bund and the German American Bund Auxiliary as a camp and as a place of assemblage where the subversive activities of the said organizations were furthered;

4. Finding that on June 2, 1941, the German American Bund Auxiliary conveyed the property described in paragraph 10 hereof to the persons named in Exhibit B, attached hereof and by reference made a part hereof;

5. Finding that at the time of the said conveyance the vast majority of the persons described in Exhibit B were members of the German American Bund as well as holders of certificates of indebtedness of the German American Bund Auxiliary;

6. Finding that the said transfer of the property described in paragraph 10 hereof was made for the purpose of circumventing the effect of legislation then pending to dissolve the German American Bund Auxiliary and terminate its activities;

7. Finding that the person named in Exhibit B, shortly after the transfer of the property described in paragraph 10 hereof to them, formed a voluntary unincorporated association known as the Nordland Home Owners Association in order to continue the use of the said property in the same manner as it had theretofore been used by the German American Bund Auxiliary;

8. Finding that the transfer of the property described in paragraph 10 hereof and the formation of the voluntary unincorporated association were the means employed by the persons named in Exhibit B in an attempt to continue the use of the said property in furtherance of the activities of the German American Bund and its subsidiary, the German American Bund Auxiliary;

9. Finding that the persons named in Exhibit B, attached hereto and by reference made a part hereof, are acting or purporting to act, directly or indirectly, for the benefit or on behalf of a national of a designated enemy country (Germany);

10. Finding that the property described as follows:

a. Real property situated in Sussex County, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. Real property situated in Sussex County, New Jersey, particularly described in Exhibit C, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

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

11. Determining that, to the extent they are the owners of record of the property described in paragraph 10 hereof, the persons named in Exhibit B are controlled by and are acting for and on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country and therefore are nationals of a designated enemy country (Germany);

12. Determining that to the extent that such nationals are persons not within a designated enemy country and to the extent that they are the owners of record of the property described in paragraph 10 hereof, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

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

Hereby vests in the Alien Property Custodian the property described in paragraph 10 hereof, 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 November 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot, tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Township of Andover, in the County of Sussex, and State of New Jersey, bounded and described as follows:

First tract. Beginning at a large white oak tree, a corner of Albert Puder's land and of the John I. Ayers property and is about six chains and a half northwest from Struble's Pond and runs from thence as the needle now points (1) north thirty-nine and three-quarter degrees east twelve chains and fifty links to a heap of stones (2) north seventeen and three quarter degrees east sixteen chains to a heap of stones on a flat (3) north thirty-nine degrees east eleven chains and seventy-seven links to a stake and stones near a maple tree (4) north three and three-quarter degrees east two chains and eighty links to a corner in stone fence on the top of a high ledge of rocks (5) north thirty-seven and a quarter degrees east three chains and ninety-five links to a corner in a field (6) north sixty degrees and tweny-five minutes east eighteen chains and ninety-two links to a small hickory and stones near a road (7) south forty-nine and a quarter degrees east one chain and forty-six links to the middle of said road thence along said road the next seven courses and distances (8) south four and a quarter degrees east two chains and forty-two links (9) south ten and a half degrees east six chains and thirty links (10) south eight degrees east five chains and thirty-eight links to a corner in said road at the head of the lane leading to Titman's cheese factory (11) south thirty-nine degrees west three chains and twenty-three links (12) south five degrees east one chain and thirty-nine links (13) south thirty-four degrees east five chains and fifty links (14) south one degree west one chain and thirteen links to a corner in said road on side hill then leaving said road (15) south twenty-six and a quarter degrees east crossing about forty yards above the bridge at the outlet of Hall's pond, three chains and ninety-eight links to a heap of stones on the south side of said pond and near the edge of the water (16) south sixty-four and three-quarter degrees west nine chains and ten links to a maple tree a corner of Simeon Struble's land (17) south fifty-three and a quarter degrees west ten chains and forty links, stake another of Struble's corners (18) south fifty-eight degrees west eighteen chains to a heap of stones also a corner of said Struble's land (19) south thirty-nine degrees west three chains and twelve links to a stake at the edge of the first mentioned pond (20) south sixty and three-quarter degrees west eight chains and sixty-nine links to another corner at the edge of said pond on the southwestside of a stone fence (21) north thirty-nine and a half degrees west six chains and thirty links to the place of beginning, and contains one hundred and two acres and eighty-one-hundredths of an acre.

Out of the same is to be deducted a tract of forty-eight one-hundredths of an acre conveyed by James Iliff and wife to the Pequest and Wallkill Railroad Company be deed bearing date June 2, 1887, and recorded in Sussex County Clerk's office in Book L-7 of Deeds, pages 97 etc. Together with all rights and privileges reserved or granted to said James Iliff by said Railroad Company.

Being the same lands and premises conveyed to William Iliff by Deed from Caleb Swayze et als., by deed dated March 26, 1890 and recorded in Sussex County Clerk's office in Book N-8 of Deeds, page 65.

Second tract. Being a lot situate at the North end of Iliff's Lake, beginning at a corner on the North side of said Lake and runs from thence (1) South seventy-two degrees and forty-five minutes East, three chains and thirteen links in the swamp; (2) South eighty-eight degrees east two chains and eighty-five links; (3) South twenty-nine degrees East two chains and ninety-eight links to a point in a line of the Hardin farm fifty links South sixty-four and one-half degrees West from a stone set for a corner of the Hardin farm (4) South sixty-four degrees and thirty minutes West six chains and eight links to a corner in Hardin's line in the lake; thence (5) North sixteen degrees and thirty minutes West six chains and forty-four links to the place of beginning; containing two acres and fifty hundredths of an acre of land, most covered by the waters of Iliff's Lake.

Being the same lands and premises conveyed to William Iliff by Lewis S. Iliff and Lucy E. Iliff, and others, by deed dated March 7, 1913 and recorded in Sussex County Clerk's Office in Book C-11 of Deeds, on pages 51 etc.

Excepting and reserving out of the above described premises the following premises:

1. A tract containing approximately two acres having been conveyed by William Iliff and Anna A. Iliff, his wife, to Frank House by deed bearing date December 24, 1891 and recorded in Sussex County Clerk's Office in Book N-8 of Deeds for said County, on pages 419 etc.

2. A tract containing one acre and sixteen one-hundredths of an acre, having been conveyed by William Iliff and Annie A. Iliff, his wife, to John Ayers by deed dated August 8, 1893 and recorded in Sussex County Clerk's Office in Book W-8 of Deeds for said County, on pages 163 etc.

3. A tract containing approximately three acres having been conveyed by William Iliff and Anna A. Iliff, his wife, to James L. Lawrenson by deed dated January 12, 1894 and recorded in Sussex County Clerk's Office in Book X-8 of deeds, page 225.

4. A tract of land conveyed by William Iliff and Anna A. Iliff, his wife, to Alexander H. Young by deed dated July 23, 1906 and recorded in Sussex County Clerk's Office in Book G-10 of Deeds, page 289.

5. Certain rights and privileges conveyed to The N. J. Power and Light Company by deed from William Iliff recorded May 4, 1920 in Sussex County Clerk's Office in Book X-11 of Deeds, pages 233.

6. Certain rights and privileges conveyed to the Newton Electric and Gas Company by deed dated May 13, 1921 and recorded in Sussex County Clerk's Office in Book B-12 of Deeds, pages 148.

Being the same premises of which William Iliff on February 4, 1923, died seized intestate, leaving him surviving his widow Anna A. Iliff and one daughter, Nellie I. Cuff (now the said Nellie I. Morrison). The said Ann A. Iliff died intestate March 12, 1926, leaving the said Nellie I. Cuff Morrison sole heir to said premises.

Being the same premises conveyed by Nellie I. Morrison and husband to the German American Bund Auxiliary Inc., dated April 16, 1937, received in the Clerk's Office of the County of Sussex, State of New Jersey, on the 30th day of April 1937 and recorded in Book 335 of Deeds for said County, on pages 351 &c.

Together with all and singular, the houses, buildings, trees, ways, waters, profits, privileges and advantages, with the appurtenances to the same belonging or in anywise appertaining.

EXHIBIT B

Mathias Kohler, Herman von Busch, Paul Hulsel, Gotthilf Haag, Konrad Schoen, Korbinian Nottensteiner, Franz Bojes, Carl H. Ehlers, Hans Genz, Robert Grober, Reinhold Gundlach, Hermann Hutten, Ernst Jaegel, Frank Krause, Arno Rossberg, Ignatz Weinperl, John Willig, Hermann Wimmer, George Pfeiffer, Erich Haug, Ernst O. Meyer, Paul Sahler, Mrs. Anna M. Kohl, Fred Sayle, Henry Bartels, Hermann Bronner, E. Horn, Gottlieb Woehrle, Henry Nies, Karl Rist, Wm. Zeh, Felix Then, Fr. Vossler, Wilhelm Rehm, Philip Gropp, R. Lamm, Jakob Beyer, Fred Berger, Fred. Fischer, Henry Grunder, Henry Siebert, Karl Kaiser, Walter Brandenburg, Wilhelm Breidenbach, Elisabeth Feustel, Walter Guenther, Anna Hoefgen, Hans Hoefgen, Wilhelm Raabe, Paul Schaarschmidt, Carl Wagner, Willi Ahlf, Fritz Brueckner, Mrs. Emma Dusterbeck, Willy Franzen, Max Heimsath, Bruno Koop, Mrs. Helen Koop, August Klapprott, Joseph Miller, Rudolf Koechner, Hermann Lucht, George Neupert, Martin Chirstoph, Mrs. Emma Neupert, Hermann Orth, Mrs. Lina Otto, William Otto, Herman Peymann, Willy Piepho, Emil Pollmann, Mrs.

Matilda Pollmann, Paul Pollmann, Gustav Rehbein, William Schmidt, Mrs. Louise Schneider, Albert Seidel, Hans Voos, Ernst Walther, Mrs. Grace Walther, Paul Walther, Hans Sass, Rudolf Scheerer, John C. Fitting, August Sommer, Ferdinand Geldbach, Mrs. Anna Zschaeck, Albert Baumeister, Sophie Zeunert, Hans Mattfeld, Alfred Stark, Dr. Franz Kastler, Paul Schaarschmidt; Jos. Zimmermann, Carl E. Kathe, A. J. Schlosser, Gustav Grupp, Anton Renz, Andreas Kather, Mrs. Ottilie Blaschke, Max Vogel, Alfonse Wirth, Albert Baumeister, Rudi Scheerer, Otto Hacker, Philip Hauck, Mrs. Emilie Richter, Jakob Bever, George Neupert, Karl Bremer, Mrs. Willy Luedtke, Carl Schiphorst, Adolf Goeckler, Willi Orth, Mathilde Eldner, Hans Eldner, Hermann Orth, Walter Pollmann, Gotthilf Haag, Hermann von Busch, G. M. Wilfert Jr., Anna Wilfert, Max Wilfert, William Pfleghar, Magda Albers, Gerhardt Spieler, Alfred Stark, August Schlosser, Richard Schiele, Carl Heim, Ernst Schlenker, Max Albers, Kurt Holz, Wilhelm Henkel, Jakob Beyer, C. F. Schmauk, Oskar Giess, Minna Schubert, Andreas Kather, Fritz Haussler, Edwin Schenkenberger, August Krueger, Karl Basedow, Ferdinand Hoerling, Caroline Kunze, Mrs. Clara Franzen, Karl I. Renz, August Sommer, Christ Matthes, H. Dittrich, Heinrich Hinsch, Louis Obkircher, Fred Bluender, Peter Dudzinsky, Peter Dudzinsky, Hermann v. Busch, Mrs. L. Wilhelm, Erich Englert, Mrs. Louise Mathias, Mrs. Bertha Scott, Oscar J. Keller, Mrs. Helen Barone, Mrs. Elizabeth Delia, William Drexler, Ludwig Wild, William J. Klotz, Joseph Sprauer, Albert Winterberg, Richard Boog, Wilhelm Sauer, Martin Christoph, Frida Huppenbauer, George W. Stolze, Albert Hornberger, August Holfelder, Mrs. Hilda Schwarmann, Mrs. Rosa Roser, Louis Stecker, Emil Pfeister, Victoria Willenberg, Mrs. Helen Welsser, Johanna Hoefgen, Fritz Bessler, Agnes Koch, Heinz Ehret, Guenther Ehret, Eddie Mathie, Mrs. Adelheid, John Sinhoff, Edward Schmidt, Richard Lechelt, Mrs. M. Schubert, Mrs. Lina Wilhelm, Mrs. Wilhelmine Marquardt, Franz Kastler, Wilhelm Schrader, William Molan, Ernst Joachim, Fritz Galle, Charles Arno, Carl Leptig, Joseph T. Bergmeyer, Christ Matthes, John Robert Behmer, Richard Oest, Mrs. Anna Matthes, Guido Hoernig, Mrs. Emmy Matthiae, Oskar Srentin, Walther Guenther, Mrs. Hilda Schwarmann, Therese Stickel, Conrad Stadlmayr, Mrs. Clara Woest, William Bentz, Robert Bischoff, Hugo Brand, Mrs. Emma Neupert, Mrs. Franke.

EXHIBIT C

All that lot, tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Township of Andover, in the County of Sussex and State of New Jersey, as follows, to wit:—

Beginning at a stake on the north side of the road known as the Lake Road, running from Andover to Newton, said stake being distant four feet west from a cedar tree, from thence running (1) North twenty-two degrees thirty five minutes West and crossing the Pond known as Iliff's Pond, two hundred and seventy seven feet and fifty one one hundredths of a foot to a point in the center line of said road; thence along the center line of said road the nine following courses and distances—

(1) North thirteen degrees forty seven minutes East, thirteen feet and fifty four one hundredths of a foot; (2) North five degrees forty nine minutes West, fifty eight feet and seventy five one hundredths of a foot; (3) North thirty degrees nine minutes West, three hundred and thirty four feet and five one hundredths of a foot; (4) North ten degrees twenty six minutes West, seventy six feet and sixty four one hundredths of a foot; (5) North twenty three degrees thirty minutes East, seventy five and six one hundredths of a foot; (6) North forty seven degrees twenty nine minutes East, one hundred and fifty one feet and eighty one hundredths of a foot; (7) North three degrees thirty eight minutes West, three hundred and thirty eight feet and fifty three one hundredths of a foot; (8) North six degrees forty four minutes West, four hundred and fifteen feet and eighty one hundredths of a foot; (9) North two degrees forty eight minutes West, one hundred and fifty nine feet and seventy two one hundredths of a foot to a stake and corner; running thence south forty nine and one quarter degrees east, forty five feet and fifty four one hundredths of a foot more or less to a point and corner; running thence north sixty three degrees thirty two minutes east, and partly along the line of now or formerly Matilda and Delphina Onsted, nine hundred and sixty six feet and ninety one hundredths of a foot to a stake and stone heap near a blaze butternut tree and corner of now or formerly Robert Washer's land; thence along his line the following eight courses and distances—(1) south fifty two degrees thirty two minutes east, two hundred and four feet and ninety seven one hundredths of a foot to a stake and stone heap; (2) North forty nine degrees thirteen minutes east, two hundred and thirty one feet to a stake and stone heap; (3) North sixty five degrees ten minutes east, one hundred and fifty four feet and fifty six one hundredths of a foot to a stake and stone heap; (4) South fifty six degrees two minutes east, two hundred and forty eight feet and thirty one one hundredths of a foot to a stake and stone heap; (5) North fifty two degrees fifty nine minutes east, one hundred and ninety eight feet to a stone heap on the ledge of rocks; (6) North fifty nine degrees two minutes East, four hundred and thirty one feet and eighty five one hundreds of a foot to an old stone heap on ledge of rocks; (7) North forty five degrees fifty three minutes East, one hundred and ninety two feet and fifty three one hundredths of a foot to a stake and stone heap; (8) North twenty three degrees thirty one minutes east, two hundred and eighty nine feet and ninety three one hundredths of a foot to a stake and stone heap in line of land belonging to now or formerly Emma Hooey; thence running along her line south fifty three degrees eight minutes east, one hundred and eighty six feet and thirteen one hundredths of a foot to an oldstone; thence south thirty one degrees thirty seven minutes east, along now or formerly said Hooey's line and line of lands now or formerly of William Iliff, seven hundred and three feet and fifty six one hundredths of a foot, to a stone by a brook, and corner of land now or formerly of the estate of Mary Bellis; thence along now or formerly her line south forty-five degrees thirty two minutes west, thirteen hundred and seventy feet and fifty three one hundredths of a foot to a stake near the edge of Iliff's Pond, and corner of now or formerly William Iliff's land; thence along line of now or formerly said Iliff's land, south seventeen degrees thirteen minutes east, four hundred and twenty five feet and four one hundredths of a foot to a corner in said pond; thence North sixty five degrees fifty five minutes east, four hundred and one feet and twenty eight one hundredths of a foot to the edge of said pond; thence in a general southerly and westerly direction and along the edge of said Pond at high water mark twenty three hundred and ninety feet more or less to the northeasterly side of the first above mentioned road; thence along the northeasterly side of said road in a general northwesterly direction five hundred and ninety feet more or less to the point or place of beginning.

Excepting and reserving therefrom a tract of land containing six acres and twenty one thousandths of an acre, conveyed by George O. Onsted and Julia A., his wife, to the Pequest and Walkill Railroad Company be deed dated May 23, 1881 and recorded April 22, 1882 in Book N-7 of Deeds for Sussex County on page 289;

Said premises containing, exclusive of the land conveyed to the Pequest and Walkill Railroad Company 108.004 acres more or less.

Being the same premises conveyed to the party of the First Part by Claude E. Paddock, Sheriff of the County of Sussex, by deed dated June 21, 1934 and recorded in the Sussex County Clerk's Office in Book 340 of Deeds on pages 259 etc.

The aforesaid premises are conveyed subject to the public easement in the highway running along said premises and to such boating, fishing, and bathing rights in and on Lake Iliff as may be outstanding by virtue of prior grants and use,

Together with all and singular the houses, buildings, trees, ways, waters, profits, privileges, and advantages, with the appurtenances to the same belonging or in anywise appertaining:

[F. R. Doc. 43-18701; Filed, November 22, 1943; 10:35 a. m.]

[Vesting Order 2568]

MARY MOLDOVANYI

In re: Estate of Mary Moldovanyi, deceased; File D-34-51 E.T. sec. 252.

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 Emma Regenthal, Executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Joseph Moldovanyi, Hungary.
Edward Moldovanyi, Hungary.
Mary Moldovanyi, Hungary.
Katharina Moldovanyi, Hungary.
Ilona Moldovanyi, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Joseph Moldovanyi, Edward Moldovanyi, Mary Moldovanyi, Katharina Moldovanyi, and Ilona Moldvanyi and each of them in and to the Estate of Mary Moldovanyi, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18702; Filed, November 22, 1943; 10:35 a. m.]

[Vesting Order 2569]

JOHN MUNCH

In re: Trust under the will of John Munch, deceased; File D-66-740; E. T. sec. 4417.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Title Guarantee & Trust Company, New York, New York, trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Erica Munch Stahmer and her issue whose names are unknown, Germany.
Alice Munch and her issue whose names are unknown, Germany.
Richard Munch, Germany.
Beta Munch, Germany.
Max Rollenhagen, Germany.
Lena Rollenhagen, Germany.
Paul Lehman, Germany.
Anna Lehman, Germany.
George Richter, Germany.
Marie Richter, Germany.
Carl Rinker, Germany.
Emilie Rinker, Germany.

And determining that

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Erica Munch Stahmer and her issue, Alice Munch and her issue, Richard Munch, Beta Munch, Max Rollenhagen, Lena Rollenhagen, Paul Lehman, Anna Lehman, George Richter, Marie Richter, Carl Richter, and Emilie Rinker, and each of them, in and to the trust established under the will of John Munch, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18703; Filed, November 22, 1943; 10:35 a. m.]

[Vesting Order 2570]

PETER FRIEDRICH PETERSON

In re: Estate of Peter Friedrich Peterson, also known as Peter F. Petersen, Peter F. Peterson and P. F. Peterson, deceased; File D-28-3925; E. T. sec. 6783.

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 Jens P. Lorenzen, Administrator with the Will Annexed, 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, Germany; namely,

National and Last Known Address

Florine Paulsen, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Florine Paulsen, in and to the Estate of Peter Friedrich Peterson, also known as Peter F. Petersen, Peter F. Peterson and P. F. Peterson, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18704; Filed, November 22, 1943; 10:35 a. m.]

[Vesting Order 2571]

ROSALIE REINHART

In re: Estate of Rosalie Reinhart, deceased; File D-28-2383; E. T. sec. 3897.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Anglo California National Bank of San Francisco and Siegmund Hertzmann, Co-executors, 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, Germany, namely:

Nationals and Last Known Address

Fritz Acker, Germany.
Marianna Schopflocher, also known as Mariana Loeb de Schopflocher, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fritz Acker

and Marianna Schopflocher, also known as Mariana Loeb de Schopflocher, and each of them, in and to the Estate of Rosalie Reinhart, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18705; Filed, November 22, 1943; 10:35 a. m.]

[Vesting Order 2572]

CHRISTIANA ELIZABETH ROGNER

In re: Estate of Christiana Elizabeth Rogner, deceased; File No. D-28-4193; E. T. sec. 7225.

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 Glen Cove Trust Company, Administrator, acting under the judicial supervision of the Surrogate's Court of Nassau County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Freise, Germany.
Karl Hammer, Germany.
Lina Heuzeroth, Germany.
Berta Baumann, Germany.
Otto Hammer, Germany.
Emilie Schmidt, Germany.
Wilhelmina Huter, Germany.
Elisa Wagner, Germany.
Katharina Wagner, Germany.
Luisa Bechdolf, Germany.
Anna Bottcher, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Heinrich Freise, Karl Hammer, Lina Heuzeroth, Berta Baumann, Otto Hammer, Emilie Schmidt, Wilhelmina Huter, Elisa Wagner, Katharina Wagner, Luisa Bechdolf, and Anna Bottcher, and each of them in and to the Estate of Christiana Elizabeth Rogner, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18706; Filed, November 22, 1943; 10:36 a. m.]

[Vesting Order 2573]

CARL HEINRICH SCHROEDER

In re: Estate of Carl Heinrich Schroeder, deceased; File D-28-2444; E. T. sec. 3458.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Davenport Bank and Trust Company, Davenport Bank Building, Davenport, Iowa, Administrator with the will annexed, acting under the judicial supervision of the District Court of the State of Iowa, in and for the County of Scott;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Rohlf Rathje, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash in the sum of $524.45 in the hands of the Davenport Bank and Trust Company, Administrator with the will annexed of the estate of Carl Heinrich Schroeder, deceased, which cash is held for distribution for the benefit of Rohlf Rathje in accordance with the terms of paragraph 5 of the will of the 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18707; Filed, November 22, 1943; 10:36 a. m.]

[Vesting Order 2574]

LOUIS STEGMILLER

In re: Matter of Estate of Louis Stegmiller, deceased; File D-28-1603; E. T. sec. 422.

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 William S. Turner and Keith J. Sheckler, care of The Northern Trust Company, 50 South La Salle Street, Chicago, Illinois, Trustees, acting under the supervision of the Probate Court for the County of Delta, State of Michigan;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Jacob Marquart, Germany.
Mrs. Klothilde Weng, Germany.

Mrs. Anna Marquart, Germany.
Mrs. Franciska Frey, Germany.
Miss Aloisia Marquart, Germany.
Mrs. Theresia Quarterleiter, Germany.
Fidel Marquart, Germany.
Sofie Hofle, Germany.
Aloys Marquart, Germany.
Alfons Marquart, Germany.
Hildegard Marquart Riegelsberger, Germany.
Marie Marquart, Germany.
Agnes Marquart, Germany.
Rita Marquart, Germany.
Elizabeth Marquart, Germany.
Anna Marquart, Germany.
Pia Marquart, Germany.
Zenta Stegmiller Blessing, Germany.
And the issue of each of them, Germany,

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) Cash in the hands of William S. Turner and Keith J. Sheckler as trustees and The Northern Trust Company as depositary in the sum of—

$18,726.44 distributable and payable to Jacob Marquart.
$3,121.07 distributable and payable to Mrs. Klothilde Weng.
$3,121.07 distributable and payable to Mrs. Anna Marquart.
$3,121.08 distributable and payable to Mrs. Franciska Frey.
$3,121.07 distributable and payable to Miss Aloisia Marquart.
$3,121.08 distributable and payable to Mrs. Theresia Quarterleiter.
$3,121.08 distributable and payable to Fidel Marquart.
$1,872.65 distributable and payable to Sofie Hofle.
$1,872.65 distributable and payable to Aloys Marquart.
$1,872.65 distributable and payable to Alfons Marquart.
$1,872.65 distributable and payable to Hildegard Marquart Riegelsberger.
$1,872.64 distributable and payable to Marie Marquart.
$1,872.64 distributable and payable to Agnes Marquart.
$1,872.64 distributable and payable to Rita Marquart.
$1,872.64 distributable and payable to Elizabeth Marquart.
$1,872.64 distributable and payable to Anna Marquart.
$1,872.64 distributable and payable to Pia Marquart, and
$18,726.45 distributable and payable to Zenta Stegmiller Blessing.

representing income of said Trust accrued and unpaid.

(b) All right, title and interest of the designated nationals, Jacob Marquart, Mrs. Klothilde Weng, Mrs. Anna Marquart, Mrs. Franciska Frey, Miss Aloisia Marquart, Mrs. Theresia Quarterleiter, Fidel Marquart, Sofie Hofle, Aloys Marquart, Alfons Marquart, Hildegard Marquart Riegelsberger, Marie Marquart, Agnes Marquart, Rita Marquart, Elizabeth Marquart, Anna Marquart, Pia Marquart and Zenta Stegmiller Blessing and the issue of each of them in and to the estate of Louis Stegmiller, deceased, and in and to the trust estate created under the Will of Louis Stegmiller, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18708; Filed, November 22, 1943; 10:36 a. m.]

[Vesting Order 2575]

BEN F. STERNHEIM

In re: Trust created under the will of Ben F. Sternheim, also known as Benjamin F. Sternheim, and as B. F. Sternheim, deceased; File D-28-2612; E. T. sec. 5354.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Wells Fargo Bank & Union Trust Company, Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Julius Fleischer, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Julius Fleischer, in and to the Trust created under the will of Ben F. Sternheim, also known as Benjamin F. Sternheim, and as B. F. Sternheim, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18709; Filed, November 22, 1943; 10:36 a. m.]

[Vesting Order 2576]

MARIA LETTO VARISCO

In re: Estate of Maria Letto Varisco, deceased; File D-38-914; E. T. sec. 7272.

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 E. E. Soulier and Joseph Montalbano, Executors, acting under the judicial supervision of the Fifteenth Judicial District Court, Parish of Lafayette, Louisiana;

(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

Domenica Leto or her heirs, 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 Domenica

Leto or her heirs in and to the estate of Maria Letto Varisco, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18710; Filed, November 22, 1943; 10:36 a. m.]

[Vesting Order 2577]

FERDINAND WILHELM VOWINCKEL

In re: Estate of Ferdinand Wilhelm Vowinckel, deceased; File D-28-2606; E. T. sec. 4074.

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 A. P. Black and Helen F. Rice, Executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany; namely,

Nationals and Last Known Address

Lina Vowinckel, Germany.
Wilhelm Huchzermeier, Germany.
Hans Huchzermeier, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lina Vowinckel, Wilhelm Huchzermeier and Hans Huchzermeier, and each of them, in and to the Estate of Ferdinand Wilhelm Vowinckel, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18711; Filed, November 22, 1943; 10:36 a. m.]

[Vesting Order 2578]

JOHN WALTER

In re: Estate of John Walter, deceased; File D-28-4045; E. T. sec. 7026.

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 Vernon Silvershield, Administrator with the Will Annexed, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Sonoma;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany; namely,

Nationals and Last Known Address

Ernest Walter and his children or grandchildren, Germany.
Julia Walter and her children or grandchildren, Germany.
Adam Walter and his children or grandchildren, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ernest Walter and his children or grandchildren, Julia Walter and her children or grandchildren, Adam Walter and his children or grandchildren, and each of them, in and to the estate of John Walter, deceased,

to be held, used, administered, liquidated, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18712; Filed, November 22, 1943; 10:36 a. m.]

[Vesting Order 2579]

JOHN WIEBE

In re: Estate of John Wiebe, deceased; File D-28-4183; E. T. sec. 7252.

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 Phil C. Katz, Administrator with the Will Annexed, 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, Germany; namely,

National and Last Known Address

Erna Sanfuchs geb: Klassen, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive

Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Erna Sandfuchs geb: Klassen, in and to the Estate of John Wiebe, 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: November 10, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18713; Filed, November 22, 1943; 10:37 a. m.]

[Vesting Order 2583]

HERMAN T. PLATE

In re: Trust under the will of Herman T. Plate, deceased; File D-28-7613; E. T. Sec. 8107.

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 Girard Trust Company, Substituted Trustee, acting under the judicial supervision of the Orphans Court, Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Sophie Kubel, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Sophie Kubel in and to the trust created under the will of Herman T. Plate, 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: November 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-18714; Filed, November 22, 1943; 10:37 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[ODT 20A, Supp. Order 43]

TAXICAB OPERATORS

COORDINATED OPERATIONS IN RENO, NEV., AREA

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 20 A (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 Reno, Nevada, 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 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 examinations 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, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Reno, Nevada, 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-43" and, unless otherwise directed, should be addressed to the Division of Local Transport, Office of Defense Transportation, Reno, Nevada.

8. This order shall become effective December 6, 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 22d day of November 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Robert A. Drake, Reno. Nev.
R. B. Adams, Reno, Nev.
R. M. Granger, Reno, Nev.
M. C. Stewart, Reno, Nev.
Hartly Upson, Reno Nev.
Joe Mendoza, Reno, Nev.

[F. R. Doc. 43-18733; Filed, November 22, 1943; 11:03 a. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Order 905 Under MPR 188]

PRESERV-A-TONE AND M & H BRUSH CLEANER

AUTHORIZATION OF MAXIMUM PRICES

Order No. 905 under §1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.158, *It is ordered:*

(a) The maximum prices for sales of Preserv-a-Tone shall be:

(1) *East of Rockies, excluding Texas:*

	Terms: 2%—10 days, net 30 days	
	Gallon jar	Quart jar
By M & H Laboratories, Chicago, Ill., f. o. b. factory	$0.39	$0.16
By distributors, delivered	.57	.23
By jobbers, delivered	.71	.29
By dealers	1.10	.45

(2) *West of Rockies and including Texas:*

	Terms: 2%—10 days, net 30 days	
	Gallon jar	Quart jar
By M & H Laboratories, Chicago, Ill., f. o. b. factory	$0.39	$0.16
By distributors, delivered	.66	.27
By jobbers, delivered	.82	.34
By dealers	1.25	.50

(b) The maximum prices for sales of M & H Brush Cleaner shall be:

(1) *East of Rockies, excluding Texas:*

	Terms: 2%—10 days, net 30 days		
	Gallon jar	Quart jar	Pint jar
By M & H Laboratories, Chicago, Ill., f. o. b. factory	$0.70	$0.23	$0.14
By distributors, delivered	.93	.31	.18
By jobbers, delivered	1.17	.39	.23
By dealers	1.80	.60	.35

(2) *West of Rockies and including Texas:*

	Terms: 2%—10 days, net 30 days		
	Gallon jar	Quart jar	Pint jar
By M & H Laboratories, Chicago, Ill., f. o. b. factory	$0.70	$0.23	$0.14
By distributors, delivered	1.05	.35	.20
By jobbers, delivered	1.30	.45	.28
By dealers	2.00	.65	.40

(c) *Containers.* No extra charge may be made for containers.

(d) *Definitions.* "Distributor" means a seller who purchases for resale primarily to persons other than dealers or consumers.

"Jobber" means a seller who purchases for resale primarily to dealers.

"Dealer" means a seller who purchases for resale primarily to consumers.

(e) *Notification and marking of maximum prices.* M & H Laboratories, Chicago, Illinois, shall include with each shipping unit of Preserv-a-Tone or M & H Brush Cleaner or of both for a period of three months from first outgoing shipment the following written notice:

The maximum prices for sales of Preserv-a-Tone and M & H Brush Cleaner are:

	Terms: 2%—10 days, net 30 days					
	East of Rockies, excluding Texas			West of Rockies and including Texas		
	Gallon jar	Quart jar	Pint jar	Gallon jar	Quart jar	Pint jar
By M & H Laboratories, f. o. b. factory:						
Preserv-a-Tone	$0.39	$0.16	----------	$0.39	$0.10	----------
M & H Brush Cleaner	.70	.23	$0.14	.70	.23	$0.14
By distributors, delivered:						
Preserv-a-Tone	.57	.23	----------	.66	.27	----------
M & H Brush Cleaner	.93	.31	.18	1.05	.35	.20
By jobbers, delivered:						
Preserv-a-Tone	.71	.29	----------	.82	.34	----------
M & H Brush Cleaner	1.17	.39	.23	1.30	.45	.23
By dealers:						
Preserv-a-Tone	1.10	.45	----------	1.25	.50	----------
M & H Brush Cleaner	1.80	.60	.35	2.00	.65	.40

No extra charge may be made for containers.

Distributor is a seller who purchases for resale primarily to other than dealers or consumers. Jobber is one who purchases for resale primarily to dealers. Dealer is one who purchases for resale primarily to consumers.

You are required by the Office of Price Administration to include with each shipping unit of Preserv-a-Tone or M & H Brush Cleaner or of both for a period of three months from your first outgoing shipment the following written notice:

The Office of Price Administration requires that all sellers except dealers shall include with each shipping unit of Preserv-a-Tone or M & H Brush Cleaner or of both for a period of three months from first outgoing shipment a notice identical to this notice including this as well as the next two paragraphs.

The maximum prices for sales of Preserv-a-Tone and M & H Brush Cleaner by dealers are:

	Terms: 2%—10 days, net 30 days					
	East of Rockies, excluding Texas			West of Rockies and including Texas		
	Gallon jar	Quart jar	Pint jar	Gallon jar	Quart jar	Pint jar
Preserv-a-Tone	$1.10	$0.45	----------	$1.25	$0.50	----------
M & H Brush Cleaner	1.80	.60	$0.35	2.00	.65	$0.40

No extra charge may be made for containers.

Dealer is one who purchases for resale primarily to consumers.

My maximum price for Preserv-a-Tone is _____
(insert applicable maximum price)

Your maximum price for Preserv-a-Tone is _____
(insert applicable maximum price)

My maximum price for M & H Cleaner is _____
(insert applicable maximum price)

Your maximum price for M & H Brush Cleaner is _____
(insert applicable maximum price)

This order shall become effective November 20, 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 19th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18650; Filed, November 19, 1943; 4:17 p. m.]

[Order 910 Under MPR 188]

MAXIMUM PRICES FOR CAST-IRON FIREPLACE GRATES

AUTHORIZATION OF MAXIMUM PRICES

Order No. 910 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register* and pursuant to the authority vested in the Price Administrator by Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered:*

(a) This Order No. 910 fixes maximum prices for sales of all types of cast-iron fireplace grates by manufacturers, jobbers, and retailers. It supersedes the provisions of Order No. 103, as amended, issued under § 1499.158 of Maximum

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

Price Regulation No. 188. In order to make allowance at wholesale and retail for freight costs, the country is divided into two zones, a western zone which includes the states of Washington, Oregon, Colorado, Idaho, Nevada, Utah, Arizona, Wyoming, California, New Mexico, and Texas, and an eastern zone consisting of the rest of the continental United States.

Listed below are the maximum prices for sales by manufacturers, wholesalers, and retailers. The grates are classified according to weight. Fractions or pounds are to be rounded up or down to the nearest pound in applying the table. The maximum prices listed below are subject to discounts, allowances, and terms no less favorable than those customarily granted by the seller.

Pounds	Factory to jobber	Factory to retailer	Eastern zone		Western zone	
			Wholesale	Retail	Wholesale	Retail
38-40	$3.90	$4.90	$5.15	$9.40	$6.20	$10.45
34-37	3.55	4.45	4.70	8.65	5.65	9.50
31-33	3.20	4.00	4.25	7.75	5.20	8.60
28-30	2.90	3.60	3.80	7.00	4.60	7.80
25-27	2.60	3.25	3.45	6.25	4.15	6.95
22-24	2.30	2.90	3.05	5.60	3.65	6.20
19-21	2.00	2.50	2.65	4.85	3.20	5.40
15-18	1.70	2.15	2.30	4.15	2.75	4.60
11-14	1.30	1.60	1.75	3.15	2.10	3.50
7-10	.90	1.10	1.20	2.15	1.45	2.40
3-6	.50	.60	.65	1.20	.80	1.35

(1) The prices listed under "factory to jobber" in the above table are maximum prices for sales by the manufacturer to wholesalers or jobbers. The price is f. o. b. factory.

(2) The prices listed under "factory to retailer" in the above table are maximum prices for sales by the manufacturer to retailers. The prices are f. o. b. factory.

(3) The prices listed under "wholesale price" in the above table are maximum prices for sales at wholesale by a person other than the manufacturer. The prices are f. o. b. seller's city.

(4) The prices listed under "retail price" in the above table are maximum prices for sales at retail.

(b) Before delivery to any purchaser for resale, the manufacturer shall attach to each grate a tag or label which plainly states the retail ceiling price of the grate effective in the area in which the purchaser is located. For example, a statement in the following form on a grate weighing 30 pounds shipped to a purchaser in the Eastern zone will be sufficient:

Eastern zone retail ceiling price $7.00
Selling price ..... -----

The tag or label shall not be detached until the grate has been delivered to the consumer. Wholesalers and retailers must tag the grates in their possession at the time of issuance of this order.

(c) At or prior to the first invoice to any purchaser for resale, the manufacturer shall notify each jobber and retailer and each jobber shall notify each retailer purchasing from him of the maximum prices set by this Order No. 910 for resale by the purchaser. This written notice may be given in any convenient form.

(d) Credit charges for the extension of credit may be added to the retail ceiling prices established by this regulation only to the extent permitted by this section.

(1) Sellers who in March 1942 collected a separately stated additional charge for the extension of credit on sales of fireplace grates or similar types of articles may collect a charge for the extension of credit on sales under this regulation, not exceeding such charge in March 1942 on a similar sale on similar terms to the same classs of purchaser. Sellers who did not so state and collect an additional charge may collect a charge for the extension of credit only on installment-plan sales; and the charge shall not exceed the separately stated additional charge collected for the extension of credit on a similar sale on similar terms to the same class of purchaser in March 1942 by the seller's closest competitor who made such a separately stated charge.

An installment-plan sale as used in the above paragraph means a sale where the unpaid balance is to be paid in installments over a period of either (1) six weeks or more from the date of sale in the case of weekly installments, or (2) eight weeks or more in the case of other than weekly installments.

(2) All charges for the extension of credit shall be quoted and stated separately. Any charge which is not quoted and stated separately or which otherwise does not conform to this section, shall, for the purposes of this regulation, be considered to be part of the price charged for the article sold.

(3) No seller may require as a condition of sale that the purchaser must buy on credit.

(e) This Order No. 910 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 910 shall become effective November 22, 1943.

Issued this 20th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18699; Filed, November 20, 1943; 9:40 p. m.]

Regional and District Office Orders.

[Region IV Order G-4 Under MPR 329]

FLUID MILK IN ATLANTA REGION

Order No. G-4 under Maximum Price Regulation No. 329. Purchases from producers for resale as fluid milk. Modification of certain prices in Region IV.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Atlanta Regional Office of the Office of Price Administration by § 1351.408 (b) and (c) of Maximum Price Regulation No. 329, as amended, it is hereby ordered:

(A) On and after November 15, 1943, regardless of any contract, agreement or other obligation, no purchaser, in the course of trade or business, shall buy or receive "milk" from any producer located in the states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia at a price higher than the maximum price permitted by this order. No person shall offer, solicit or attempt to do any of the foregoing. Lower prices may be paid or offered.

(B) The maximum price which a purchaser may pay for "milk" to a producer located in the states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia shall be the higher of the following:

(1) The maximum price established by the purchaser with respect to the particular producer for purchases of "milk" under the provisions of Maximum Price Regulation No. 329, or any supplementary or adjustment order of the Office of Price Administration in effect as of the effective date of this order or hereafter issued, or

(2) The maximum price determined as follows (subject to the provisions and limitations of section (C)):

Butterfat test basis

(1) Where the purchaser's maximum price to the producer under subsection (B) (1) is one established on the basis of butterfat test, then

(a) If the purchaser has an established retail home delivered price for approved fluid milk in quart glass containers which is specifically set out in the table in section (C), such purchaser may pay the maximum price set forth in the table opposite such specifically stated quart glass container price adjusted as provided in said subsection; or

(b) If the purchaser has himself no established retail home delivered maximum price for approved fluid milk in quart glass containers but the processing plant of the purchaser which buys the particular "milk" is located in a county (or in a municipality, if the maximum prices in such municipality differ from those in the county in which such municipality is included) where the quart glass container maximum retail price established by, and common to, the numerical majority of purchasers (who have such established prices) is a price

specifically set out in the table in section (C), such purchaser may pay the maximum price set forth in the table opposite such specifically stated quart glass container price adjusted as provided in said subsection; or

(c) If the purchaser cannot determine a maximum price under either (a) or (b) above because his established retail home delivered maximum price for approved fluid milk in quart glass containers, or that of the numerical majority of purchasers in the county (or in a municipality, if the maximum prices in such municipality differ from those in the county in which such municipality is included) where his processing plant is located, is not specifically set forth in the table in section (C), such purchaser may, in determining his maximum price under this subsection (B) (2), apply the butterfat content adjustment provisions of subsection (C) (2) to his maximum price for "milk" of 4% butterfat content established under subsection (B) (1).

(d) *Provided,* That any purchaser whose maximum price to the producer under subsection (B) (1) is one established on the basis of butterfat test and who has, with respect to that producer, a maximum basic test price established for "milk" of a higher basic test than 4%, may treat such maximum price as his maximum price for 4% "milk" and apply the butterfat content adjustment provision of subsection (C) (2) to such maximum base price.

Example: A purchaser who, under subsection (B) (1) has an established maximum price, for example, for 4.2% "milk" of $3.75 per cwt, and who customarily used 4.2% as his basic test with an established differential, for illustrative purposes, of 3¢ above or below this price for each one-tenth of one percent butterfat variation in test has the option of adopting this price of $3.75 as his maximum price for 4% basic test "milk" and may apply thereto the differential for each one-tenth of one percent of variation in butterfat test above or below that figure, as provided in subsection (C) (2).

Flat Basis

(ii) Where the purchaser's maximum price to the producer under subsection (B) (1) is one established without regard to butterfat test, that is, on a "flat" basis, then

(a) If the purchaser has an established retail home delivered price for approved fluid milk in quart glass containers which is specifically set out in the table in section (C), such purchaser may pay the maximum price set forth in the table opposite such specifically stated quart glass container price, treating the "milk" purchased as if it tested 4% butterfat, or

(b) If the purchaser has himself no established retail home delivered maximum price for approved fluid milk in quart glass containers but the processing plant of the purchaser which buys the particular "milk" is located in a county (or in a municipality, if the maximum prices in such municipality differ from those in the county in which such municipality is included) where the quart glass container maximum retail price established by, and common to, the numerical majority of purchasers (who have such established prices) is a price specifically set out in the table in section (C), such purchaser may pay the maximum price set forth opposite such specifically stated quart glass container price, treating the milk purchased as if it tested 4% butterfat.

(c) *Provided,* That any purchaser whose maximum price to the producer under subsection (B) (1) is one established without regard to butterfat test, that is, on a "flat" basis, who wishes to buy on the basis of butterfat test may, in determining his maximum price under this subsection (B) (2), apply the butterfat content adjustment provisions of subsection (C) (2) to his maximum flat basis price established under subsection (B) (1) or under this subsection (B) (2), treating such maximum flat basis price as if it were one established for "milk" of 4% butterfat content.

(iii) *Provided,* That: (a) No purchaser may establish a maximum price under this subsection (B) (2) which results in that purchaser paying a producer from whom he did not purchase "milk" during January 1943, a higher price than the maximum price permitted under this order to a purchaser of the same or most similar class who did purchase "milk" from such purchaser during January 1943.

(b) No purchaser may establish a maximum price under this subsection (B) (2) with respect to purchases from a producer who did not sell "milk" (for resale as fluid milk) during January 1943. The maximum price in any such case shall be determined by the Atlanta Regional Office of the Office of Price Administration, upon application by the purchaser.

(c) This subsection (B) (2) shall not be applicable to any purchaser who, during the month of September 1943, sold 40% or more of his "milk" at wholesale in bulk, that is, in other than glass or paper containers to buyers other than stores, hotels, restaurants and institutions.

(C) Alternative price table (1):

1 Retail home delivered maximum price in quart glass containers (cents)	2 Maximum price per cwt. 4% milk	3 Maximum price per gallon 4% milk	4 Maximum price per pound butterfat
18	$4.75	$0.408	$1.11
17½	4.58	.394	1.07
17	4.40	.378	1.03
16½	4.22	.363	.99
16	4.05	.348	.95½
15½	3.88	.334	.92
15	3.70	.318	.88
14½	3.52	.303	.84
14	3.35	.288	.80

(2) Where milk is purchased on a butterfat test basis and the butterfat test of the milk actually purchased is less than 4%, the maximum cwt and per gallon price set forth above shall be reduced by 5¢ per cwt and forty-three hundredths of one cent ($.0043) per gallon respectively for each one-tenth of one percent that such butterfat test is less than 4%, and where the butterfat test of the milk actually purchased is higher than 4%, the maximum cwt and per gallon price set forth above shall be increased by 5¢ per cwt and forty-three hundredths of one cent ($.0043) per gallon respectively for each one-tenth of one percent that such butterfat test is higher than 4%.

(3) All prices set forth in the above table are delivered prices and can be paid only if delivery is made to the particular processing plant of the purchaser for which the milk was purchased. If delivery is made at a point other than such plant, a reduction in price shall be made equivalent to the actual cost of handling and transportation from point of delivery to such plant.

(4) Any purchaser in determining an established retail home delivered maximum price for quart glass containers under Column 1 of the above table shall take as the proper price for purposes of calculation that price which is one-half cent below the actual determined price in any case where the purchaser's processing plant is located in a county wherein the established retail home delivered maximum price is higher than the established retail out-of-store maximum price.

(5) No purchaser may calculate his maximum price to a producer on a basis per pound of butterfat as set out in Column 4 of the above table unless during September, 1943, he paid such producer on a butterfat weight basis. A purchaser who did, during September, 1943, pay producers on a butterfat weight basis may, in calculating his prices under this section (C) establish same, with respect to any or all of those producers from whom he purchases, on a cwt or gallonage basis.

(6) "Purchaser", in addition to the definition set forth in Maximum Price Regulation No. 329, when applied to persons selling approved fluid milk from more than one processing plant, shall mean the particular plant for which the "milk" of the producer is purchased. In determining an established retail home delivered price for approved fluid milk in quart glass containers, each purchaser shall use that price applicable to sales in the county (or municipality, if the maximum prices in such municipality differ from those of the county in which such municipality is included) wherein the processing plant is located for which the "milk" of the producer is purchased.

(D) Nothing in this order shall be construed to adjust any maximum price of any purchaser below the required minimum fixed in any locality by any order, agreement or license issued pursuant to the provisions of the Agricultural Marketing Agreement Act as of 1937, as amended.

(E) Unless the context otherwise requires, all transactions subject to this order remain subject to all provisions of Maximum Price Regulation No. 329 together with all amendments, Supplementary Regulations and Orders which may

have been heretofore or may be hereafter issued.

(F) This order may be revoked, amended or corrected at any time.

(G) This order shall become effective November 15, 1943.

(H) General Orders Nos. 1, 2 and 3 under Maximum Price Regulation No. 329, issued April 20, 1943, June 10, 1943 and July 27, 1943 by the Atlanta Regional Office of the Office of Price Administration, and effective April 24, 1943, June 15, 1943 and July 31, 1943, respectively, are hereby revoked and superseded by the provisions of this Order No. G-4.

(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 November 12, 1943.

JAMES C. DERIEUX,
Regional Administrator.

Approved:

W. K. MCPHERSON,
(Acting) Regional Director, Food Distribution Administration.

[F. R. Doc. 43-18685; Filed, November 20, 1943; 12:38 p. m.]

[Region VII Order G-4 Under MPR 165, Amdt. 1]

LAUNDRY IN DENVER, COLO.

Order No. G-4 under Maximum Price Regulation No. 165, as Amended. Amendment No. 1. Adjustment establishing prices for minimum laundry bundles in Denver, Colorado.

Pursuant to the Emergency Price Control Act of 1942, as Amended, § 1499.114 (d) of Maximum Price Regulation No. 165, as Amended, and for the reasons set forth in an opinion issued simultaneously herewith, this Amendment No. 1 is issued.

1. Paragraph (b), *Action taken,* of Order No. G-4 under Maximum Price Regulation No. 165, as Amended, is hereby amended by inserting the word "power" between the words "all" and "laundries" in the second line thereof, thereby making the same read "all power laundries".

2. Paragraph (c), *Definitions,* of Order No. G-4 under Maximum Price Regulation No. 165, as Amended, is hereby amended by adding thereto a new subparagraph designated (6), to read as follows:

(6) "Power laundry" means any laundry which uses steam-driven machinery, such as washwheels, tumblers, and flatwork ironers, and does an annual volume of business equal to $5,000.00 or more.

Effective date. This amendment shall become effective on the 15th day of November 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 November 1943.

R. BATTERTON,
Acting Regional Administrator.

[F. R. Doc. 43-18686; Filed, November 20, 1943; 12:38 p. m.]

[Region VIII Order G-1 Under MPR 251]

CONSTRUCTION AND MAINTENANCE SERVICES, SALES OF BUILDING AND INDUSTRIAL EQUIPMENT IN SAN FRANCISCO REGION

Order No. G-1 under Maximum Price Regulation 251. Construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1397.68 (b) of Maximum Price Regulation 251, it is hereby ordered:

(a) Maximum prices for the sale of construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis established pursuant to Maximum Price Regulation No. 251 may be increased by an amount not in excess of the difference between labor cost computed on the basis of hourly rates in effect in the area of installation on July 1, 1942, and the hourly rates set forth in paragraph (b) below, upon the following conditions:

(1) The seller must have been a member of the Seattle Construction Council on March 1, 1943; or obtained authorization from the National War Labor Board pursuant to the filing of National War Labor Board Form 12-1 to pay the applicable rates herein specified.

(2) The seller must employ labor of the classification described in paragraph (b) hereof and such labor must be used in performing the job; and

(3) Work performed by the seller must be within the geographical area of King County, Washington, for the crafts listed in paragraph (b), except as otherwise stated for certain specified crafts whose jurisdictional areas are particularly set forth below.

Trade or craft (local unions)	*Applicable geographical area*
Asbestos Workers, Local No. 7	King, Kitsap, Snohomish, Skagit, and Whatcom Counties.
Bricklayers Local No. 2	King, Kitsap, Clallam and eastern half of Jefferson Counties.
Locals affiliated with the District Council of Carpenters, King County (with the exception of Pile Drivers and Bridge Builders Local No. 2396).	King and Kitsap Counties, eastern Washington as far as Coulee Dam.
Electrical Workers Union No. 46	King County and in Snohomish County north to Edmonds, and Bainbridge Island.
Iron Workers Local Union No. 86	King, Jefferson, Kittitas, and Yakima Counties; southern half of following counties: Clallam, Snohomish, Chelan, Island.
Marble and Terrazzo Workers Helpers Local Union.	King, Kitsap, Clallam, and eastern half of Jefferson Counties.
Roofers Local Union No. 54	King County; east one-half way from Seattle to Spokane; north one-half way from Seattle to Mt. Vernon; south all the way to Oregon, excluding Tacoma.
Sheet Metal Workers Local Union No. 99	King County, Port Angeles and vicinity.
Lathers Local Union No. 104	Most of King County, and Kitsap and Clallam Counties.

(b) *Classification of labor (trade or craft) and specified hourly rates.* The hourly rates set forth below opposite the classification of labor under the heading "Craft" are the maximum rates which may be used in determining a maximum price under paragraph (a) subject to the limitations therein set forth:

Craft	*Hourly rates*
Asbestos workers	$1.58
Boilermakers	1.63
Boilermakers' helpers	1.505
Brick & allied trades:	
Bricklayers	1.78
Marble Masons	1.68
Stone Masons	1.78
Tile setters	1.53
Terrazzo workers	1.53
Carpenters & allied trades:	
Carpenters	1.48
Floor layers	1.53
(Foremen $1.00 over scale.)	
Bridge, dock & wharf builders	1.53
Piledrivermen	1.53
Piledriver boommen	1.53
Piledriver foremen	1.83
Cement finishers (Foremen $1.00 over scale)	1.48
Bridge, viaduct & Grade crossings	1.505
Electrical workers	1.63
Electrical helpers	1.03
(Electrical foremen $1.00 over scale.)	
Elevator constructors, construction & repair work	$1.72
Elevator constructors, construction & repair helpers	1.204
Elevator constructors, maintenance men	1.55
Elevator constructors' helpers	1.085
Glass workers, inside	1.33
Glass workers, outside	1.43
Iron & steel trades:	
Bridge, structural, ornamental iron workers, riggers, machinery movers and sheeters	1.63
Reinforcing	1.48
(Iron & steel foremen $1.00 over scale minimum.)	
Laborers:	
Building laborers	1.03
Concrete & carpenters helpers	1.03
Jackhammer	1.18
Plasterers' hodcarriers	1.33
Bricklayers' mortarmen	1.33
Chimney & veneer work	1.33
Marble tile & terrazzo helpers	1.03
Base & floor machine men	1.13
Lathers:	
Metal	1.63
Wood	1.63
(Lathers' formen $1.00 over scale.)	
Painters (Foremen $1.00 over scale)	1.48
Structural steel & bridges	1.605
Sign Painters	1.78

Craft	*Hourly rates*
Plaster trades:	
Plasterers' (Foremen $1.00 over scale)	$1.78
Composition workers	1.53
Mastic floor layers	1.53
Casters	1.33
Modelers	1.93
Model makers	1.465
Plumbing & heating trades:	
Plumbers (Foremen $1.00 over scale)	1.68
Steamfitters	1.68
Roofers (Foremen $1.00 over scale)	1.48
Sheet metal workers	1.63
Shinglers	1.48
Side sewermen	1.43
Linoleum layers	1.33

(c) Any person determining maximum prices subject to this order G-1 shall submit such reports as the Office of Price Administration may from time to time require.

(d) This order may be revoked or amended at any time.

(e) This Order No. G-1 shall become effective the 22d day of November 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of November 1943.

LEO F. GENTNER,
Regional Administrator.

[F.R. Doc. 43-18688; Filed, November 20, 1943; 12:39 p. m.]

[Region VIII Order G-8 Under MPR 280]

MILK IN CALIFORNIA

Order No. G-8 under Maximum Price Regulation No. 280, as Amended. Maximum prices for specific food products. Sales of milk by handlers located in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.817 (a) of Maximum Price Regulation No. 280, as amended, it is hereby ordered:

(a) The maximum price at which any "handler" located in the state of California may sell fluid milk to another "handler" for resale for human consumption as fluid milk is established to be as follows:

(1) For all sales of milk (including skim milk), except as provided in subparagraphs (2) and (3) below, the maximum price shall be as follows:

(i) For such sales to purchasers who purchased from the particular "handler" during August, 1943, the maximum price shall be the highest price which the particular "handler" charged such purchaser during August, 1943.

(ii) For such sales to purchasers who did not purchase milk from the particular "handler" during August, 1943, the maximum price shall be the highest price which such "handler" charged any purchaser during August, 1943.

(2) For sales of raw whole milk f. o. b. a "handler's" plant located in any of the localities listed below, the maximum price shall be as follows:

Location of plant	Maximum price per pound milk fat		
	Under 3.7% milk fat	3.7% to 4.2% milk fat	Over 4.2% milk fat
Butte County	$0.955	$0.95	$0.945
Colusa County	.955	.95	.945
Contra Costa County	1.005	1.00	.995
El Dorado County	.965	.96	.955
Fresno County	.97	.965	.96
Glenn County	.955	.95	.945
Imperial County	1.065	1.06	1.055
Kern County	1.00	.995	.99
Kings County	.97	.965	.96
San Bernardino County	1.065	1.06	1.055
San Joaquin County	.975	.97	.965
San Luis Obispo County	.96	.955	.95
Santa Barbara County	.96	.955	.95
Santa Clara County	.985	.98	.975
Santa Cruz County	.955	.95	.945
Solano County	.985	.98	.975
Sonoma County	.98	.975	.97
Stanislaus County	.97	.965	.96
Sutter County	.955	.95	.945
Madera County	.97	.965	.96
Marin County	.98	.975	.97
Merced County	.97	.965	.96
Monterey County	.965	.96	.955
Napa County	.985	.98	.975
Nevada County	.965	.96	.955
Placer County	.965	.96	.955
Riverside County	1.065	1.06	1.055
Sacramento County	.975	.97	.965
San Benito County	.965	.96	.955
Tulare County	.97	.965	.96
Ventura County	1.065	1.06	1.055
Yolo County	.965	.96	.955
Yuba County	.955	.95	.945

(i) Where the "handler" supplies the milk cans in which the milk is delivered to the purchaser, the maximum price shall be the applicable price specified in paragraph (a) (2) above, plus one half cent per pound milk fat.

(3) For sales of whole milk delivered to the purchaser's plant by "handlers" whose plants are located in any of the localities listed in paragraph (a) (2) above, the maximum price shall be the applicable price as specified in paragraph (a) (2) above, plus a transportation charge computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the seller or the purchaser, the transportation charge shall be equal to the amount actually paid to the carrier for the transportation service.

(ii) Where the milk is transported by means of facilities operated or controlled by the seller, the transportation charge shall be a sum equal to the lowest available common or contract carrier rate from the location of the seller's plant to the purchaser's plant.

(b) *Definitions.* (1) "Fluid milk" means liquid cows' milk meeting the minimum health and sanitary requirements specified by state and local health agencies, which is purchased for resale for human consumption as fluid milk.

(2) "Handler" means any person who, on his own behalf or on behalf of others, purchases fluid milk from producers, associations of producers, or other handlers, and who sells such fluid milk at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants and institutions.

(3) A "producer" is also a handler with respect to that fluid milk purchased by him from other producers, associations of producers, or other handlers, which fluid milk is sold by him at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants, and institutions.

(4) A "farmers' cooperative" is also a handler with respect to that fluid milk processed for it by operators of milk receiving or processing plants, and with respect to that fluid milk handled in physical facilities for receiving, processing or distributing fluid milk which are owned or leased by the cooperative, which fluid milk is sold by it at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants, and institutions.

(c) *Evasion.* The price limitations of this order shall not be evaded by direct or indirect methods, by means of, or in connection with, any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to milk, alone or in conjunction with any other commodities, or by way of, or in connection with, any commission, service, transportation, or other charge or discount, premiums, or privilege, tying agreement, trade understanding, or change in any business trade practice.

(d) *Enforcement.* Purchasers violating any provision of this order are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspensions of licenses provided by the Emergency Price Control Act of 1942, as amended.

(e) Order No. G-6 under Maximum Price Regulation No. 280 is hereby revoked, effective November 22, 1943.

(f) This order may be revoked, amended or corrected at any time.

This order shall become effective November 22, 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 17th day of November 1943.

L. F. GENTNER,
Regional Administrator.

[F.R. Doc. 43-18687; Filed, November 20, 1943; 12:39 p. m.]

[Region VIII Order G-72 Under 18 (c)]

PICK-UP AND DELIVERY SERVICE IN SEATTLE AND TACOMA, WASH.

Order No. G-72 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for carriers performing pick-up and delivery service in Seattle and Tacoma, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The adjusted maximum prices which may be charged by any carrier other than a common carrier for pick-up and delivery service performed for rail line-haul carriers in the cities of Seattle and Tacoma, Washington, shall be the rates for such service prescribed in tariff No. 1-A and tariff No. 2 issued by the Department of Public Service of the State of Washington, as said tariffs were amended effective October 15, 1943.

(b) This order may be amended, revoked or corrected at any time. This order shall become effective November 22, 1943, and shall apply to services rendered on and after October 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong; E.O. 9250, 7 F.R. & E.O. 9328, 8 F.R. 4681)

Issued this 17th day of November, 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-18689; Filed, November 20, 1943; 12:39 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on November 19, 1943.

REGION III

Cincinnati, Order No. 1-F, Amendment No. 4, filed 4:25 p. m.
Cleveland, Order No. F-1, Amendment No. 6, filed 4:26 p. m.
Cleveland, Order No. F-1, Amendment No. 7, filed 4:25 p. m.
Cleveland, Order No. F-3, Amendment No. 1, filed 4:26 p. m.
Cleveland, Order No. F-3, Amendment No. 2, filed 4:26 p. m.
Cleveland, Order No. F-4, Amendment No. 1, filed 4:26 p. m.

REGION II

Williamsport, Order No. 8, filed 4:28 p. m.

REGION V

Shreveport, Order No. 9, filed 4:27 p. m.

REGION VI

Chicago, Order No. 5, Amendment No. 6, filed 4:27 p. m.
Peoria, Order No. 10, filed 4:27 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-18684; Filed, November 20, 1943; 12:38 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on November 18, 1943.

REGION I

Maine, Order No. 6, filed 3:19 p. m.
Maine, Order No. 6, Amendment No. 1, filed 3:19 p. m.
Maine, Order No. 6, Amendment No. 2, filed 3:19 p. m.
Springfield, Order No. 6, Amendment No. 2, filed 3:19 p. m.
Springfield, Order No. 7, Amendment No. 1, filed 3:20 p. m.
Worchester, Order No. 5, Amendment No. 3, filed 3:20 p. m.

REGION II

Rochester, Order No. 6, Amendment No. 1, filed 3:19 p. m.

REGION III

Cleveland, Order No. F-1, Amendment No. 4, filed 3:20 p. m.
Detroit, Order No. 5, Amendment No. 19, filed 3:20 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-18653; Filed, November 19, 1943; 4:20 p. m.]

[Region I Order G-7 Under RMPR 122, Amdt. 5]

BITUMINOUS COAL IN BOSTON METROPOLITAN AREA, MASS.

Amendment No. 5 to Order No. G-7 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G-7 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. The following clause is hereby added to subparagraph (1) of paragraph (b), immediately following the table of prices:

Provided, however, That at yards located in the cities and towns of Arlington, Belmont, Braintree, Canton, Dedham, Dover, Hingham, Holbrook, Hull, Lexington, Malden, Medford, Melrose, Milton, Needham, Newton, Norwood, Quincy, Randolph, Reading, Revere, Stoneham, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, the maximum price per net ton for sales of lots of two tons or less of domestic run of mine, straight run of mine or mixed run of mine to domestic consumers shall be the foregoing Class C price for the particular kind of coal plus one dollar ($1.00) per ton.

2. The following clause is hereby inserted into subparagraph (1) of paragraph (c) immediately following the table of prices and before the clause concerning carry charges:

Provided, however, That the maximum price per net ton for deliveries of lots of two tons or less of domestic mine run, straight mine run or mixed mine run to domestic consumers in the cities and towns of Arlington, Belmont, Braintree, Canton, Dedham, Dover, Hingham, Holbrook, Hull, Lexington, Malden, Medford, Melrose, Milton, Needham, Newton, Norwood, Quincy, Randolph, Reading, Revere, Stoneham, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn shall be the foregoing Class I price for the particular kind of coal plus one dollar ($1.00) per ton.

This Amendment No. 5 to Order No. G-7 shall become effective November 22, 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 17th day of November 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-18654; Filed, November 19, 1943; 4:21 p. m.]

[Region III Order G-2 Under MPR 376, Amdt. 1]

CARROTS IN CLEVELAND REGION, OHIO

Amendment No. 1 to Order No. G-2 under Maximum Price Regulation No. 376. Order adjusting maximum wholesale prices of carrots sold in Region III.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by Section 4 of Maximum Price Regulation No. 376, it is hereby ordered that paragraph (1) of section (i) be amended, a paragraph (6) of section (i) be added, and section (a) of Schedule A be amended to read as set forth below.

(i) *Definitions*—(1) *Freight.* Freight as used in Schedule A means the published carload freight rate from Salinas, California, to the wholesale receiving point.

* * * * *

(6) *Icing costs.* Icing costs as used in Schedule A shall mean the customary charges for icing and protective services on carload shipments from Salinas, California, to the wholesale receiving point, not to exceed $.21 per crate.

SCHEDULE A

	6 & 7 doz. per L. A. crate	Other size containers over 84 bunches	Other size containers over 72 bunches	Topped carrots
Maximum prices for carlot or trucklot sales at any wholesale receiving point.	$3.50 per crate plus freight and icing costs, as herein defined, from Salinas, California, to wholesale receiving point, plus 15 cents per crate.	Multiply 4.1 cents by number of bunches in container. Add freight and icing costs, as herein defined, from Salinas, California, to wholesale receiving point, plus 15 cents per container.	Multiply 4.9 cents by number of bunches in container. Add freight and icing costs as herein defined, from Salinas, California to wholesale receiving point, plus 10 cents per container.	Multiply 5 cents by number of pounds in container and add freight and icing costs, as herein defined, from Salinas, California, to wholesale receiving point, plus 10 cents per container.

This order may be amended, modified, or revoked at any time by the Office of Price Administration.

This amendment No. 1 to Order No. G-2, under Maximum Price Regulation No. 376 shall become effective November 6, 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 November 6, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43-18655; Filed, November 19, 1943; 4:20 p. m.]

[Region III Order G-23 Under 18 (c), Amdt. 3]

MILK IN WEST VIRGINIA

Amendment No. 3 to Order No. G-23 under § 1499.18 (c) of the General Maximum Price Regulation. General order adjusting the maximum prices of approved fluid milk and special milk in the State of West Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, Order No. G-23 under § 1499.18 (c) of the General Maximum Price Regulation is hereby amended in the following respects:

(a) The County of Webster is deleted from the list of counties appearing in paragraph (1) of Schedule A.

(b) Paragraph (2) of Schedule A is amended to read as follows:

2. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Berkeley, Brooks, Greenbriar, Hampshire, Hancock, Harrison, Jefferson, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Preston, Taylor, Webster and Wetzel Counties in the State of West Virginia.

Type of delivery	Container	Size	Adjusted maxium price
Retail	Glass or other	One gallon or multiples thereof	51¢ per gallon
Retail	Glass or paper	One-half gallon	28¢ per one-half gallon.
Retail	Glass or paper	One quart	15¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Wholesale	Glass or paper	One-half gallon	25¢ per one-half gallon.
Wholesale	Glass or paper	One quart	13¢ per quart.
Wholesale	Glass or paper	One pint	7½¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

(c) Any person who changes his price or prices for the sale of fluid whole milk at retail or wholesale by virtue of the provisions of this amendment shall give notice and report of such change of price in the manner provided in Order No. G-23 under § 1499.18 (c) of the General Maximum Price Regulation as originally issued.

(d) This amendment shall become effective November 1, 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 November 1, 1943.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 43-18656; Filed, November 19, 1943; 4:21 p. m.]

[Region VII Order G-18 Under RMPR 122]

SOLID FUELS IN NEW MEXICO

Order No. G-18 under Revised Maximum Price Regulation 122. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of New Mexico.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, it is hereby ordered:

(a) *Geographical applicability.* This order shall apply to the following trade areas in the State of New Mexico: Albuquerque trade area and Las Vegas trade area. The boundaries of these several trade areas are as specifically set forth in paragraph (n).

(b) *What this order does.* If you are a dealer in bituminous and/or anthracite coal, you will find set forth in this order under Tables I and II the maximum prices which you may charge for sales and deliveries made by you from your place of business in the specific area served; and if you are a purchaser in the course of trade or business the prices set forth herein in Tables I and II are the maximum prices which you may pay any coal dealer in the specific area covered for the kinds, sizes and quantities of coals specified in said tables when purchased in his place of business in the particular area covered.

(c) *To what sales this order applies.* If you sell coal of the kind specified herein and make delivery thereof to any person within the areas covered, the maximum price which you may charge therefor and the customary discounts and allowances which you must give are those set forth in Tables I and II in this order.

(d) *Specific maximum prices.* (1) If you sell and deliver in the Albuquerque trade area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices for such delivered sales are those specified in Part 1 of said Table I; if you sell from your yard in the Albuquerque trade area any one or more of the kinds and sizes of coal named in Table I set forth below, your maximum prices therefore are those specified in Part 2 of said Table I.

TABLE I—MAXIMUM PRICES, ALBUQUERQUE TRADE AREA

Kind	Size	Part 1 Delivered prices— Per ton	Per ½ ton	Part 2 Yard prices per ton
Bituminous coal produced in District 17:				
Sub-district 1, Walsenburg	#3—3" lump	$12.20	$6.35	$11.70
Sub-district 9, New Mexico No. 1	#5—6 x 3 grate	10.95	5.75	10.45
Bituminous coal produced in District 18:				
Sub-district 1, Gallup	#1—4" lump	10.65	5.60	10.15
	#3—1½" lump	10.85	5.70	10.35
	#4—8 x 2 egg	10.75	5.65	10.25
	#6—5 x 1½ nut	10.25	5.40	9.75
	#11—1½ x 0 slack	7.35	3.95	6.85
	#12—1 x 0 slack	7.05	3.80	6.55
Sub-district 2, Cerrillos	#1—4" lump	10.40	5.45	9.80
	#5—3" nut			
	#7—2½ x 1½ nut	9.80	5.00	9.00
	#8—1½ x 1 walnut	6.15	3.35	5.65
	#9—1 x ⅜ pea	7.25	3.90	6.75
Cerrillos Anthracite produced at Madrid, New Mexico.	Chestnut	12.05	6.30	11.55
	#1, #2, #3, grate, egg, stove and base burner.	13.90	7.20	13.40
	#7 pea	10.80	5.65	10.30
	#6 buckwheat and duff	7.05	3.80	6.55

(2) If you sell and deliver in the Lar Vegas trade area any one or more of the kinds and sizes of coal named in Table II set forth below, your maximum prices for such delivered sales are those specified in Part 1 of said Table II; if you sell from your yard in the Las Vegas trade area any one or more of the kinds and sizes of coal named in Table II set forth below, your maximum prices therefor are those specified in Part 2 of said Table II.

TABLE II—MAXIMUM PRICES, LAS VEGAS TRADE AREA

Kind	Size	Part 1, delivered prices— Per ton	Per ½ ton	Part 2, yard prices per ton
Bituminous coal produced in District 17:				
Sub-district 9, New Mexico No. 1	#4—8 x 3 grate [1]	$9.30	$4.90	$8.80
	#9—3 x 1½ nut [1]	8.95	4.75	8.45
	#10—1½ x 1 chestnut [1]	7.45	4.10	6.95
	#13—1½ x 0 slack	5.60	3.05	5.10
	#14—1 x 0 slack	5.20	2.85	4.70
Bituminous coal produced in District 18:				
Sub-district 2, Cerrillos	#1—4" lump	10.65	5.60	10.15
	#3—6 x 3 egg	9.80	5.15	9.30
	#9—1 x ⅜ pea	7.30	3.90	6.80
Cerrillos Anthracite produced at Madrid, New Mexico.	#3—stove	16.05	8.30	15.55
	#7—pea	9.10	4.80	8.60

[1] If washed, add 10c per net ton.

(3) If in connection with a sale and delivery of coal made by you in the areas covered herein, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such special services are those stated:

Special service charges	Per ton	Per ½ ton
"Wheel-in"	$0.50	$0.35
"Pull-back" or "trimming"	0.25	0.15
"Carrying up or down stairs"	1.00	0.60
Oil or chemical treatment	0.25	0.15

(e) *Determination of mixed coals prices.* If you mix sizes or kinds of coal, your maximum price shall be the proportionate sum of the applicable maximum prices per net ton established in this order for each of the coals so mixed adjusted to the nearest five cents.

(f) *When transportation tax may be collected.* If on any purchase of coal made by you you are required to pay the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, you may, in addition to the specific maximum prices established in subparagraphs (1) and (2) of paragraph (d) hereof, collect from the buyer the amount of such tax actually incurred or paid by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased: *Provided,* You state separately on your sales invoice, slip, ticket, or other memorandum, the amount of such tax so collected by you. But on sales to the United States or any agency thereof, such tax need not be separately stated.

(g) *Applicability of other regulations.* Except as inconsistent with or contradictory of the terms and provisions of this order, all of the terms and provisions of Revised Maximum Price Regulation No. 122, except paragraph (c) of § 1340.262 thereof, as stated in paragraph (h) of this order, shall apply to all dealers selling and delivering coal in the areas covered herein with like force and effect as though the same were re-written herein. If you sell solid fuel of a kind or size not specifically priced by this order, all such sales and deliveries remain subject to the provisions of Revised Maximum Price Regulation No. 122 and orders issued thereunder.

(h) *Filing requirements.* Dealers whose prices are established by this order shall not be required to file prices with their local war price and rationing board as previously required in § 1340.262 (c). However, prices for coals not specifically covered by this order shall be filed as required by that section.

(i) *What you must not do.* Regardless of any contract or other obligation which you may have heretofore entered into you shall not:

(1) Sell, or in the course of trade or business, buy solid fuels of the kinds and sizes covered by this order at prices higher than the maximum prices set forth herein; but you may sell or buy such coal at lower prices than such maximum prices.

(2) Obtain any prices higher than the applicable maximum prices by:

(i) Changing or withdrawing your customary discounts, differentials or allowances;

(ii) Charging for any service which is not expressly requested by the buyer; or

(iii) Charging for any service for which a charge is not specifically authorized by this order; or

(iv) Charging a price for any service higher than the price authorized by this order for such service; or

(v) Increasing your delivery charges, if any, for delivery outside the areas for which the maximum prices are herein set forth or increasing any interest rate on delinquent and past-due accounts over the rate or charge made by you in December 1941; or

(vi) Using any tying agreement whereby the buyer is required or persuaded to purchase anything other than the fuel requested by him; or

(vii) Using any other device by which a price higher than your maximum price is obtained either directly or indirectly.

(j) *An increase in your supplier's prices does not authorize you to increase your prices.* You must not increase the specific maximum prices established for you by this order to reflect in whole or in part any subsequent increase to you in your supplier's maximum prices for the fuel covered by this order. These specific maximum prices established for you by this order reflect all of the increases in the maximum prices of your supplier to the date hereof. If increase in your supplier's maximum prices shall occur after the effective date of this order, you may bring that fact to the attention of the Regional Administrator whereupon he will take such appropriate action in the premises as the then existing facts and circumstances justify.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which becomes effective at some time after you have made delivery of the coal; but you may agree to sell at whatever maximum price is in effect at the time of delivery.

(l) *Petition for amendment.* If you desire an amendment of any provisions of this order, you may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1 except that it shall be filed with the Regional Administrator and acted upon by him.

(m) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(n) *Definitions.* (1) "Carry" or "wheel-in" means to transport coal from the vehicle in which delivery is made or from the nearest accessible point of dumping or unloading and place the same in the buyer's bin or storage space when the physical condition of the premises are such as to prevent dumping or unloading directly into such bin or storage space.

(2) "Pull-back" or "trimming" means to arrange and place coal in the buyer's bin by re-handling the same for the purpose of filling the bin and the service charge for such pull-back or trimming shall apply only to the amount of coal so re-handled.

(3) "Carrying up or down stairs" means generally the labor involved in carrying coal up or down stairs for depositing in customer's bin or storage space.

(4) "Delivery" means delivery to the buyer's bin or storage space by dumping, chuting, or shovelling directly from the seller's truck or vehicle, or where such delivery to the buyer's bin or storage space is physically impossible, by discharging at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck.

(5) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the seller's coal yard or stock pile.

(6) "Dealer" means any person selling solid fuels of any kind or size for which a maximum price is established by this order for sales and deliveries made in the area covered herein and does not include transactions whereby a producer or distributor makes a sale at or from a mine or preparation plant operated as an adjunct of a mine.

(7) "Bituminous coal" means coal produced in Districts 17 and 18 and any subdistricts thereof as set forth in the Minimum Price Schedules of the Bituminous Coal Division of the Department of the Interior and in effect as of midnight August 23, 1943.

(8) *Area descriptions.* (i) The maximum prices set forth in Table I hereof shall apply to the area contained within the municipal boundaries of the city of Albuquerque, New Mexico and extending seven miles beyond at all points from the center of the city. The above described area is referred to herein as the Albuquerque trade area.

(ii) The maximum prices set forth in Table II hereof shall apply to the area contained within the municipal boundaries of the city of Las Vegas, New Mexico and extending beyond one mile at all points. The above described area is referred to herein as the Las Vegas trade area.

(9) *Additional charge for delivering beyond area.* For a delivery made to a place beyond any one of the several areas as defined in paragraph (n) (8) hereof you may make an additional charge not in excess of any such additional delivery charge you regularly made in December 1941. If you are a dealer who was not in business in December 1941, or if you were in business but made no such deliveries, you may take for your additional delivery charge the charge of your nearest competitor who was established in business and did make such charge in December 1941.

(o) *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.

Effective date. This order shall become effective November 23, 1943.

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

(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 November 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-18658; Filed November 19, 1943; 4:21 p. m.]

[Region VIII Order G-24 Under MPR 329, Amdt. 1]

MILK IN SAN FRANCISCO REGION, CALIF.

Amendment No. 1 to Order No. G-24 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, It is hereby ordered:

(a) Paragraph (d) is hereby added to read as follows:

(d) Any person who purchases "Jersey Creamline" milk from a producer for resale as bottled milk under the brand name "Jersey Creamline" may pay such producer in addition to the maximum prices as specified in paragraph (a) above, an amount equal to the dues charged a licensed producer by Jersey Creamline Incorporated of New York.

This amendment to Order No. G-24 shall become effective November 20, 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 November 1943.

L. F. GENTNER,
Regional Administrator.

[F. R. Doc. 43-18659; Filed, November 19, 1943; 4:20 p.m.]

[Shreveport Order G-1 Under MPR 426]

LETTUCE IN SHREVEPORT DISTRICT, LA.

Order No. G-1 under Maximum Price Regulation No. 426, as amended. Maximum prices for lettuce.

For the reason set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator for Region V of the Office of Price Administration, and by him delegated on the 13th day of July, 1943 to the District Director of the Shreveport, Louisiana, District Office, by virtue of section 2 (b) of Maximum Price Regulation No. 426, as amended, it is hereby ordered:

SECTION 1. The maximum price for less than carlot or less than trucklot sales to any person, except to an ultimate consumer, of iceberg lettuce in L. A. crates containing from four to six dozen heads with a minimum net weight of sixty pounds, shall be the maximum price for carlot or trucklot sales at any wholesale receiving point plus ninety cents.

SEC. 2. *Definitions.* The terms herein used shall be the same in meaning as like terms used in Maximum Price Regulation No. 426, as amended, and defined therein.

SEC. 3. This order is subject to revocation or amendment by the District Director at any time hereafter.

SEC. 4. This order applies to all parishes in the Shreveport, Louisiana, District.

SEC. 5. *Effective date.* This order is effective on the 22d day of November, 1943, at 12:01 a. m., central war time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681; Gen. Order 51, 8 F.R. 6008)

Issued this the 17th day of November 1943.

J. E. BRUMFIELD,
District Director.

[F. R. Doc. 43-18657; Filed, November 19, 1943; 4:22 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-435]

THE UNITED CORPORATION

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of November 1943.

The United Corporation, a registered holding company, having heretofore filed an application or declaration (or both) pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder, regarding the proposed expenditure of not more than $2,500,000 of cash to purchase, through brokers, in the discretion of its Board of Directors, shares of its $3 Cumulative Preference stock; said purchases to be made for cash at the market price on a national securities exchange; and

Hearings having been held in this matter and having been continued subject to call; and applicant or declarant having requested that the hearing be reconvened for the purpose of completing the record and the making of a determination thereon by the Commission; and

It appearing to the Commission that it is appropriate to grant such request;

It is ordered, That the hearing in this matter be reconvened on the 30th day of November 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in Room 318 may designate;

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard or otherwise to participate in said proceeding shall, on or before November 26, 1943, file a written application with the Secretary of the Commission in accordance with the provisions of Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-18645; Filed, November 19, 1943; 3:01 p. m.]

[File Nos. 54-55, 59-51, 70-803]

SOUTHERN COLORADO POWER COMPANY

SUPPLEMENTAL FINDINGS AND ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

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

Southern Colorado Power Company, an electric utility company and a subsidiary of Standard Gas and Electric Company, a registered holding company, having filed (File No. 70-803) a declaration and an amendment thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale, in accordance with Rule U-50 promulgated under the act, of $5,500,000 aggregate principal amount of its 3½% First Mortgage Bonds, Series due November 1, 1968; and

The Commission having, by order dated November 4, 1943, permitted such declaration, as amended, to become effective, subject to the condition that Southern Colorado Power Company report to the Commission the results of the competitive bidding, as required by Rule U-50 (c), and comply with such supplemental orders as the Commission may enter in view of the facts disclosed thereby; and

Southern Colorado Power Company having made such a report to the Commission in the form of a further amendment to the declaration, which amendment specifies the proposals which had been received pursuant to the invitation of competitive bids, and states that said declarant has accepted a bid from Harriman Ripley & Co., Incorporated, as Representative and on behalf of a group of underwriters to purchase said First Mortgage Bonds at a price of 100.65% plus accrued interest from November 1, 1943 to the date of delivery, and that said bonds are to be resold to the public at a 102% plus accrued interest from November 1, 1943 to the date of delivery, representing a spread to the underwriters of 1.35%, and further states that the Representative has been authorized by

the underwriters to reserve any or all of the said bonds for offering by the Representative for the account of the respective underwriters (a) at the public offering price to institutions selected by the Representative, and (b) at 101.25% and accrued interest from November 1, 1943 to the date of delivery (which price represents a concession of ¾% below the public offering price), for subscription by members of a selling group, among whom may be included some or all of the underwriters, and the members of the selling group may in turn allow an amount not exceeding ⅛% (no part of which may be reallowed) to members of the National Association of Security Dealers, Inc.; and

The Commission having examined said amendment and having considered the record herein, and finding no basis for imposing terms and conditions with respect to the price, spread and distribution thereof, in respect of said bonds; and

The Commission having reserved jurisdiction over the fees and expenses to be paid by Southern Colorado Power Company in connection with the transactions proposed in the said declaration, except for such items the amounts of which are fixed by law; and

The declarant having filed various materials with respect to the services performed for it in connection with the transactions, and it appearing to the Commission that the fees and expenses are not unreasonable, and that jurisdiction over such matters should be released;

It is ordered, That said declaration, as amended, be, and the same hereby is, permitted to become effective in regard to the price, spread and distribution thereof subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction over the fees and expenses to be paid by Southern Colorado Power Company in connection with said declaration be, and the same hereby is, released.

By the Commisison.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18647; Filed, November 19, 1943; 3:01 p. m.]

[File No. 70-804]

BLACKSTONE VALLEY GAS AND ELECTRIC COMPANY AND EASTERN UTILITIES ASSOCIATES

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of November 1943.

Blackstone Valley Gas and Electric Company, an electric and gas utility company, and its parent company, Eastern Utilities Associates, a registered holding company, having filed a joint declaration and application pursuant to sections 6 (b), 7 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 promulgated thereunder with respect to: (1) exemption from the provisions of section 6 (a) of the act of the issuance and sale, in accordance with Rule U-50 of $11,300,000 principal amount of First Mortgage and Collateral Trust Bonds, 3% Series due 1973, for the purpose of refunding its presently outstanding $7,300,000 principal amount of 4% Series C bonds due 1965 and $4,000,000 principal amount of 3½% Series D bonds due 1968; (2) the issuance and sale by Blackstone Valley Gas and Electric Company of $11,300,000 principal amount of Interim Certificates to be outstanding until the redemption of the bonds being refunded, and (3) the pledge by Blackstone Valley Gas and Electric Company of the securities representing its investment in Montaup Electric Company; and

The Commission having by order entered herein under date of November 10, 1943, granted said application and permitted said declaration to become effective subject to the condition that said proposed issuance and sale of securities and said proposed pledge of securities should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order should have been entered by this Commission in the light of the record as so completed; and

The record herein having now been completed in respect of the results of said competitive bidding, the action proposed to be taken by Blackstone Valley Gas and Electric Company in respect thereof and the definitive terms of the securities proposed to be issued and sold, and it appearing that Blackstone Valley Gas and Electric Company has accepted a bid for $11,300,000 principal amount of First Mortgage and Collateral Trust Bonds, 3% Series due 1973, from a group of underwriters headed by Estabrook & Co. and Stone & Webster and Blodget, Incorporated; the price paid for said bonds being 103.817% of the principal amount thereof plus accrued interest from November 1, 1943 to the date of delivery and to be resold to the public at 104.75% of the principal amount thereof plus accrued interest from November 1, 1943 to date of delivery, representing a spread to the underwriters of 0.933% of the principal amount of said bonds;

The Commission having examined the record herein and finding no basis for imposing terms and conditions with respect to the proposed transactions, other than those prescribed by Rule U-24;

It is ordered, That said application and declaration, as amended, be and the same are hereby, respectively, granted and permitted to become effective forthwith, subject only to those terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18646; Filed, November 19, 1943; 3:01 p. m.]

[File Nos. 70-815, 59-12]

AMERICAN POWER AND LIGHT CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of November, A. D. 1943.

In the matter of American Power & Light Company, File No. 70-815; Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, Ebasco Services Incorporated; Respondents, File No. 59-12.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the Act"), by American Power & Light Company ("American"), a subsidiary of Electric Bond and Share Company ("Bond and Share"), both registered holding companies. American seeks approval, pursuant to sections 6 (a) and 7 of the Act, of transactions designed to convert the presently outstanding preferred and common stocks into a single class of common stock, all as more particularly described below.

American is a Maine corporation and its business is exclusively that of a holding company. The capitalization and surplus of American per balance sheet as of August 31, 1943 are as follows:

	Amount outstanding	Principal amount or stated value
Long-term debt:		
Gold debenture bonds, American 6% series, due 2016	$33,990,800	33,990,800
Southwestern Power & Light Co. 6% gold debenture bonds, Series A, due 2022	3,765,400	3,765,400
Total long-term debt		42,756,200
Preferred stock:	*Shares*	
Preferred ($6) cumulative, no par	[1] 763,581¾₁₀	79,300,926
Preferred ($5) cumulative, no par	978,444	97,844,400
Total preferred stock		177,145,326
Common stock and surplus:		
Common, no par	[2] 3,003,511²⁷⁄₁₀	37,434,351
Capital surplus		28,026
Earned surplus		14,783,391
Total common stock and surplus		52,255,768
Total capitalization and surplus		272,157,294

[1] Including 24¾₁₀ shares of scrip.
[2] Including 1,816²⁷⁄₁₀ shares of scrip.

The foregoing statement of capitalization and surplus does not reflect undeclared cumulative dividends in arrears as of that date amounting to $23,469,448 on the $6 preferred stock ($29.57½ per share) and $24,114,568 on the $5 preferred stock ($24.64⁷⁄₁₂ per share).

Of the securities of American outstanding, Bond and Share owns 51,840 shares (5.3%) of the $5 preferred stock and 937,221 shares (31.2%) of the common stock. The foregoing securities held by Bond and Share represent 20.7% of the total voting power represented by all securities of American.

On August 22, 1942 an order of this Commission, directing the termination of the existence of American and directing its dissolution, was entered (Holding Company Act Release No. 3750). American filed a petition for review of said order in the United States Circuit Court of Appeals which as yet has rendered no decision. It is stated in the present filing that the proposed reclassification would, as a practical matter, be a necessary step in order to permit any distribution in kind to American's stockholders of securities in its portfolio.

The transactions proposed herein may be summarized as follows:

(1) American proposes to amend its Certificate of Organization to authorize a capitalization of 3,000,000 shares of common stock with or without par value of which a maximum amount of 2,145,269.37 shares will be issued in exchange for and in cancellation of the outstanding shares (including scrip) of American and all accrued and unpaid dividends thereon as follows:

(a) For each share of $6 preferred stock, cumulative, no par value, carrying a claim on liquidation of $100 per share plus dividend arrears as at December 31, 1942 of $25.57½ a share, the holder will receive one and one-fifth (1⅕) shares of common stock.

(b) For each share of $5 preferred stock, cumulative, no par value, carrying a claim on liquidation of $100 per share plus dividend arrears as at December 31, 1942 of $21.31¼ a share, the holder will receive one (1) share of common stock.

(c) For each share of common stock, no par value, the holder will receive .071307 of a share of common stock.

(2) No certificates for fractional shares will be issued but in lieu thereof non-voting and non-dividend bearing scrip certificates representing rights to such fractional shares will be issued, such certificates to be exchangeable for full shares within a limited period, when accompanied by other certificates so that all so presented aggregate one or more whole shares, and, if not exchanged within such limited period, such new scrip certificates (as well as old scrip certificates now outstanding) will be void.

(3) The present common stock reacquired and held by American totaling 5,301 shares will not be eligible for exchange into new common stock and will be cancelled.

(4) Each share of the new common stock will be entitled to one vote on all matters submitted to stockholders.

On the basis stated above 952,297.44 shares (or 44.39%) of the common stock will be outstanding in place of the present $6 preferred stock; 978,444 shares (or 45.61%) in place of the present $5 preferred stock; and a maximum of 214,527.93 (or 10%) in place of the present common stock.

The filing states that upon approval by this Commission it is proposed that the reclassification shall be submitted to such vote of American's stockholders as is required under American's by-laws and the laws of the State of Maine.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said matters and that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission; and

The Commission deeming it appropriate that at the said hearing the issues with respect to the allocation of new common stock among the present preferred and common stockholders should be considered in relation to such plan for compliance with the provisions of section 11 (b) of the Act as may be hereafter proposed by the company or, by any other qualified person or the Commission itself under section 11 (d) of the Act for the purpose of effectuating the order of the Commission of August 22, 1942 directing the termination of the existence of the company and directing its dissolution;

It is ordered, That the proceeding with respect to the said application or declaration be, and the same hereby is, consolidated with the proceedings designated File No. 59-12 under section 11 (b) (2) of the Act and that the scope of said consolidated proceedings shall include the issues hereinafter set forth.

It is further ordered, That a hearing in the consolidated proceedings on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on December 14, 1943 at 10:00 o'clock a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration and application shall become effective or shall be granted.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's Rules of Practice on or before December 12, 1943.

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

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

1. Whether the proposed allocation of common stock of American to its stockholders as an allocation of the entire equity in the company junior to its outstanding debt claims is fair and equitable to the persons affected thereby and particularly whether the said proposed allocation is fair and equitable as between the holders of the $5 and $6 preferred stocks, as between such preferred stockholders and the holders of common stock, and as between Bond and Share and the public stockholders.

2. Whether in the event that the Commission shall find the allocation provided in the said application or declaration to be fair and equitable to the persons affected thereby, or shall find that said allocation must be modified to be found to be fair and equitable to said persons, the Commission shall approve such appropriate plan for compliance with the provisions of section 11 (b), embodying the allocation found by the Commission to be fair and equitable, as may hereafter in the course of said proceeding be proposed by the company or, in accordance with the provisions of section 11 (d), proposed by any other person qualified to propose such a plan or by the Commission itself for the purpose of effectuating the order of the Commission of August 22, 1942 directing the termination of the existence of the company and directing its dissolution.

3. Whether the fees and expenses to be paid in connection with the proposed reclassification and all transactions incident thereto are for necessary services and are reasonable in amount.

4. Generally whether in any respect the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the Act or the rules, regulations, or orders promulgated thereunder.

5. Whether, if the transactions proposed are authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms or conditions be imposed in connection with such authorization, and if so, what such terms and conditions should be.

It is further ordered, That notice of this hearing be given to American, Bond and Share and to all other persons; said notice to be given to American and Bond and Share by registered mail and to all other persons by publication in the FEDERAL REGISTER; and

It is further ordered, That American shall give notice of this hearing to all its stockholders, both common and preferred (in so far as the identity of such security holders is known or available to American), by mailing to each of said persons a copy of this Notice and Order for Hearing at his last-known address at least fifteen days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18690; Filed, November 20, 1943; 2:55 p. m.]

[File No. 812-334]

GUARDIAN 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 19th day of November, A. D. 1943.

The Guardian Investment Trust, having filed an application under section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 30 (d) of the Act and Rule N-30D-1 promulgated thereunder insofar as said Section and Rule require applicant to transmit semi-annual reports to stockholders;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on December 1, 1943, at 10:00 a. m., eastern war time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Henry C. Lank, 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 the applicant 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. 43-18691; Filed, November 20, 1943; 2:55 p. m.]

DETROIT STOCK EXCHANGE

PLAN FOR "SPECIAL OFFERINGS" DECLARED EFFECTIVE

The Detroit Stock Exchange, pursuant to Rule X-10B-2 (d), having filed on November 13, 1943, a plan for special offerings contained in Chapter I, section 19 (1)-(8) inclusive, of the rules of the Detroit Stock Exchange; and

The Securities and Exchange Commission, having given due consideration to the terms of such plan, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and Rule X-10B-2 (d) thereunder, hereby declares such plan to be effective, on the condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Detroit Stock Exchange suspending or terminating the effectiveness of such plan.

Effective November 18, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-18716; Filed, November 22, 1943 10:21 a. m.]

WAR PRODUCTION BOARD.

REYNOLDS METALS CO.

AMENDMENT TO REVOCATION OF PREFERENCE RATING

Preference Rating Order P-19-h, Serial No. 90,025. Name of builder: Reynolds Metals Company, Memphis, Tennessee; Project Aluminum Extrusian Plant at Memphis, Tennessee.

It is ordered, That the order issued by the War Production Board under the above serial number, dated November 10, 1943, revoking ratings previously assigned to the above project be and it is hereby amended pursuant to the provisions of section 3 and 8 of said order in the following respects:

1. The Builder is permitted to continue the construction of a warehouse for the storage of materials received on the project.

2. The Builder is authorized to apply ratings hitherto assigned by preference rating order P-19-h, Serial No. 90,025 to deliveries of materials rated and authorized under said preference rating order to the extent required to complete said warehouse, providing that the cost of rated materials purchased shall not exceed $950.

3. The Builder is authorized to accept delivery of materials authorized under said preference rating order required to complete said warehouse.

The construction which may be carried out under this amendment shall proceed in accordance with the provisions of section 3 of the Design Directive dated September 1, 1943, attached to the amendment to said preference rating order issued on or about September 11, 1943.

Issued this 20th day of November 1943.

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

[F. R. Doc. 43-18729; Filed, November 22, 1943; 10:55 a. m.]