FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

LITTERA SCRIPTA MANET

VOLUME 9 NUMBER 179

Washington, Thursday, September 7, 1944

The President

EXECUTIVE ORDER 9477

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF THE CLEVELAND GRAPHITE BRONZE COMPANY, LOCATED AT CLEVELAND, OHIO

WHEREAS after an investigation I find and proclaim that the plants and facilities of the Cleveland Graphite Bronze Company, located at Cleveland, Ohio, are equipped for the manufacture and production of articles and materials that are required for the war effort, or that are useful in connection therewith; that there are existing interruptions of the operation of said plants and facilities as a result of a labor disturbance; that the war effort will be unduly impeded or delayed by these interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these plants and facilities;

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including Section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892) as amended by the War Labor Disputes Act (57 Stat. 163), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of War is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the plants and facilities of the Cleveland Graphite Bronze Company, located at Cleveland, Ohio, and, to the extent that he may deem necessary, of any real or personal property, and other assets wherever situated, used in connection with the operations thereof; to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the Cleveland Graphite Bronze Company, and to continue the employment of, or to employ, any persons, and to do any other thing that he may deem necessary for, or incidental to, the operation of the said plants and facilities and the production, sale and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of War shall operate the said plants and facilities in accordance with the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the provisions of Section 5 of the War Labor Disputes Act.

3. The Secretary of War shall permit the management of the plants and facilities taken under the provisions of this order to continue with its managerial functions to the maximum degree possible, consistent with the aims of this order.

4. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein, and their families and homes. All Federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, and the Department of Justice, are directed to cooperate with the Secretary of War to the fullest extent possible in carrying out the purposes of this order.

5. Possession, control, and operation of any plant or facility, or part thereof, taken under this order shall be terminated by the Secretary of War within 60 days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the existing interruptions of production, referred to in the recitals of this order, has been restored.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 5, 1944.

[F. R. Doc. 44-13708; Filed, Sept. 6, 1944; 12:04 p. m.]

CONTENTS

THE PRESIDENT

EXECUTIVE ORDERS: Page

Possession and operation of plants by Secretary of War:

Cleveland Graphite Bronze Co. 10941

Hughes Tool Co. 10943

REGULATIONS AND NOTICES

ALIEN PROPERTY CUSTODIAN:

Vesting orders:

Bentinck-Smith, Marion 11015

Berla, Regine S. 11015

Bond and Mortgage Guarantee Co. 11016

Ehmann, Otto 11016

Ellis, Aimee F. C. 11016

Heym, Maria 11017

Hoffmann, Charles 11017

Holics, Anna 11017

Horst, LeRoy, et al 11018

Kiss, Julia 11018

Maisch, Theresa 11018

Pressler, William L. 11019

Reinhardt, Louise 11019

Sattelmayer, Charles P. 11020

Zenker, Leo 11020

CIVIL AERONAUTICS ADMINISTRATION:

Redesignation of civil airways:

Akron, Colo., to North Platte, Nebr. (2 documents) 10972, 10973

Amarillo, Tex., to Charleston, S. C. 10972

Atlanta, Ga., to Greensboro, N. C. 10971

Casper, Wyo., to Rapid City, S. Dak. (2 documents) 10972, 10973

Columbia, Mo., to U. S.-Canadian Border 10973

Fort Wayne, Ind., to Baltimore, Md. (2 documents) 10971, 10972

Fort Wayne, Ind., to Toledo, Ohio (2 documents) 10972, 10973

Kansas City, Mo., to Des Moines, Iowa (2 documents) 10972, 10973

Kansas City, Mo., to Detroit, Mich. 10973

(Continued on next page)

FEDERAL REGISTER

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

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

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per unit. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.
Book 2: Titles 4–9, with index.
Book 3: Titles 10–17, with index.
Book 4: Titles 18–25, with index.
Book 5, Part 1: Title 26, Parts 2–178.
Book 5, Part 2: Title 26, completed; Title 27; with index.
Book 6: Titles 28–32, with index.

CONTENTS—Continued

CIVIL AERONAUTICS ADMINISTRATION—Continued.
Redesignation of civil airways—Continued. Page
Kirksville, Mo., to U. S.-Canadian Border 10972
Lake Charles, La., to Chanute, Kans 10973
Lake Charles, La., to Texarkana, Ark 10972
Los Angeles, Calif., to Philadelphia, Pa 10973
Memphis, Tenn., to Little Rock, Ark. (2 documents) 10972, 10973
Otto to Las Vegas, N. Mex (2 documents) 10971, 10972
Rochester, N. Y., to Baltimore, Md. (2 documents) 10972

CONTENTS—Continued

CIVIL AERONAUTICS ADMINISTRATION—Continued.
Redesignation of civil airways—Continued. Page
Trinidad, Colo., to Charleston, S. C 10973
Whitehall, Mont., to Rapid City, S. Dak 10973
Whitehall to Bozeman, Mont 10971
FEDERAL POWER COMMISSION:
Hearings, etc.:
Connecticut Power Co 11013
Minnesota Power & Light Co 11014
Safe Harbor Water Power Corp 11014
FEDERAL TRADE COMMISSION:
Cease and desist orders:
Nation-Wide Distributors 10973
Steffy, William C., et al 10974
FOREIGN ECONOMIC ADMINISTRATION:
Gifts to prisoners of war and internees, general license 10976
Prohibited exportations, various commodities 10976
Track-laying tractors, special provisions 10976
GENERAL LAND OFFICE:
New Mexico, withdrawal of public lands in prosecution of war 11012
Payments; additional employees for reducing testimony to writing 11012
Sacramento, Calif., leasing of public lands 11013
IMMIGRATION AND NATURALIZATION SERVICE:
Readmission and temporary admission to imported laborers 10943
INTERIOR DEPARTMENT:
Heisley Coal Co., et al; possession taken 11013
INTERSTATE COMMERCE COMMISSION:
Potatoes from designated States, icing 11015
NATIONAL PARK SERVICE:
General and special regulations; amendments 11009
OFFICE OF PRICE ADMINISTRATION:
Adjustments:
Brown & Brown, and Leo Montoya 11021
Brown Stove Works, Inc 11020
Calabro & Freifall, et al 11022
Dunlo Coal Co., et al 11022
Standard Oil Co. (Indiana) 11020
Automotive parts, wholesalers' and retailers' maximum prices (MPR 453, Am. 4) 10982
Barley (FPR 2, Am. 1 to Supp. 3) 11003
Crude petroleum, and natural and petroleum gas (RMPR 436, Order 18, 19) (2 documents) 11021
Coal, bituminous (RMPR 122, Am. 26) 10981
Fabrics, coated and combines (MPR 478, Am. 4) 10983
Food and drink sold for immediate consumption, designated Western States 11001

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Foods, ceiling prices:
Retail:
Group 1 and 2 stores (MPR 423, Am. 26) 10982
Group 3 and 4 stores (MPR 422, Am. 25) 10982
Wholesale (MPR 421, Am. 13) 10982
Forest products, Western (RMPR 284, Revocation) 10985
Handbags, purses and pocketbooks, women's and children's (Rev. SR 14, Am. 169) 11001
Hardwood lumber, Appalachian (MPR 146, Am. 19) 10982
Hawaii, tire regulations (RO 1E, Am. 11) 11002
Laundries, hand, Washington, D. C., area (RMPR 165, Supp. Service Reg. 33) 11000
Oats (FPR 2, Am. 2 to Supp. 2) 11003
Poles and piling, Western (MPR 555) 10992
Red cedar poles and piling (MPR 554) 10986
Potatoes and onions (RMPR 271, Am. 22) 10981
Railroad ties and wooden mine materials (MPR 556) 10996
Regional and district office orders:
Firewood:
Designated counties in Texas (2 documents) 11037, 11038
San Antonio, Tex., district 11040
Fluid milk:
Designated counties in Kentucky (2 documents) 11024, 11027
Designated counties in Michigan 11027
Fruits and vegetables, fresh, Jackson, Miss., district 11035
Lettuce:
Memphis, Tenn., district 11031
Roanoke, Va., district 11030
Malt and cereal beverages:
Atlanta, Ga., district 11029
Boise, Idaho, district 11028
Cleveland region 11024
Dallas region (2 documents) 11037, 11040
Designated counties in Alabama (2 documents) 11031
Jackson, Miss., district 11030
Jefferson County, Ala 11029
Nashville, Tenn., district 11030
New Mexico district (2 documents) 11028
Meat cuts, fabricated, St. Joseph, Mo 11037
Posting requirements, Louisville, Ky 11023
Poultry items, Cleveland region 11024
Solid fuels, Memphis, Tenn 11035
Rice, finished, and rice milling by-products (2d Rev. MPR 150) 11003
Shoes (RO 17, Am. 75, 76) (2 documents) 10984, 10985
Stoves (RO 9A, Am. 14) 11000
Virgin Islands, maximum prices (MPR 395, Am. 33) 11009

(Continued on next page)

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Wooden agricultural containers, Eastern and Central (RMPR 320, Am. 1) 11007
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Associated Electric Co., and Missouri Southern Public Service Co 11042
Empire District Electric Co., et al 11044
Hope Engineering Co., and Texas Eastern Oil Co 11043
Midland United Co., et al 11042
Peoples Light and Power Co., et al 11043
VETERANS' ADMINISTRATION:
Servicemen's Readjustment Act of 1944, regulations under; readjustment allowances for former members of armed forces who are unemployed 11009
WAR DEPARTMENT:
Procurement and disposal of equipment and supplies:
Contracts 10944
Forms 10961
Termination for convenience of Government 10966
Instructions, general 10944
Labor 10953
Property, disposition 10948
Purchases:
Interbranch and interdepartmental 10947
Miscellaneous instructions 10954
Renegotiation and price adjustment 10960
Taxes, Federal, State and local 10953
WAR PRODUCTION BOARD:
Alloy scrap segregation (M-24-c) 10980
Coatings, protective (M-382) 10978
Electrical wiring devices and heater cord sets (L-277) 10978
Solid fibre container production equipment, use (M-290, Dir. 2) 10977
Suspension orders:
House of Ruttenberg 10977
Rosenson, Seidel, & Sons, Inc. 10977
Textile, clothing and leather (L-99, Dir. 1) 10977
WAR SHIPPING ADMINISTRATION:
"Sterling"; vessel ownership determination 11044

EXECUTIVE ORDER 9475A

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE CERTAIN PLANTS AND FACILITIES OF THE HUGHES TOOL COMPANY LOCATED AT HOUSTON, TEXAS

WHEREAS, after an investigation, I find and proclaim that the main plant of Hughes Tool Company, located at 400 Hughes Street, Houston, Texas, and the Aircraft Strut Plant of the Hughes Tool Company, located at 7780 Wallaceville Road, Houston, Texas, are plants and facilities that are equipped for the manufacture and production of articles and materials that are required for the war effort, or that are useful in connection therewith; that there are threatened interruptions of the operation of said plants and facilities as a result of a labor disturbance; that the war effort will be unduly impeded or delayed by such interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interests of the war effort, the operation of these plants and facilities:

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940, as amended, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby directed as follows:

1. The Secretary of War is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the following plants and facilities:

The Main Plant of the Hughes Tool Company located at 400 Hughes Street, Houston, Texas and,

The Aircraft Strut Plant of the Hughes Tool Company located at 7780 Wallaceville Road, Houston, Texas;

and, to the extent that he may deem necessary, of any real or personal property and other assets wherever situated, used in connection with the operations thereof; to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war; to exercise any contractual or other rights of the Hughes Tool Company and to continue the employment of, or to employ, any persons, and to do any other thing that he may deem necessary for, or incidental to, the operation of the said plants and facilities and the production, sale and distribution of the products thereof; and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of War shall operate the said plants and facilities pursuant to the provisions of the War Labor Disputes Act, and during his operation of the plants and facilities shall observe the terms and conditions of the Directive Order of the National War Labor Board dated June 16, 1944.

3. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the plants and all persons employed or seeking employment therein.

4. Possession, control, and operation of any plant or facility, or part thereof, taken under this order shall be terminated by the Secretary of War within 60 days after he determines that the productive efficiency of the plant, facility, or part thereof prevailing prior to the threatened interruptions of production, referred to in the recitals of this order, has been restored.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 2, 1944.

[F. R. Doc. 44-13631; Filed, Sept. 6, 1944; 11:11 a. m.]

Regulations

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 132—READMISSION AND TEMPORARY ADMISSION

IMPORTED LABORERS

SEPTEMBER 1, 1944.

The following amendments to Part 132, Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

That part of § 132.5 (a) (9 F.R. 5763) before subparagraph (2) is amended to read as follows:

§ 132.5 *Aliens imported to perform labor during wartime.* (a) Any alien who applies for temporary admission into the United States under Title VII of Public Law 373 of June 28, 1944 (58 Stat. 547), shall establish to the satisfaction of the examining immigrant inspector:

(1) That he is seeking admission as one of a specific group of workers who are being imported by the War Manpower Commission for employment in the continental United States with industries and services essential to the war effort; he shall present an alien laborer's identification card (Form I-100) identifying him as such; such card shall be prepared either prior to embarkation or at the port of entry;

The citation at the end of § 132.5 is amended by substituting "58 Stat. 547" for "58 Stat. 11".

JOSEPH SAVORETTI,
Acting Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 44-13654; Filed, Sept. 5, 1944; 5:00 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Procurement and Disposal of Equipment and Supplies

[Procurement Regs. 1, 3, 6, 7, 8, 9, 11, 12, 13, 15]

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 801, 803, 806, 807, 808, 809, 811, 812, 813 and 815 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (9 F.R. 8363) as amended by change 40, 31 August 1944,[1] the particular regulations being Nos. 1, 3, 6, 7, 8, 9, 11, 12, 13 and 15.

In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

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

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[Procurement Reg. 1]

PART 801—GENERAL INSTRUCTIONS

SUBPART C—APPLICABILITY OF REGULATIONS

In § 801.108 paragraphs (d) (3), (e), (f) and (g) are amended to read as follows:

§ 801.108 *Applicability of regulations.* * * *

(d) *Army Air Forces.* * * *

(3) Except as specifically otherwise provided, all communications to the Army Air Forces or to the Commanding General, Army Air Forces, relating to procurement, should be addressed to the attention of the Procurement Division, Assistant and Chief of Air Staff, Materiel and Services.

(e) *Service commands.* These regulations are applicable to the procurement activities of the service commands. Where procurement is accomplished by a service command at the direction of the chief of a technical service or his duly authorized representative, the directions will contain references to the applicable sections of the procurement regulations and will also contain supplementary instructions where appropriate. In such a case, for the purposes of these regulations, the procurement shall be regarded as procurement by the technical service concerned and the contract will be regarded as a contract of that technical service. In all other cases, except as provided in § 803.318c (b), the service command accomplishing the procurement shall act independently of any technical service and the term "technical service" and the term "service", as used in these regulations, shall be deemed to refer to the service commands and the term "chiefs of technical services" and "chiefs of services" shall be deemed to refer to the Commanding Generals of the service commands. In connection with this paragraph see paragraph (c).

(f) *Procurement, contracting, termination and renegotiation authority of commanding officers outside continental United States.* (1) In general, each commanding officer in charge of United States armed forces outside the continental United States and its territories and possessions, including Alaska, who is responsible direct to the War Department, in connection with the procurement of supplies and facilities which he may deem necessary or appropriate to facilitate the prosecution of the war and to accomplish the mission confided in him or to protect the health, safety and welfare of the forces under his command, may disregard the provisions of the procurement regulations, Army Regulations and other regulations, circulars, or instructions, and any provisions or restrictions of the laws of the United States which may be applicable within the United States or any territory or possession thereof. This matter is more fully treated in section I of Circular No. 330, War Department, 1944.

(2) Likewise, in general, commanding officers in charge of United States armed forces outside the continental United States but within the territories or possessions of the United States, including Alaska, who is responsible direct to the War Department, in connection with the procurement of supplies and facilities which he may deem necessary or appropriate to facilitate the prosecution of the war and to accomplish the mission confided in him, or to protect the health, safety and welfare of the forces under his command, may disregard the provisions of the procurement regulations, Army Regulations or other War Department regulations, restrictions, circulars or instructions, and if he finds that to do so would facilitate the prosecution of the war, may disregard any provisions of law relating to procurement: *Provided, however,* That he is not authorized to disregard any of the provisions of (i) Title II of the First War Powers Act, 1941, (ii) the restrictive provisions contained in Executive Order No. 9001 or (iii) except where express authority to take such action is given in a particular case, any law approved after 18 December 1941. This matter is more fully set forth in section II of Circular No. 330, War Department, 1944.

(3) Each commanding officer referred to in subparagraph (1) or (2) above is authorized to exercise, within the limit of his command, subject to any applicable regulations or instructions of the Director of Contract Settlement, or of the War Department, any authority and discretion granted to the War Department under the Contract Settlement Act of 1944. The chiefs of the several technical services, subject to any such applicable regulations or instructions, are also authorized by Part 815, to exercise with respect to any contracts or class of contracts being administered under their direction, and made or performed outside of the continental limits of the United States or in Alaska, any such authority and discretion granted by that Act. The procedures applicable to the termination of contracts set out in Part 815 are not applicable outside the continental United States or in Alaska, but may furnish useful suggestions as to procedures appropriately to be followed in such areas. This matter is more fully treated in section III of Circular No. 330, War Department, 1944.

(4) Authority and discretion under the Renegotiation Act of 1943 and under the Renegotiation Act of 1942 have been delegated to each commanding officer in charge of United States armed forces in Alaska or outside the continental United States, who is responsible direct to the War Department, as more fully set forth in section IV, Circular No. 330, War Department, 1944.

(g) *Procurement within the United States for armed forces abroad.* It is to be noted that the provisions of Circular No. 330, War Department, 1944, referred to in paragraph (f) have no application to procurement within the United States for armed forces abroad.

PART 803—CONTRACTS

SUBPART A—GENERAL

In paragraph (a) of § 803.303a subparagraphs (2) and (3) are substituted for the former subparagraphs (2) through (5), inclusive, to read as follows:

§ 803.303a *Letters of intent and letter orders.* * * *

(a) *Use of provisions for allowance of profit in standard termination provisions.* * * *

(2) The chief of each technical service is authorized by supplemental agreement at any time to amend any letter of intent or letter order to include therein the appropriate standard termination provisions referred to in subparagraph (1) above. Whenever possible such amendments will be made before the giving of notice of termination but may be made even after such notice is given. If any such amendment made after notice of termination includes the portions of the standard termination provisions authorizing the payment of a profit to the contractor, then such amendment may be made only after a finding by the chief of the technical service or any duly authorized representative within his headquarters office that an allowance for profit is reasonable under the circumstances. In the case of the Army Air Forces the authority to make such finding may be exercised by any duly authorized representative of the Commanding General, Army Air Forces within the headquarters offices of the Army Air Forces or of any of its major commands.

(3) Each amendment shall recite that it is made pursuant to the Contract Settlement Act of 1944.

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[1] Changes 38 and 39 appear at 9 F.R. 9460, 9585.

SUBPART B—AUTHORITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

1. Paragraph (a) of § 803.304 is amended to read as follows:

§ 803.304 *Definitions*—(a) *Standard forms of contract.* The phrase "standard forms of contract", as used in this subpart, includes:

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

(i) United States Standard forms of contract provided they comply with the requirements of Subpart H.

(ii) Long Form Supply Contract:
- Lump Sum Supply Contract (See § 813.1301).

(iii) Short Form Supply Contracts:
- Purchase Order or Delivery Order and Voucher for Purchases and Services other than Personal (See § 813.1317a).[1]
- Purchase Order (See § 813.1317b).[1]
- Government's Order and Contractor's Acceptance (See § 813.1317c).[1]
- Informal Invitation, Informal Bid, and Acceptance (See § 813.1317d).[1]
- Delivery Order (See § 813.1317e).
- Contractor's Offer and Government's Acceptance (See § 813.1317f).[1]

(iv) Construction and related contracts:
- Lump Sum Construction Contract (See § 813.1302).
- Cost-Plus-A-Fixed-Fee Construction Contract (See § 813.1303).
- Cost-Plus-A-Fixed-Fee Architect-Engineer Contract (See § 813.1304).
- Fixed-Fee Architect-Engineer-Construction-Management Services Contract (See § 813.1312).
- Lump-Sum Contract for Architect-Engineer Services (With Optional Supervision) (See § 813.1316).

(v) Letter Orders:
- Letter Order for Supplies (No Price Stated) (See § 813.1307).
- Letter Order for Supplies (Price Stated) (See § 813.1308).
- Letter Order Contract for Cost-Plus-A-Fixed-Fee Construction (See § 813.1309).
- Letter Order Contract for Lump-Sum Construction (See § 813.1310).

(vi) Supplemental Agreements for Advance payments:
- Supplemental Agreement for Advance Payments with Interest on Fixed-Price Contracts (see § 813.1320).
- Supplemental Agreement for Advance Payments with Interest on Fixed-Fee Contracts (See § 813.1321).
- Supplemental Agreement for Advance Payments with Interest on a Letter Purchase Order (See § 813.1322).
- Supplemental Agreement for Advance Payments without Interest on Fixed-Price Contracts (See § 813.1323).
- Supplemental Agreement for Advance Payments without Interest on Fixed-Fee Contracts (See § 813.1324).
- Supplemental Agreement for Advance Payments without Interest on Letter Purchase Orders (See § 813.1325).

(vii) Utility Service Forms:
- Negotiated Electric Service Contract (Connection Charge) (See § 813.1315a).
- Negotiated Utility Service Contract (No. Connection Charge—Electric, Gas, Water, Sewage) (See § 813.1315b).[1]

[1] To be used in accordance with instructions appearing in the cited paragraph.

(viii) Miscellaneous Contracts:
- Defense Supplies Corporation (See § 813.1311).
- Metals Reserve Company (See § 813.1311a).
- War Supplies Limited (See § 813.1313).
- Government-Owned Equipment Rental Agreement (See § 813.1314).
- Informal Invitation, Informal Bid, and Acceptance (Sale of Property) (See § 813.1326).[1]
- Letter of Committment (Raw Materials under CMP) (See § 813.1328).
- Contract Adjusting Royalties (See § 813.1329).

(2) Forms of contract, devised by a particular technical service, or a staff division exercising procurement functions, to meet the needs of a recurrent situation of a special type which may from time to time be approved by the Legal Assistant to the Director of Matériel or the Chief, Legal Branch, Director of Matériel, Headquarters, Army Service Forces (see § 801.107 (h)), for the use of that technical service or staff division. Forms so approved should be periodically revised (see § 803.301 (a)) to accord with requirements of these procurements regulations published following approval of the forms. If deviation from such requirements appears to be necessary, the forms should be resubmitted for approval.

(3) The forms of contract enumerated below are (15 August 1944) in use by the various offices named. Except where the particular form was approved under subparagraph (2) by memorandum or indorsement, in which case the precise terms approved together with any conditions on their use will appear from the pertinent file, it may be assumed that that version of the form was approved (subject to all requirements of these procurement regulations) which on 15 August 1944 was authorized by the technical service or staff division involved for use by personnel under its jurisdiction.

Office of the Chief of Chemical Warfare Service:
- Short Form Research Contract (consideration nominal)
- Negotiated Sale Contract

Office of the Chief of Engineers:

Engineer Form No. 84	Release of Claim for Additional Fee.
Engineer Form No. 85	Release of Claim for Additional Fee to Extent only of Joint Venturer.
W. D. (Engineers) Form No. 17.	Hire by Government of Plant or Equipment.
W. D. (Engineers) Form No. 520.	Contract for Reconditioning Construction and Maintenance Equipment.
W. D. (Engineers) Form No. 715.	War Department Lease of United States Property (Military Industrial Facilities).
W. D. (Engineers) Form No. 843.	Contract for Dismantling, Demolition and Removal.

Office of the Chief of Ordnance:
- Notice of Award.
- Equipment Lease Form.
- Sale of Scrap (Allocated).
- Gage Repair Contract.
- "Drive-Away" Carrier, Repair Services.
- Letter Order for Emergency Supplies.
- Master Facilities Lease.
- Contract for Spare Parts and Military Publications.

Office of the Quartermaster General:

QMC Form No. 300	Purchase Order for Use in Purchasing Certain Food Supplies.
QMC Forms No. 315, 315b, and 316 (Tentative).	Invitation, Bid and Acceptance Form for Purchasing Coal.
QMC Form No. 327	Contract for Sale of Waste Material.
QMC Form No. 328	Negotiated Sale Contract.
Uniform Burial Contract QMC Form No. P642.	Contract for Purchasing Lubricating Oils and Greases.
QMC Form No. 1013	Contract for Warehouse Services.

- Research and Development Contract.

Office of the Chief Signal Officer:

O. C. S. O. Form No. 6-D.	General Contract for Purchase Order.
W. D. S. C. Form No. 57.[1]	Trunkline and other Communication Facilities and Services.
W. D. S. C. Form No. 134.[1]	Contract for Communication and Electric Time Facilities and Services.
W. D. S. C. Form No. 1137.	Telephone Service Order.
W. D. S. C. Form No. 1165.[1]	General Conract for Commercial Telephone Service Similar to that Furnished the Business Public.
A. T. & T. Co. Form C276C (5-37).[1]	Application for Private Line Service or Channel.

- Letter Order for Supplies (No Price Stated).
- Letter Contract for Motion Picture Training Film.
- Contract for Motion Picture Training Film.
- Letter Order for Stock Film and Sound Track.
- General Contract for Operation and Maintenance in connection with Army Telephone Systems.[1]
- Contract for Maintenance in Connection with Army-Owned Teletypewriter Equipment.
- Government-Owned Equipment Rental Agreement.

Office of the Surgeon General:

S. G. Form No. 1-F	Supply Contract.
S. G. Form No. 2-B	Long Term Supply Contract.
S. G. Form No. 3-B (and Appendix "A").	Purchase Order.

- Contract with Universities for Courses of Instruction.
- Medical Research Contract (Cost Basis).
- Blood Plasma Contract.
- Supplemental Agreement for Use of Cellular Residue.

[1] It is emphasized that these forms should contain the standard clauses set forth in §§ 803.323, 803.325, and General Condition 12 of W. D. Contract Form No. 47 (§ 813.1317a (b)).

Office of the Chief of Transportation:
- TC Form No. 101 — Lease of Equipment Under Public No. 779, 77th Congress.
- TC Form No. 102 — Lease of Equipment with Indemnity, Under Public No. 779 77th Congress.
- TC Form No. 103 — Standard Master Ship Repair Contract.
- TC Form No. 104 — Freight Handling Services.
- TC Form No. 224 — Contract for Movement of Household Goods and Effects (see Circular No. 214, W. D., 1944).
- TC Form No. 225 — Government-Owned Facilities Lease Agreement.

Army Air Forces:
- Material Command, Contract Form No. 32—Fixed Price Supply Contract.
- Army Air Forces, Form No. 98—Purchase Order.
- Letter Contract for Supplies or Services (Fixed Price).
- Letter Contract for Supplies or Services (CPFF).
- Cost-Plus-A-Fixed-Fee Supply Contract (CPFF Form 3, revised).
- General Airlines Service Contract (and Supplement).
- Contract Pilot School.
- Blanket Bailment Agreement.
- Sale of Property (General).
- Sale of Propeller Boxes.
- Contract for Return of Excess Parts to Manufacturers.
- Sale of Aircraft and Spare Parts.

Office of the Provost Marshal General:
- Contract for Prisoner of War Labor.

Office, Director of Personnel:
- Contract for Correspondence Instruction.
- Contract for Radio and Phonograph Recordings.

Service Commands:
- Contract for Training in Medicine and Dentistry.
- Contract for Training in Veterinary Medicine.
- Training Unit Contract.
- Boiler Inspection Contract.
- Contract for Inspection and Maintenance of Automatic Fire Alarm Systems.
- Laundry and Dry Cleaning Contract; Hospital Laundry Contract (see Part Two, ASF Circular No. 128, 8 May 1944).

2. Section 803.308g is revised by the addition of a reference to § 803.308h (d) in the second sentence, as follows:

§ 803.308g *Supplements and change orders dealing with or directly affecting matters pending before the General Accounting Office in respect of the amended contract.* Chiefs of technical services may not approve or authorize the execution of any supplemental agreement or change order which deals with or directly affects the claim under the contract amended thereby which has been transmitted to the General Accounting Office, or any dispute under the contract which has been referred to the General Accounting Office. This limitation of authority is applicable to action taken pursuant to §§ 803.306 (c), (d), 803.308a, 803.308b, 803.308e, 803.308h (d), 803.379 and 803.380 notwithstanding any authority granted to the chiefs of the technical services by those sections respectively. In requesting any approval of the Director, Purchases Division, Headquarters, Army Service Forces, required by these regulations, the chiefs of the several technical services will call attention to any matters pending before the General Accounting Office with respect to the contract in question, or any closely related contract which may be affected or dealt with by the supplementary agreement, change order, or action, approval of which is requested, and will state fully the circumstances in any such pending matter.

3. In § 803.308h paragraph (d) (1) is amended by the addition of subdivisions (v) and (vi); paragraph (f) is redesignated (g); and a new paragraph (f) is added, as follows:

§ 803.308h *Defective, informal and quasi-contracts.* * * *

(d) *Action under Section 17 by the technical service.* (1) * * *

(v) No claim relating to the furnishing of such materials, services or facilities has been referred to the General Accounting Office (see § 803.308g).

(vi) Final payment has not been made under the contract as theretofore formally amended in writing.

* * * * *

(f) *Form of contract or supplemental agreement.* Any contract or supplemental agreement executed or proposed for execution pursuant to the authority of section 17 of the Contract Settlement Act of 1944 must contain, in addition to the usual provisions required by existing regulations, the following:

(1) Recitals of the principal facts and circumstances which justify a finding that the action taken is within the scope of section 17 of the Contract Settlement Act of 1944, including a statement in cases of action within the scope of subsection (a) of such section 17, that the materials, services or facilities in question were related to the prosecution of the war.

(2) Recital that the execution of the contract or supplemental agreement has been authorized by or in behalf of the Secretary of War pursuant to the authority of the Contract Settlement Act of 1944.

(3) A provision whereby the contractor releases and discharges the Government of and from all liabilities for furnishing or arranging to furnish the materials, services or facilities in question.

(g) *Action by War Department Board of Contract Appeals.* The War Department Board of Contract Appeals in connection with any appeal pending before it under the "Disputes" article of a contract (see e. g. § 803.326) may authorize or direct the taking of any action pursuant to section 17 of the Contract Settlement Act of 1944 which in its opinion is required or authorized by that section.

SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

In § 803.351 paragraph (d) is amended, and paragraph (e) is added as follows:

(d) *Article for use in contracts for the purchase of lumber or coal.*

ARTICLE ____. *Escalation in relation to OPA ceiling prices.* The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased or decreased the price payable for any subsequent delivery of such item made in accordance with the provisions of the contract, shall be increased, or decreased, by the same number of cents, or fraction thereof, per unit, that such maximum price may be increased, or decreased, up to and including the date of delivery.

NOTE: Where the foregoing article is used, the following clause may be added:

Price adjustment in relation to other factors. In the event that the establishment and maintenance by the Office of Price Administration or other Government agency of maximum prices for the type of_____ _____ covered by this contract is terminated during the contract period, and if during the remainder of such period changes should occur in working hours, wage scales, or other conditions of employment, which changes are a part of the general revision of such conditions [within the producing district where the coal is mined], the parties hereto, upon the request in writing of one to the other within 30 days after the effective date upon which any such change occurs, may redetermine by negotiation the unit price affected, provided that pending such negotiation the contractor shall continue deliveries hereunder. Any price redetermination as herein provided shall be applicable to all deliveries after the effective date upon which the change occurs permitting redetermination as herein provided.

(e) *Article for use in contracts for the purchase of basic steel products from steel mills (Schedule I of CMP Regulation 1, as amended from time to time).*

ARTICLE ____. *Escalation in relation to OPA ceiling prices.* The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased the price payable for any subsequent delivery of such item made in accordance with the provisions of the contract, shall be increased by the same number of cents, or fraction thereof, per unit, that such maximum price may be increased up to and including the date of delivery. If the OPA maximum price in effect on the date of shipment of any of the supplies to be delivered hereunder is less than the price stated herein, the price payable for such supplies shall be the OPA maximum ceiling price in effect on the date of shipment.

NOTE: Where the foregoing article is used, the clause set forth in the note to § 803.351 (d) may be added.

SUBPART L—MISCELLANEOUS

1. In § 803.394 that portion of paragraph (b) preceding the colon is amended as follows:

§ 308.394 *Contracts for electric power.* * * *

(b) *War Department Power Procurement Officer.* Pursuant to the directives from the President, set forth in § 803.394 (a) the Secretary of War has designated Col. S. M. Weaver as War Department Power Procurement Officer and Major

George P. Steinmetz as Deputy War Department Power Procurement Officer, with the following responsibilities for contracts of 1000 kilowatts or over for electric service to all installations where the War Department has an interest in the cost of electric service:

* * * * *

2. In § 803.395 paragraph (b) is revised by the insertion of a reference to section 12, Pub. Law 580, 77th Congress, as follows:

§ 803.395 *Contracts within section 9, Military Appropriation Act, 1944 and 1945.* * * *

(b) Except as may be provided in other applicable statutes (see, e. g., section 12, Public Law 580, 77th Congress), the statutes above-quoted affect (1) each War Department contract for architectural, engineering, technical or professional services (i) made with any individual; or (ii) made with a firm or corporation which is engaged primarily in the business of furnishing such services, and (2) each War Department contract for the employment of the services of accountants or other experts to assist in inaugurating new or changing old methods of transacting business of the Department. Except as above stated, they do not apply to any contracts with firms or corporations for services related to the development, invention, design, procurement, production, repair, or maintenance of war supplies, materiel or facilities or for research or services concerning any such supplies, materiel or facilities, or to any other type of War Department contract.

* * * * *

[Procurement Reg. 6]

PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

SUBPART A—GENERAL

Section 806.602 (a) (1) is revised as follows:

§ 806.602 *Definitions*—(a) *Procurement.* The term "procurement" as used in this regulation refers to the procedure necessary to obtain a given item or class of items and includes the execution of the following functions:

(1) *Specification (Abbr. Spec.)* This function involves the responsibility for the preparation or supply of specifications in accordance with the provisions of AR 850-25 to be used in the procurement of the item or items. Specifications will be such as to provide items meeting the approved military characteristics. For items not covered by military characteristics, specifications will be such as to provide items meeting the technical requirements of the using arms and services and the services interested therein by virtue of their missions.

* * * * *

SUBPART B—INTERBRANCH PROCUREMENT

1. In § 806.603 paragraph (b) is amended by the addition of subparagraph (6); paragraph (d) is revoked; and paragraph (f) is amended by the addition of subparagraph (5), as follows:

§ 806.603 *Authority of Procurement Assignment Board.* * * *

(b) *Purchase of an item by other than the service assigned such responsibility.* * * *

(6) Purchases made pursuant to the provisions of this paragraph will be subject to the applicable restrictions concerning local purchases and purchases of restricted or prohibited items. See § 811.1187 et seq.

* * * * *

(d) [Revoked]

* * * * *

(f) *Procedure.* * * *

(5) Where items are assigned to a technical service other than the Medical Department for the requirements of the Army at large, the separate and additional requirements for such items for hospitals are not included therein. Determination of requirements and provision of funds for such separate and additional requirements for hospitals are the responsibility of the Medical Department.

2. That portion of § 806.604 preceding paragraph (a) is amended to read as follows:

§ 806.604 *Report of actions of the Procurement Assignment Board.* (1) There is contained in Appendix I to these procurement regulations[1] a condensed record of the assignments made by the Board since the beginning of the calendar year 1942. Actions taken by the Board are reported in ASF circulars. From time to time, information as to such actions will be consolidated in the Appendix. Reference is made to the first page of the Appendix for a more complete statement as to what is covered therein.

[1] Filed as part of the original document.

(2) Certain actions of the Board are set forth in the paragraphs immediately following. The Appendix, however, contains cross references to these paragraphs.

* * * * *

2. In § 806.604 (c) the last paragraph of footnote 2 is deleted.

3. Section 806.605b is revoked, as follows:

§ 806.605b *Contracts for recapping and retreading tires, and repairing tires and tubes.* [Revoked]

SUBPART C—INTERDEPARTMENTAL PURCHASES

In § 806.606 paragraph (f) is added and paragraph (g) revised, as follows:

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

(f) *Delivery orders under contracts of the Procurement Division, Treasury Department.* (1) Delivery orders issued under contracts of the Procurement Division, Treasury Department, will contain sufficient data to enable prompt identification by disbursing and auditing agencies of the correct listing in the proper General Schedule of Supplies. These data will include contract number, item number, and, where applicable, supplement, region or zone number.

(2) Reference is made to the discussion in § 806.614 concerning the suggested form of delivery order. As stated in § 806.614 (d), all orders issued under contracts of the Procurement Division, Treasury Department, are included within the term "delivery orders" even though such orders are frequently referred to as "purchase orders."

(3) Each delivery order should show the name of the finance officer by whom payment will be made.

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

Description of item	Schedule of Supplies	Period
Explosives and blasting accessories	4, Supp. No. 1	July 1 to Dec. 31, 1944.
Gasoline: Tank Wagon and Drum Deliveries, Tank-Car, Transport-Truck and Marine Deliveries.	7 and Supps., Regions 1 to 6, incl.	July 1, 1944 to June 30, 1945.
Fuel Oil: Tank-Wagon and Drum Deliveries, Tank-Car, Transport-Truck, and Marine Deliveries.	7 and Supps., Regions 1 to 6, incl.	July 1, 1944 to June 30, 1945.
Gasoline, Diesel Oil, and Lubricating Oil, Service-Station Deliveries.	7 and 14	July 1, 1944 to June 30, 1945.
Tire chains	8, Supp. No. 3	July 1, 1944 to June 30, 1945.
Automotive storage batteries	17, Supp. No. 2 (Revised)	March 16 to Sept. 15, 1944.
Telephones and parts	17, Supp. No. 6	Sept. 1, 1941 to Aug. 31, 1942 (portion extended to Feb. 28, 1945).
Electric lamps	17, Supp. No. 3	Sept. 1, 1944, to Aug. 31, 1945.
Wood furniture	20, Part I	Jan. 1 to Dec. 31, 1942 (portion extended to Dec. 31, 1944).
Wood furniture	20, Part I	Jan. 1 to Dec. 31, 1944.
Steel furniture	20, Part II	Jan. 1 to Dec. 31, 1942 (portion extended to Dec. 31, 1944).
Steel insulated filing cabinets	20, Part II, Supp. No. 1	July 1, 1943 to Dec. 31, 1943 (extended to Dec. 31, 1944).
Floor and window coverings	27	April 1 to Sept. 30, 1944.
Books	35	Dec. 1, 1943, to Nov. 30, 1944.
Machine tools (only the following items: 40-M-9-100, and 40-P-22 to 40-P-37, incl.).	40	Sept. 1, 1944 to Aug. 31, 1945.
Woodworking saws	40, Supp. No. 1	July 1, 1944, to June 30, 1945.
Paper drinking cups	53, Supp. No. 2	July 1, 1944, to June 30, 1945.
Office equipment	54	July 1, 1944, to June 30, 1945.
Offset duplicating supplies and certain office equipment.	54	July 1, 1944, to June 30, 1945.
Portable drinking fountains	63, Supp. No. 1	Mar. 1, 1944, to Feb. 28, 1945.

Description of item	Schedule of Supplies	Period
Airplane tires and tubes	83	Apr. 24 to June 30, 1942 (extended to Nov. 30, 1944).
Recording and transcription service	103, Supp. No. 2 (Revised)	Sept. 1, 1944, to Aug. 31, 1945.
Household and quarters furniture	(Part 1)	Aug. 1, 1944, to Jan. 31, 1945.
Household and quarters furniture	(Part 2)	Aug. 1, 1944, to Jan. 31 1945.

NOTE: (1) Some of the schedules listed above are mandatory only upon some of the activities of the War Department. In case of doubt as to whether it is mandatory that a particular item be procured under a schedule, the schedule itself should be consulted and provisions of the schedule should be regarded as controlling.

(2) Attention is called to the provisions of § 811.1187 et seq., as to restrictions concerning local purchases and the purchases of restricted or prohibited items. Such restrictions apply to items, even though they may be listed on the General Schedule of Supplies.

[Procurement Reg. 7]

PART 807—DISPOSITION OF PROPERTY

SUBPART A—GENERAL

1. Section 807.111 is amended to read as follows:

§ 807.111 *Compliance with OPA and WPB regulations*—(a) *General.* All sales or other transfers (except transfers within the Government) of property made under the authority of this part or otherwise, shall conform to applicable orders and regulations of the War Production Board and the Office of Price Administration.

The term "sales," as used in paragraphs (a) to (h), includes, where appropriate, retentions of property by contractors as authorized by procurement regulations, and the term "buyers" similiary includes such contractors.

(b) *WPB regulations.* Officers responsible for disposal of War Department property may rely upon a representation by the buyer to the effect that the purchase is being made in compliance with all War Production Board regulations affecting the buyer, unless they have knowledge or reason to believe that such representation is false. Such a representation should be incorporated in each written contract of sale. War Department representatives are not responsible, however, for compliance with War Production Board regulations in the case of sales of contractor-owned property.

(c) *Exemptions from OPA price ceilings.* Price ceilings established by the Office of Price Administration do not apply to a sale (other than a sale of food or of a commodity originally purchased solely for the purpose of resale in substantially the same form or for stockpiling) where the sale is:

(1) To another Government agency (§§ 807.307 to 807.310 (a));

(2) To any foreign government or agency thereof;

(3) To a contractor (but not to a subcontractor) for use in carrying out his prime contract with a Government agency (§ 807.301);

(4) To any relief organization for donation or export sale (§ 807.302);

(5) Of a single item or group of items where the sales price estimated to be obtainable for all substantially similar items available for sale at the place of sale does not exceed $300 (§§ 807.206 (b), 807.701).

(6) Of personal property when sold together with an interest in land or buildings in a single transaction;

(7) Of all or substantially all the Government-owned contents of a factory or plant to the owner, lessee, or operator; or to any other single buyer purchasing for use;

(8) Of building installations, facilities, appurtenances, equipment and personal property attached to the land (except standing timber);

(9) Of scrap metal to a dealer in such material purchasing solely for resale, provided:

(i) That the dealer certifies that he is purchasing such material for resale and that in reselling he will not exceed the applicable OPA maximum prices, and

(ii) That the seller has no reason to doubt the accuracy of the dealer's certificate (§ 807.410 (b)).

(d) *Reliance on buyers' certificates.* Unless contracting officers (and contractors selling termination inventory) have reason to doubt the accuracy of the certificate hereinafter set forth, they may make any sale (other than of food or of a commodity originally purchased solely for the purpose of resale in substantially the same form or for stockpiling), without verifying OPA ceiling prices, in reliance upon a certificate in the following form executed by the buyer:

The undersigned hereby certifies that the price paid (to be paid) (to be credited to the Government) for the goods purchased (to be purchased) (to be retained by the undersigned) under (identify contract, bid or quotation) does not exceed one of the following:

(a) The maximum price applicable to purchases by the undersigned, from usual sources of supply, of the goods in the quantity and at the place of delivery specified in such contract (bid, quotation), or

(b) The maximum selling price applicable to sales by the undersigned, in its capacity as a manufacturer, producer or processor of the same goods, disregarding minor differences in specifications or design, in the quantity and at the place of delivery specified in such contract (bid, quotation).

(e) *Contract termination inventories.* A sale of any item of raw materials, supplies, component parts, semi-processed and semi-fabricated material included in a termination inventory, not exempt (see paragraph (c)) and not made in reliance upon a certificate (see paragraph (d)), nevertheless complies with OPA regulations if made at a price not exceeding acquisition cost (§ 807.206 (c)) (although a sale may be made at a price in excess of acquisition cost if it complies with OPA regulations). "Acquisition cost" of termination inventory means the purchase price, plus freight, if any, paid by the contractor for the item and may be averaged. Freight charges which cannot be definitely assigned or allocated to the item may be estimated. Where the item being sold has been fabricated or processed by the contractor, direct labor costs plus the appropriate allocable factory overhead (which may be estimated if actual figures are not available) may be added to the acquisition cost. The cost shown by contractors on termination inventory schedules may be accepted by contracting officers as representing acquisition cost. The acquisition cost of property furnished to the contractor by the Government may be estimated, if the actual cost is unknown or cannot reasonably be ascertained. Contractors who make sales of termination inventory will furnish the purchaser certain information as required by OPA Supplementary Order No. 94.

(f) *OPA assistance.* In the event a proposed sale is not exempt from OPA price ceilings (see paragraph (c)), and is not to be made in reliance upon a certificate (see paragraph (d)) or in the case of contract termination inventories, at a price not exceeding acquisition cost (see paragraph (e)), contracting officers may call upon the members of the price staff of any OPA office for aid in determining the OPA maximum price, if any, applicable thereto.

(g) *Information obtainable.* If assistance of OPA officials is not available, interested personnel may refer to the terms of OPA Supplementary Order No. 94 for a recital of various exemptions not discussed and various instructions as to methods of determining OPA price ceilings too numerous to set forth in detail in these procurement regulations.

(h) *Liability for violations.* The OPA grants exemption to War Department officials and employees and to contractors making sales in reliance upon certificates, as set forth in paragraph (d), from any liability for the violation of any OPA maximum price ceilings, unless the seller has reason to doubt the accuracy of such certificates.

2. Section 807.115 is revised as follows:

§ 807.115 *Information as to sales of War Department property.* It is the policy of the War Department to have the facts on all public sales of War Department property kept available at the point of sale for public inspection during normal business hours for any proper purpose. The facts on sales to war contractors will likewise be kept available for inspection by the interested parties.

* * * * *

SUBPART C—DISPOSITION OF PROPERTY FOR PURPOSES DIRECTLY RELATED TO THE PROSECUTION OF THE WAR

1. Sections 807.316, 807.317 and 807.318 are added, as follows:

§ 807.316 *Donations to schools engaged in pre-induction training.* The Secretary of War, exercising the discretion conferred upon him by the act of May 26, 1928 (45 Stat. 753, 20 U.S.C. 94) and the act of February 28, 1936 (49 Stat.

1147, 10 U.S.C. 1258), has authorized and directed the donation of property of the classes specified in paragraph (d) below to educational institutions engaged in preinduction training under the following conditions:

(a) To be eligible for donations, an institution must:

(1) Be operated by a state or municipality, or must be certified by a state department of education or similar state authority responsible for the supervision of education to be an institution not operated for profit and to have a curriculum of a type approved by the certifying authority for similar institution;

(2) Provide training for no less than 15 students in the course in which the donated property is to be used;

(3) Provide a course of instruction which will require the use of the donated property not less than 15 hours per week during the school year;

(4) Use the property to be donated in a preinduction training program recommended by the Military Training Division, Headquarters, Army Service Forces; and

(5) Provide adequate facilities to maintain the property.

(b) All requests for the donation of property to educational institutions will be forwarded to the commanding general of the service command in which the institution is located, directed to the attention of the Pre-Induction Training Officer. The commanding general of the service command may approve the request if he determines that (1) all efforts to supply the property from salvage have been exhausted, (2) that the request is reasonable and proper in view of the training to be given; and (3) that the institution meets the standards prescribed by the Secretary of War and set forth in paragraph (a) above.

(c) The recommendation of the commanding general of the service command which shall contain the specific findings required by paragraph (b) will be forwarded to the chief of the technical service having control of the property to be donated (attention Redistribution and Salvage Officer) in the case of property of the Army Service Forces, and to the Commanding General, Air Service Command, Patterson Field, Ohio, in the case of property of the Army Air Forces. The chief of the technical service or the Commanding General, Air Service Command, will, if the request is approved, direct the appropriate installation to supply the property, citing this paragraph.

(d) The following property may be donated under the authority of this paragraph: (1) Obsolete or excess machinery, mechanical equipment and tools; (2) aircraft, aircraft parts, instruments or engines which are obsolete or impaired to the extent that repair would not be economical.

(e) Aircraft, aircraft engines, instruments or parts will be donated only upon the execution and agreement by the donee that the articles donated will not be used in actual flying. Under no circumstances will any donation be made which will result in current procurement to replace the property donated. No property will be considered available for donation after it has been reported as surplus to a Disposal Agency.

(f) No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling and delivery to the carrier. Property shipped by carrier will be on commercial bill of lading with transportation charges collect. The shipping directions of the chief of the technical service or Commanding General, Air Service Command, given pursuant to paragraph (c) hereof, together with the shipping document, will constitute a credit voucher to the property account. Two lists of the property donated will be forwarded to the commanding general of the service command who recommended the donation.

§ 807.317 *Sales to contractors for return in kind.* (a) The chiefs of technical services are authorized to sell property from War Department stocks to prime contractors for the purpose of maintaining or expediting production, under agreements by such contractors to replace the items delivered with identical articles procured by the contractors or to make payment therefor, in the form prescribed in this paragraph. Property from War Department stocks will be made available to prime contractors under the authority of this paragraph only when the property is needed by the contractor to maintain or expedite the production rate under the prime contract, and when the contractor has outstanding subcontracts for the acquisition of identical articles which can be used to replace the War Department stock. The property sold to a contractor under the authority of this paragraph will not exceed in estimated value on amount equal to 5% of the total amount of the principal contract.

(b) The following procedure will be followed in making property available to contractors under the authority of this paragraph:

(1) Requests for the delivery of property under this paragraph will be addressed to the chief of the technical service or his delegate, and signed by the contracting officer for the contract involved. The request will state the specific quantity or number of articles desired, and will give technical service number and nomenclature, and will specify the time within which the articles will be replaced. The request will also state fully the reasons and circumstances under which the request is made.

(2) The chief of technical service will notify the contracting officer of the approval or disapproval of the request, and will advise him of the depot from which the property will be delivered, if the request is approved. The chief of the technical service will direct the depot from which the property is to be delivered to make delivery to the contractor, upon receipt of notice from the contracting officer as provided in subparagraph (4) below. The instructions to the depot will require that a special property record be maintained for each such transaction, and that the depot arrange for adequate inspection of the property at the time of its delivery at the contractor's plant, and for inspection of the replacement items upon their delivery to the War Department by the contractor.

(3) Upon approval by the chief of technical service, the contracting officer will arrange with the contractor for the execution of a supplemental agreement in the following form, which agreement will recite that it is executed pursuant to the First War Powers Act and Executive Order No. 9001:

ARTICLE ____. In consideration of the sale and delivery by the United States to the contractor of the articles listed on Exhibit A, the contractor agrees:

(1) To replace said articles by delivery to the United States of identical articles at the place or places designated by the contracting officer on or before_____, or
(date)

(2) Failing the replacement of said articles on said date, to pay to the United States an amount to be determined by the contracting officer, which will include the cost to the government of the articles, and all packing, handling and other costs.

(3) That said articles will be used by the contractor only for the performance of the contract; and

(4) That the amount of $_____ shall be withheld by the United States until said articles are replaced or the value thereof determined by the contracting officer in accordance with this agreement.

(5) That if an advance payment is outstanding under the prime contract, the advance payment lien shall attach to the said articles listed in Exhibit A, and any amounts to be withheld as provided in (4) above, shall be withheld only from amounts remaining due after the deduction of liquidation payments required by the advance payment article.

(4) The contracting officer will specify an amount, not exceeding 5% of the total amount of the principal contract, to be withheld which in his opinion is adequate to cover the cost to the government of the articles to be delivered to the contractor.

(5) Upon the execution of such supplemental agreement, the contracting officer will (i) promptly transmit a copy thereof to the finance officer, with a request that the specified amount be withheld until receipt of notice of replacement or instructions to make a final deduction, and (ii) notify the Depot Supply Officer that he is authorized to deliver the articles.

(6) Three copies of the shipping document covering the property delivered to the contractor will be forwarded by the depot to the contracting officer. Two copies will be signed by the contractor acknowledging receipt of the property. One copy will be retained by the contracting officer and the other forwarded to the Depot Supply Officer. The third copy will be retained by the contractor.

(7) The following notation will be typed on the shipping document and signed by the contractor:

Receipt from the United States Government of the property listed hereon for use on Contract No. _____ is hereby acknowledged. It is agreed that replacement of this property will be made in kind on or before _____ (date) or payment made therefor in accordance with said contract.

_____ _____
(Date) (Signature of the contractor)

(8) The Depot Supply Officer will notify the contracting officer when the re-

placement has been made and accepted, and the contracting officer will transmit such notice to the finance officer.

(9) If the property is not replaced in kind by the contractor on or before the date specified in the supplemental agreement, the Depot Supply Officer will report such fact to the contracting officer who will take action to obtain the replacement of the property or will notify the finance officer of the amount payable to the government under the agreement, advising the Depot Supply Officer of the completed action. In the event of payment by the contractor in lieu of replacement, the written advice of the contracting officer to the Depot Supply Officer that settlement has been effected will constitute a valid credit voucher to the Depot Supply Officer's property account.

§ 807.318 *Miscellaneous sales under specific statutes and Army regulations.* The chiefs of the technical services are authorized to sell or otherwise dispose of any property which is not determined to be surplus pursuant to this part, in accordance with the provisions of AR 45-75, AR 45-80, AR 30-2280, AR 30-2290, AR 95-25, AR 500-60, and AR 850-100. Property determined to be surplus will be disposed of only in accordance with this part.

SUBPART F—DISPOSITION OF SERVICEABLE NON-MILITARY PROPERTY OTHER THAN TERMINATION INVENTORY

Subpart F is revised as set forth below:

§ 807.600 *Scope of subpart.* This subpart provides authority and procedures for disposing of non-military property other than termination inventories, in addition to those set forth in Subparts C and D. In this connection attention is called to the policy of the War Department set forth in § 807.103 requiring constant and active review of non-military property on hand and in the process of manufacture and prompt disposition of excess property.

§ 807.601 *Redistribution.* Non-military property other than termination inventory is composed largely of production and construction equipment and materials used in the manufacture of items of issue, and in construction. When such property becomes idle or excess, it can most effectively be returned to productive use through vigorous effort of the local establishment having jurisdiction of the property, with assistance of the chief of the technical service concerned when local effort has not resulted in redistribution within a reasonable period. Property that cannot be redistributed by such means within a reasonable period (which should not exceed 60 days) after it becomes idle or excess should be reported to a disposal agency, in order that it may be offered for disposal in the broadest industrial market. Accordingly, when it has been determined that items of non-military property other than termination inventory are not required for immediate or definitely foreseeable need at the point of use, action will be immediately taken to redistribute such items within the technical service concerned or to return the property to a direct war use in accordance with Subpart C. When such items cannot be redistributed immediately to fill known requirements the procedures established in this Subpart F will be promptly instituted and vigorously pursued.

§ 807.602 *Circularization.* Although circularization of non-military property, other than part 3 property, is not required, it may be used in those cases where it is considered to be an effective aid to redistribution. When so used, circularization should be accomplished on a selective basis; only important and substantial items of property should be included and only those offices likely to have requirements for the particular property should be circularized. In no event should circularization be permitted to limit local redistribution efforts or delay the disposal as surplus of property that cannot promptly be redistributed.

§ 807.603 *Deviation from procedures.* The Director, Readjustment Division, is authorized to permit deviation from the procedures established in this subpart.

Production Equipment and Utility Equipment

§ 807.610 *Application.* The procedures established in §§ 807.610 to 807.616, inclusive, are applicable to production equipment and utility equipment. Such property will be referred to as "part 1 property".

(a) Production equipment includes the following:

Machine tools.
Metal working machinery.
Cleaning and spraying equipment.
Compressors and vacuum pumps.
Industrial pumps.
Industrial conveying machinery.
Engines and turbines, general purpose.
Heat exchangers.
Optical machinery.
Industrial cranes and hoists.
Thermal driers and dehydrators.
Fans, blowers and exhausters, industrial types.
Pressure and vacuum filters.
Pressure vessels (other than boilers).
Electric motors, integral horsepower, and electric motor controls.
Power conversion equipment.
Foundry equipment.
Heat treating equipment.
Welding and cutting equipment, industrial types.
Crushing, pulverizing, screening and mixing equipment and machinery, industrial types.
Special industry machinery (specialized machinery for food products, pulp and paper, printing trades, rubber working, petroleum, ceramics, glass, shoemaking, textile, tanning, pharmaceutical, chemical and other special industries).

(b) Utility equipment includes major items of equipment used in the generating, processing, transmission or distribution of electricity, gas and water, and in the disposal of sewage.

(c) The procedures established under §§ 807.610 to 807.616, inclusive, will not apply to:

(1) Part 1 property comprised in complete industrial installations that have been placed in standby or reported as excess under War Department Circular No. 8, 1944.

(2) Items of part 1 property which the chief of the technical service concerned desires to hold in standby for definitely foreseeable production needs: *Provided,* That items (other than those suitable solely for production of purely military items) will be so held only with the approval of the Director, Readjustment Division, Headquarters, Army Service Forces.

§ 807.611 *Local redistribution.* When part 1 property becomes idle, the local establishment having jurisdiction thereof will promptly initiate action to redistribute the property for the following purposes:

(1) Military supply requirements or current production needs, or other purposes in accordance with Subpart C.

(2) Authorized modernization of the permanent military establishment.

(3) Authorized war reserve. Prior to the cessation of hostilities, only such idle production equipment as is suitable solely for production of purely military items will be retained in war reserve.

§ 807.612 *Redistribution assistance by chief of service.* When local efforts have not resulted in redistribution of an item of part 1 property within 30 days after it becomes idle, the local establishment having jurisdiction of the item will immediately refer it to the chief of technical service concerned for redistribution assistance. The chief of the technical service, if he so desires, may direct that such reference be made prior to the expiration of 30 days after the property becomes idle. Redistribution efforts of the local establishment will be continued after such reference, and the reference will not be permitted to delay or limit local redistribution efforts.

§ 807.613 *Determination of surplus.* Items of part 1 property that have not been redistributed within 60 days after they become idle will be deemed surplus, without further action, and will be immediately disposed of by the local establishment in accordance with Subpart G. If, at any time prior to the expiration of such 60 day period, the chief of the technical service concerned considers that further redistribution efforts are not warranted, he may direct the local establishment to proceed immediately to dispose of the property as surplus in accordance with Subpart G, without awaiting the expiration of the 60 day period. Except in the case of nominal quantities to be disposed of under § 807.701, the local establishment will prepare the necessary papers for reporting to the Disposal Agency sufficiently in advance to permit immediate reporting not later than the 60th day after the property becomes idle.

§ 807.614 *Production equipment in use on other than war production.* Production equipment in the possession of contractors under leases or similar arrangements with the War Department that is being used exclusively on work other than war production will be regarded as being idle for the purpose of §§ 807.610 to 807.616, inclusive, and the

procedures prescribed hereunder will be immediately instituted with respect to such equipment.

§ 807.615 *Interim procedure.* It is essential that vigorous action be taken to redistribute or dispose of as surplus all part 1 property that is now idle or in storage. As to property that becomes idle after 1 September 1944, the effective date of this section, the policy of the War Department to accomplish redistribution or disposal as surplus within a maximum period of 60 days can be attained through the procedures established above. As to property now idle or in storage, the following measures will be taken:

(a) Part 1 property in storage at the effective date of this paragraph which has not been circularized under procedures heretofore in effect or reported to the chief of the technical service concerned as idle or excess, will be immediately referred by the local establishment having jurisdiction thereof to the chief of the technical service concerned in accordance with § 807.612, and if not redistributed within 30 days after such reference will be immediately disposed of in accordance with Subpart G.

(b) Part 1 property which has been reported to the chief of the technical service concerned as idle or excess under procedures heretofore in effect, but has not been circularized, will be immediately disposed of in accordance with Subpart G upon the expiration of 30 days after the effective date of this section, if not redistributed during that period.

(c) Part 1 property as to which circularization has been initiated under procedures heretofore in effect will be immediately disposed of in accordance with Subpart G upon the expiration of 30 days after the effective date of this section (or upon the expiration of the circularization period under procedures heretofore in effect, if such circularization period expires earlier than 30 days after the effective date of this section), if not redistributed during that period.

§ 807.616 *Storage of surplus part 1 property.* (a) After it has been reported to a Disposal Agency as surplus, production equipment may be turned over to Ordnance Department, and utility equipment may be turned over to the Corps of Engineers, for storage pending disposal. The technical service turning over such property for storage will notify the Disposal Agency of the change of location of the property, and will submit a copy of such notification, together with a copy of the report of surplus, to the storing establishment.

(b) When a technical service desires to turn over utility equipment to the Corps of Engineers for storage, the local establishment having jurisdiction of the equipment will notify the division engineer of the Corps of Engineers nearest to the location of the equipment, who will issue shipping instructions. The technical service requesting storage will prepare and ship the equipment in accordance with such shipping instructions. All costs of packing, handling, and transportation will be borne by the technical service requesting storage. Accountability will be transferred to the Corps of Engineers without transfer of funds. Transfer will be coordinated with the interested accountable property officer for compliance with applicable regulations in regard to the transfer of accountability for property.

(c) The procedure for turning over production equipment to Ordnance Department for storage is set forth in Subpart H, ASF Circular No. 4, 1944.

Construction Equipment

§ 807.620 *Application.* The procedures established in §§ 807.620 to 807.624, inclusive, are applicable to construction equipment, which includes all construction equipment of a standard type not so restricted in design as to render it unsuitable for non-military use of a recurring nature. Such construction equipment includes, but is not limited to, drilling and boring equipment, earth and rock, including core drills, rock drills, churn drills, earth borers and horizontal augers; power cranes and shovels, drag lines, buckets, stiff-leg derricks, and dredges; scrapers, maintainers, and graders; tractors, track-laying and wheel types; tractor-mounted construction equipment including angledozers, bulldozers, and power control units; winches and hoists, contractors' elevating, road brooms, concrete buggies and carts, bins, centerline marking equipment, road discs, ditchers, aggregate dryers, joint and crack filling machinery, road forms, form tamping machines, mud jacks, portable snowloaders, tamping rollers, scarifiers, concrete towers, contractors' crawler wagons, and similar equipment; construction material mixers, spreaders, pavers, surfacers, finishers, tampers, vibrators, and related construction machinery; construction material processing equipment, including asphalt plants and portable crushers. Such property will be referred to as "part 2 property."

§ 807.621 *Local redistribution.* When part 2 property is determined to be excess, the local establishment having jurisdiction thereof will promptly initiate action to redistribute the property for military supply requirements or current construction needs, or other purposes in accordance with Subpart C.

§ 807622 *Redistribution assistance by chief of service and Chief of Engineers.* When local efforts have not resulted in redistribution of an item of part 2 property within 30 days after it is determined to be excess, the local establishment will immediately refer it to the chief of the technical service concerned and to the Chief of Engineers (attention: Redistribution and Salvage Officer) for redistribution assistance. The chief of the technical service of origin, if he so desires, may direct that such reference be made prior to the expiration of 30 days after the property is determined to be excess. Redistribution efforts of the local establishment will be continued after such reference, and the reference will not be permitted to delay or limit local redistribution efforts. The Chief of Engineers is specifically charged with acquiring items of part 2 property that are not redistributed within the technical service of origin which are suitable for troop use or tactical operations.

§ 807.623 *Determination of surplus.* Items of part 2 property that have not been redistributed within 60 days after they have been determined to be excess will be deemed surplus, without further action, and will be immediately disposed of by the local establishment in accordance with Subpart G. If, at any time prior to the expiration of such 60 day period, the chief of the technical service of origin, with the concurrence of the Chief of Engineers, considers that further redistribution efforts are not warranted, he may direct the local establishment to dispose of the property in accordance with Subpart G, without awaiting the expiration of the 60 day period.

§ 807.624 *Storage of surplus part 2 property.* After it has been reported to a disposal agency as surplus, part 2 property may be turned over to the Corps of Engineers for storage pending disposal. When a technical service desires to turn over part 2 property to the Corps of Engineers, the local establishment having jurisdiction of the equipment will notify the division engineer of the Corps of Engineers nearest to the location of the equipment, who will issue shipping instructions. The technical service requesting storage will prepare and ship the property in accordance with such shipping instructions. All costs of packing, handling and storage will be borne by the technical service requesting storage. Accountability will be transferred to the Corps of Engineers without transfer of funds. Transfer will be coordinated with the interested accountable property officer for compliance with applicable regulations in regard to the transfer of accountability for property. The technical service requesting storage will notify the disposal agency of the change of location of the property, and will submit a copy of such notification, together with a copy of the report of surplus, to the storing establishment.

Property Other Than Production and Utility Equipment, Construction Equipment and Controlled Materials

§ 807.630 *Application.* The procedures established in §§ 807.630 to 807.634, inclusive, are applicable to property other than production and utility equipment (part 1 property), construction equipment (part 2 property), and Controlled Materials (part 4 property). Such property will be referred to as "part 3 property".

(a) Sections 807.630 to 807.634, inclusive, do not apply to property peculiar to aircraft production to the extent that any of the provisions hereof may be inconsistent with the procedures established for the redistribution of such property by or under the direction of the Aircraft Resources Control Office of the Aircraft Production Board or the Surplus War Property Administration.

§ 807.631 *Local redistribution.* When part 3 property is determined to be excess, the local establishment having

jurisdiction thereof will promptly initiate action to redistribute the property for military supply requirements or current production or construction needs, or other purposes in accordance with Subpart C.

(a) *Nominal quantities.* Unless requirements therefor are known to exist, or can be quickly ascertained, single items or groups of items, where the cost, estimated if not known, of all substantially similar items in excess at any one time and at any one place does not exceed $100, will be deemed surplus, without further action, and disposed of in accordance with § 807.701.

§ 807.632 *Circularization.* When local efforts have not resulted in redistribution of part 3 property within 30 days after it is determined to be excess, circularization will be immediately initiated. The chief of the technical service concerned, if he so desires, may direct that circularization be initiated prior to the expiration of 30 days after the property is determined to be excess.

(a) *Preparation of circularization lists.* (1) Circularization lists will be on 8 × 10½ paper and will contain the following information:

(i) Name of issuing office together with the station identification number and appropriate letter symbol of the technical service concerned.

(ii) Serial number of list. Each issuing office will serially number each list circularized beginning with the number 1.

(iii) Date of circularization, which will be the date of transmittal required under (b).

(iv) Serial number of items or lots. Each item or lot will be serially numbered.

(v) Description of items or lots. Description will comprise such information as would be required by the controlling technical service if it were procuring the property, including, when pertinent, name of manufacturer, manufacturer's catalog number if available, identification numbers, location, age, condition, quantity and cost per unit, estimated, if not known.

(vi) Specific instructions by which an interested agency may be guided in negotiating sale or transfer of property reported. Names, mail and telephone addresses of officers authorized to carry on negotiations, will be included in each list circularized.

(2) For the purpose of convenient abbreviation in communications regarding property circularized, items may be identified by code, which will include in sequence, the station identification number and the letter symbol of the issuing office, serial number of list, serial number of item. For example a particular lot of valves listed as the second item of the third list circularized by an office of Ordnance Department, having station identification number "12345" would be identified as "12345-Ord-3-2".

(b) *Transmittal of lists.* Circularization lists of part 3 property will be transmitted to the offices listed in §807.902. As soon as practicable, the chiefs of technical services will ascertain informally from each other and from the Navy Department the type and kinds of property likely to be included in part 3 property circularization lists in which each has an interest and thereafter circularization will be limited to those services which have indicated an interest in the type of property being circularized. Transmittal of part 3 circularization lists to War Production Board is required for the sole purposes of advertising the availability of excess property to military agencies, war contractors and others to whom disposition is permitted under Subpart C of this part. Such transmittal does not impose any restrictions upon the movement of the property included therein that are not otherwise imposed by applicable regulations of War Production Board, nor does it impose any obligation to sell or transfer to any prospective purchaser or transferee referred by the War Production Board to the War Department representative responsible for disposal or to accord them any favored treatment whatever.

(c) *Items not to be circularized.* (1) Nominal quantities, as specified in § 807.631 (a), will not be included in circularization lists of part 3 property.

(2) Items that are peculiar to the technical service of origin will not be circularized. Determination as to what items are peculiar to the technical service and its contractors will be made by the chief of the technical service concerned. In those cases where the peculiarity of the item is not obvious, determination should be based upon informal inquiry as outlined in paragraph (b). The chief of the technical service will advise the offices responsible for circularization of part 3 property as to the items or classes of items that are to be withheld from circularization under this section. Such items will be deemed surplus, without further action, when determined to be excess to the technical service concerned, and will be disposed of in accordance with Subpart G.

§ 807.633 *Determination of surplus.* Items of part 3 property that have not been redistributed within 30 days after the transmittal of circularization lists under paragraph (b) will be deemed surplus, without further action, and, with the exception of stockpile materials, will be immediately disposed of by the local establishment having jurisdiction thereof in accordance with Subpart G.

§ 807.634 *Action to be taken on stockpile materials.* Stockpile materials in excess of the minimum quantities indicated in § 807.909 at any one location will be reported by the chief of technical service concerned to the Director, Production Division, Headquarters, Army Service Forces, for disposition instructions. W. D., A. G. O. Form 257 will be used for this purpose. After reporting, the chief of technical service concerned will take action in accordance with the provision of § 807.210 (b).

Controlled Materials

§ 807.640 *Application.* The procedures established in § § 807.640 to 807.644, inclusive, are applicable to Controlled Materials; that is, steel, copper, copper-base alloy and aluminum, in mill-product forms, as listed in War Production Board CMP Regulation No. 1. Such property will be referred to as "part 4 property".

(a) Sections 807.640 to 807.644, inclusive, do not apply to property peculiar to aircraft production to the extent that any of the provisions hereof may be inconsistent with the procedures established for the redistribution of such property by or under the direction of the Aircraft Resources Control Office of the Aircraft Production Board or the Surplus War Property Administration.

§ 807.641 *Local redistribution.* When part 4 property is determined to be excess, the local establishment having jurisdiction thereof will promptly initiate action to redistribute the property for military supply requirements or current production or construction needs, or other purposes in accordance with Subpart G.

(a) *Nominal quantities.* Unless requirements therefor are known to exist, or can be quickly ascertained, single items or groups of items, where the cost, estimated if not known, of all substantially similar items (e. g., all tool steel, all structural shapes, all carbon steel bars, all copper strip, all aluminum tubing) in excess at any one time and at any one place does not exceed $100, will be deemed surplus, without further action, and disposed of in accordance with § 807.701.

§ 807.642 *Redistribution assistance by chief of service and War Production Board.* When local efforts have not resulted in redistribution of part 4 property within 30 days after it is determined to be excess, the local establishment will immediately refer the property to the chief of the technical service concerned and to the regional office of the War Production Board for the region in which the property is located, for redistribution assistance. The chief of the technical service concerned, if he so desires, may direct that such reference be made prior to the expiration of 30 days after the property is determined to be excess. For the purpose of such reference, the property will be listed in substantially the form set forth in § 807.901 (a) for steel, § 807.901 (b) for copper and copper-base alloy, and § 807.901 (c) for aluminum. Nominal quantities, as specified in § 807.641 (a) will not be referred to the chief of service or the War Production Board. Redistribution efforts of the local establishment will be continued after such reference, and the reference will not be permitted to delay or limit local redistribution efforts. Reference of part 4 property to War Production Board is required for the sole purposes of advertising the availability of excess property to military agencies, war contractors and others to whom disposition is permitted under Subpart C of this part. Such transmittal does not impose any restrictions upon the movement of the property included therein that are not otherwise imposed by applicable regulations of War Production Board, nor does it impose any obligation to sell or transfer to any prospective purchaser or transferee referred by the War Produc-

tion Board to the War Department representative responsible for disposal or to accord them any favored treatment whatever.

§ 807.643 *Determination of surplus.* Items of part 4 property that have not been redistributed within 30 days after reference to the chief of service and War Production Board under § 807.642 will be deemed surplus, without further action, and, with the exception of stockpile materials, will be immediately disposed of by the local establishment in accordance with Subpart G.

§ 807.644 *Action to be taken on stockpile materials.* Stockpile materials in excess of the minimum quantities indicated in § 807.909 at any one location will be reported by the chief of technical service concerned to the Director, Production Division, Headquarters, Army Service Forces, for disposition instructions. W. D., A. G. O. Form 257 will be used for this purpose. After reporting, the chief of technical service concerned will take action in accordance with the provision of § 807.210 (b).

SUBPART G—DISPOSAL OF SURPLUS PROPERTY

1. Paragraph (e) of § 807.702 is amended to read as follows:

§ 807.702 *Reporting to disposing agency.* Surplus property other than that required to be disposed of under § 807.701 will be promptly reported to disposal agencies as follows:

* * * * *

(e) *Non-military property other than termination inventories*—(1) *Part 1 property (production and utility equipment) and part 4 (controlled materials).* Part 1 property and part 4 property will be reported to the Regional Office of Reconstruction Finance Corporation for the region in which the property is located.

(2) *Part 2 property (construction equipment).* Surplus part 2 property will be reported to the Regional Office of the Procurement Division, Treasury Department, for the region in which the property is located.

(3) *Part 3 property.* Surplus part 3 property other than aircraft, food and commercial ships, will be reported to Reconstruction Finance Corporation or Procurement Division, Treasury Department in accordance with the assignments set forth in § 807.904. Reports will be transmitted to the Regional Office of the appropriate Disposal Agency for the region in which the property is located. The assignments of those items likely to be included in §§ 807.630 to 807.634, inclusive, are as follows:

Procurement Division, Treasury Department:
- Paper and paper products.
- Cotton, wool and linen basic textiles, and fabricated textile products.
- Basic metal products as follows:
  - Barbed and twisted wire.
  - Woven wire and chain link fencing and fence posts.
  - Insect screening.
  - Wire springs.
  - Wire hoops.
  - Chain and attachments.
  - Nails, tacks and staples.

Procurement Division, Treasury Department—Continued.
- Basic metal products as follows—Con.
  - Bolts, nuts, screws, rivets, washers, turnbuckles, eyelets and grommets.
  - Strapping.
  - Builders basic hardware and casket, furniture, and trunk and luggage hardware.
- Glass, pottery and ceramic basic materials and products.
- Rubber fabricated materials and products.
- Containers, closures and packing materials.
- Industrial trucks, tractors, trailers, stackers and accessories.
- Agricultural machinery and implements.
- Motor vehicles, engines, parts, components, assemblies and accessories.
- Plumbing and heating materials and equipment.
- Commercial and household electric appliances, lamps and dry cell and storage batteries.
- Commercial and domestic air-conditioning and refrigerating equipment.
- Hand tools and mechanics' measuring tools.
- Office machines, typewriters, cash registers, calculating and computing scales.
- Furniture and fixtures.
- Professional and scientific instruments and apparatus.
- Apparel and footwear.

Reconstruction Finance Corporation:
- Leather, and boot and shoe cut stock and findings.
- Lumber, veneer, plywood and millwork.
- Petroleum and petroleum products.
- Chemicals.
- Paints, varnishes, lacquers, japans, thinners, pigments, driers, fillers and related products.
- Ferro and nonferrous additive alloys.
- Nonferrous metals (except aluminum, copper and copper-base alloy).
- Fabricated structural iron and steel and architectural metal work.
- Power boilers.
- Storage tanks.
- Insulated wire and cable.
- Basic non-metallic structural products.
- Abrasives.
- Asbestos basic products.
- Graphite and carbon basic products.
- Refractories.
- Mechanical power-transmission equipment and bearings.
- Electric motors, fractional horsepower.
- Electrical building supplies.
- Communication equipment.
- Railroad transportation equipment.
- Indicating, recording and controlling instruments.

2. Section 807.704 is amended to read as follows:

§ 807.704 *Transmittal of reports.* Reports of surplus property will be transmitted to Procurement Division, Treasury Department, in triplicate and to other Disposal Agencies in duplicate, with information copy to the Director, Readjustment Division, Headquarters, Army Service Forces. The information copy to Readjustment Division need not be accompanied by letter of transmittal.

APPENDIX

1. In § 807.901 the headnote is revised and that portion of the text preceding paragraph (a) is deleted, as follows:

§ 807.901 *Part 4 property*—(a) *Form of circularization list for part 4A property.* * * *

2. In § 807.904 the table setting forth classifications of property assigned to disposal agencies is amended in the following respects: Under the heading "Reconstruction Finance Corporation" item 19 is revised to read "19 Chemicals (except as indicated);" and "65 Drugs and medicines (except as indicated)" is deleted. Items under the heading "Treasury Procurement Division" are revised as set forth below:

Treasury Procurement Division

* * * * *

25 53 Rigging hardware and chain attachments.

* * * * *

32 51 Fuses.

* * * * *

57 112 Glass stemmed laboratory thermometers.

57 113 Glass stemmed chemical thermometers.

57 114 Household and commercial thermometers.

57 119 Thermometers not elsewhere classified.

* * * * *

3. Section 807.907 is revised with respect to States listed under the Boston region, as follows:

§ 807.907 *Regional offices of Reconstruction Finance Corporation.* * * *

BOSTON REGION

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. Regional Manager, Reconstruction Finance Corporation, 40 Broad Street, Boston 9, Mass. (Mr. John J. Hagerty, Manager).

[Procurement Reg. 8]

PART 808—FEDERAL, STATE AND LOCAL TAXES

SUBPART E—FEDERAL EXCISE TAXES

The table in § 808.801 is revised in the following respects: Under "Manufacturers' excise taxes" the exemption for tires and tubes (fourth column) is changed to read "Exempt to extent provided in § 808.810 (also see Note 1"). Under "Retailers excise taxes" the Internal Code reference (second column) for "Luggage" is changed to read "Sec. 1651, IRC; Regs. 51, Subpart G."

[Procurement Reg. 9]

PART 809—LABOR

SUBPART E—WALSH-HEALEY PUBLIC CONTRACTS LAW

Section 809.934 is amended to read as follows:

§ 809.934 *Fireworks industry.* Commercial fireworks, fuses, flares, and railroad torpedoes.

Date effective: September 8, 1944.

Wage: 40 cents an hour or $16.00 per week for a week of 40 hours, arrived at either upon a time or piecework basis.

SUBPART G—WAGE AND SALARY STABILIZATION

1. In § 809.979 paragraph (m) (2) is revised. In paragraph (n) "justification" should read "jurisdiction" in the second subparagraph (1). In the second sentence of paragraph (p) "sufficient" should read "insufficient". Section 809.979 (m) (2) is set forth below.

§ 809.979 *Jurisdiction and procedure of Regional War Labor Boards.* * * *

(m) *Directive orders in dispute cases.* * * *

(2) If after the issuance of a directive order no timely petition for review is filed within the period provided in paragraph (n) and if the National War Labor Board within such a period does not review the order on its own motion, the order shall on the day following the last day for filing such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms: *Provided,* That the National War Labor Board may at any time prior to the expiration of the time for filing a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party in accordance with the provisions of paragraph (n), or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless and until the National War Labor Board directs, or has directed, otherwise, or unless the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order. If only a part of the order is sought to be reviewed, any party may petition the National War Labor Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval. Notwithstanding any other provisions of this section, that part of a directive order of a Regional Board which continues in effect the terms and conditions of a prior contract which has expired or been otherwise terminated, shall not be suspended or stayed by the filing of a petition for review, but shall be effective according to its terms, unless and until the national board, upon consideration of a petition for review, otherwise directs.

2. In § 809.980dd paragraph (b) (6) of General Order No. 36 replaces former paragraphs (b) (6) and (b) (7), as follows:

§ 809.980dd *General Order No. 36.* * * *

(b) * * *

(6) No general order heretofore or hereafter issued by the National War Labor Board shall be applicable to the Territory of Hawaii unless expressly extended thereto by action of the National War Labor Board or Territorial War Labor Board for Hawaii: *Provided, however,* That the Territorial War Labor Board for Hawaii may in case of small total wage and salary increases, modify the provisions of subparagraphs (1) through (5) above, or adopt and apply to the Territory any of the general orders of the National War Labor Board or parts thereof and issue such amendments thereto as it may in its discretion deem necessary for the effective administration of its duties hereunder. Such action shall be promptly reported to the National War Labor Board and shall be subject to the National War Labor Board's ultimate power of review but any modification or reversal thereof shall not be retroactive.

3. Section 809.980ee is added, as follows:

§ 809.980ee *General Order No. 37.*

The National War Labor Board hereby supplements General Order No. 36 by delegating to the Secretary of War, or to such agency as he may designate, subject to final review by the National War Labor Board, the authority to establish wage or salary schedules for civilian employees of the War Department in the various government-owned, government-operated installations located in the Territory of Hawaii, in accordance with the provisions of the Act of Congress of October 2, 1942, Executive Order 9250 dated October 3, 1942, Executive Order 9328 dated April 8, 1943, the Supplementary Directive of May 12, 1943 and all other Executive Orders and Regulations issued thereunder, subject to the following limitations:

(a) The June 6, 1944 level of wage and salary rates prevailing in army installations in the Territory of Hawaii shall be maintained in accordance with the directions subsequently set forth in this Order.

(b) Exclusive of the Hawaiian Air Depot, the approval of any wage or salary schedules resulting from job clasisfications shall not cause an overall increase in the job rates as weighted by the number of employees in each job classification in all the establishments to which that schedule is applied, to exceed five percent.

(c) Wage rates to be established through job classifications for the Hawaiian Air Depot shall be in conformity with the schedules for other War Department installations established in the Territory.

(d) The rates for any new job classifications subsequently created in any War Department installation shall bear the proper relationship to the rates for immediately interrelated job classifications in that installation. (See § 809.980n).

[Procurement Reg. 11]

PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

SURPART B—PATENTS

1. In § 811.1112 paragraphs (b), (i), (j) (1) and (j) (5), (l), (m), (n) (2), (q) and (x) (4) are amended to read as follows:

§ 811.1112 *Adjustment of royalties for use of inventions.* * * *

(b) *Basic statute.* The act makes provision for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes. Paragraphs (c) to (h), inclusive, contain a summary of the provisions of the act as applied to the War Department. Paragraphs (i) of this section to § 811.1114 (c), inclusive, contain the rules and regulations prescribed thereunder for exercise of such of the powers, duties and authorities of the Secretary of War under the act as have been or may hereafter be delegated by him.

(i) *Delegations.* The Secretary of War has delegated to each of the following:

1. Commanding General, Army Service Forces
2. Commanding General, Army Air Forces
3. Assistant Chief of Air Staff, Materiel and Services
4. Chief, Procurement Division, Office of Assistant Chief of Air Staff, Materiel and Services
5. Commanding General, Materiel Command, Army Air Forces
6. Director, Purchases Division, Headquarters, Army Service Forces
7. Chiefs of the Technical Services, Army Service Forces
8. Royalty Adjustment Board, Materiel Command, Army Air Forces

in matters properly before them and for action under the direction of the Under Secretary of War, the following powers, duties and authorities conferred upon him by the act:

(1) To determine that notice should be given and to give notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive;

(2) To receive and hear such facts and circumstances as may be presented by the licensee or licensor, and such other facts and circumstances as are relevant to an evaluation of the factors specified in paragraph (k), and to recommend appropriate action;

(3) To negotiate voluntary adjustments of royalties or settlements of infringement claims against the United States, before suit against the United States has been instituted, and to withdraw any notice given under subparagraph (1) above, provided that no such notice shall be withdrawn unless the licensor(s) shall have first agreed substantially as follows:

The undersigned hereby consents to the withdrawal of the notice issued---------- [date of notice] under the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U. S. C. 89–96) and in consideration of such withdrawal hereby releases any and all claims or demands now held by the undersigned against the United States, or any officer or agent thereof, arising out of the issuance of said notice.

but in particular cases for good cause shown the Director may authorize substantial deviation from or omission of the foregoing consent and release.

(4) To fix and specify, by order, fair and just rates or amounts of royalties, and to authorize the payment thereof, if any royalty be allowed, by the licensee to the licensor, subject, however, to the approval of such order by the Director; and

(5) To enter into an agreement, before suit against the United States has been instituted with the owner or licensor of an invention, or of the Letters Patent therefor, effecting a voluntary adjustment of royalties charged or chargeable to the United States, or in settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of the Act or any other law by reason of the manufacture, use, sale or other disposition referred to in paragraph (c) or for compensation to be paid such owner or licensor based upon

future manufacture, use, sale or other disposition of such invention, subject, however, to the approval of the Director in each case where that approval is required by subparagraphs (4) or (5) of § 811.1113 (c), subparagraph (1) of § 811.1113 (g) or § 811.1114 (a).

(j) *Further delegations.* (1) The Secretary of War has further delegated the powers, duties and authorities described in subparagraphs (1), (2) and (3) of paragraph (i), for action in matters properly before them and under the direction of the Under Secretary of War, to each of the following:

1. All Division Engineers of the Corps of Engineers
2. Assistant Air Judge Advocate, Headquarters, Army Air Forces
3. Chief, Legal Division, Office of the Chief of Transportation
4. Assistant Chief, Engineering and Technical Service, Office of the Chief Signal Officer.
5. Royalty Adjustment Board, Office of the Surgeon General

* * * * *

(5) The powers, duties and authorities referred to in paragraphs (i) and (j) shall not be redelegated by any delegate under the general authority to redelegate conferred in § 801.107 (i); except that the power to negotiate voluntary adjustments of royalties or settlements of infringement claims against the United States, before suit against the United States has been instituted, as set forth in subparagraph (3) of paragraph (i), may be redelegated by the chiefs of the technical services, Army Service Forces, to such officer or officers as the chief of the technical service may from time to time designate, such redelegations, however, to be subject to such rules and regulations governing the exercise of delegated powers under the act as have been or may from time to time be prescribed by or on behalf of the Secretary of War.

(l) *Duties of the technical services.* Subject to the rules and regulations set forth in this section and in § 811.1114 (a) to (c), inclusive, the chiefs of the technical services are, in matters properly before them and acting under the direction of the Under Secretary of War, under the duty of causing the powers, duties and authorities delegated under the act to be exercised in such manner and at such times as may be necessary to prevent unreasonable or excessive royalties from being charged to the War Department. This duty may be discharged pursuant to such instructions as may be issued by the chiefs of the technical services for the guidance of their respective services.

(m) *Policy of the War Department in the Administration of the Act.* The policy of the War Department is (1) that, so far as practicable, a licensor shall not be subjected to duplicating interrogation by two or more technical services in relation to his royalty receipts from the use of a particular invention or series of related inventions; and (2) that, so far as practicable, each licensor shall, where such royalties are believed to be unreasonable or excessive, be given fair opportunity to effect a voluntary adjustment thereof before notice is given. The regulations set forth in paragraph (n) and in § 811.1113, are designed to effectuate this policy.

(n) *Procedure in the giving of notice.* * * *

(2) If, upon consideration of the reply to the initial inquiry, further investigation is believed to be advisable, a memorandum shall, before the licensor is further interrogated in relation to the matter, be transmitted to the Director requesting clearance to do so. The office of the Director may thereupon grant such clearance as appears proper in the light of the information which the records of that office contain regarding the issuance by any other technical service of the War Department or by any other department or agency of the Government of a notice in the same matter, or the consideration which has been or is being given to the issuance of such a notice. The request for clearance shall state the name and address of licensor, and the inventive subject matter, and so far as known and practicable the name(s) and address(es) of the licensee(s) and the numbers of the patent(s) and patent application(s) concerned. A clearance once given remains in force till modified or revoked by the Director.

(q) *Form of the notice.* The following form of notice is approved for use subject to such deviations as may be necessary or appropriate in any given case:

[Letterhead of Delegate]

In the Matter of

----------, [et al.]
Licensor(s)

and

----------, [et al.]
Licensee(s)

NOTICE

To: Licensor(s) and Licensee(s): You and each of you will hereby take Notice, that:

Pursuant to the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C., 89-96), Notice is hereby given that the royalties which are charged or chargeable directly or indirectly to the War Department on account of the manufacture, use or sale to or for the United States of the alleged inventions relating to ----------,
[subject-matter]
by virtue of the license agreement(s) between ----------, as licensor, and the following licensees, are believed to be unreasonable or excessive:

[Names of all licensees]

This Notice becomes effective upon its receipt by you or five (5) days after the mailing hereof, whichever dates is the earlier.

The licensor or any licensee, if he so requests within ten (10) days from the effective date of this Notice, may within thirty (30) days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified.

From and after the effective date of this notice and until the making of an order under said Act, each licensee is hereby directed (a) not to pay to licensor any royalties under said license(s) which are charged or chargeable directly or indirectly to the War Department and (b) to segregate said royalties from licensee's general funds and safely keep the same until such time as the disposition thereof is directed by such order.

The foregoing Notice is hereby given in behalf of the Secretary of War.

By direction of the Under Secretary of War:

[Signature (and title) of delegate]

The foregoing Notice is directed to the following: [Names and addresses of all licensors and licensees] ----------

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The foregoing notice shall be forwarded by registered mail, return receipt requested, to the last known address of each licensee and licensor named therein.

* * * * *

(x) *Procedure upon approval of an order.* * * *

(4) The Director will cause to be distributed a copy of the order to each of the following:

The General Accounting Office.
Navy Department.
Treasury Department.
Maritime Commission.
Defense Plant Corporation.
Office of Strategic Services.
Director, Renegotiation Division, Headquarters, Army Service Forces.
Chief, Patents Division, Office of The Judge Advocate General.
Chief patent officer of each of the technical services.
Air Judge Advocate.
All Royalty Adjustment Boards.

2. In § 811.1113 paragraphs (a) (1), (d) (2) and (e) (2) are amended and paragraph (l) is added as follows:

§ 811.1113 *Voluntary adjustments of royalties effected before an order is made*—(a) *Available procedures for voluntary adjustments.* The delegate having the matter in hand may, subject to such rules and regulations governing the exercise of delegated powers under the Act as have been or may from time to time be prescribed by or on behalf of the Secretary of War, negotiate a voluntary adjustment of royalties before an order is made, in any of the following manners:

(1) Before notice under the act has been given:

(i) By receiving a supplemental agreement entered into between licensor and licensee (s) and executed by each of them;

(ii) By receiving a unilateral agreement executed by licensor (see paragraph (l)); or

(iii) By causing the United States to execute a contract with licensor alone, or with licensor and all licensees materially affected, in the manners provided in paragraphs (c) to (h).

* * * * *

(d) *Contract articles providing for royalty refund or price reduction.* * * *

(2) The following contract articles providing for royalty refund or price reduction, when accompanied by the definitions of terms used therein as set forth in Article 1 of § 813.1329, are appropriate for use in the manner set forth in paragraphs (g) to (l) below:

ARTICLE ____. *Refund of royalties.*

A. Licensor agrees (i) forthwith to deliver to [name and address of officer or board] a written report signed by Licensor showing the amount and manner of computation of that part of the subject royalties which have prior to the date of this contract been received by Licensor and, (ii) to pay to the Treasurer of the United States, at the same time and place, so much of said part of the subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

B. Licensor agrees that, forthwith upon receipt by Licensor on or after the date of this contract of any of the subject royalties, Licensor shall (i) deliver to [name and address of officer or board] a written report signed by Licensor showing the amount and manner of computation of said royalties, and (ii) pay to the Treasurer of the United States, at the same time and place, so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

C. Licensor agrees to and does hereby authorize and direct Licensee [or, the licensee named in said license] (i) to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties which are due for payment by Licensee to Licensor and have not been paid prior to the date of this contract and, (ii) to pay to the Treasurer of the United States, at the same time and place, so much of said part of the subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

D. Licensor agrees to and does hereby authorize and direct Licensee [or, the licensee named in said license], as and when any of the subject royalties fall due for payment to Licensor on or after the date of this contract, (i) to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of the said subject royalties and (ii) to pay to the Treasurer of the United States, at the same time and place, so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

E. Licensee agrees (i) forthwith to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties which are due for payment to Licensor and have not been paid prior to the date of this contract and (ii) to pay to the Treasurer of the United States, at the same time and place, so much of said part of the subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

F. Licensee agrees that, as and when any of the subject royalties fall due for payment to Licensor on or after the date of this contract, licensee shall (i) forthwith deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of the said subject royalties and (ii) pay to the Treasurer of the United States, at the same time and place, so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

ARTICLE ____. *Refund of royalties and price reduction.*

G. (a) Licensee agrees (i) to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties not heretofore paid to Licensor, which have heretofore accrued or many hereafter accrue in respect of supplies, equipment, materials or parts thereof delivered prior to_____, 194__ [date when price reduction is to become effective] and (ii) to pay to the Treasurer of the United States, at the same time and place, so much of said part of the subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

(b) Licensee agrees (i) to reduce the contract price of all supplies, equipment, materials and parts thereof delivered to the Government on and after the date set forth in clause (a) of this Article, to the extent necessary to secure to the Government the full benefit of the reduced royalties specified in Article 2 hereof, and (ii) to pay or credit to the Government, as the Contracting Officer concerned may direct, the amount of such price reduction.

(e) *Contract articles providing for release of infringement claims.* * * *

(2) If the license, whose royalties are being adjusted is exclusive, the following contract article is appropriate provided both Licensor and Licensee are parties to the contract:

ARTICLE ____. *Release of past infringement.* Licensor and Licensee hereby jointly and severally release each and every claim and demand which they or either of them now have or may hereafter have against the Government, its officers, agents, servants and employees, for infringement of any patent covering the said inventions by reason of the manufacture, use or sale of any article or material or the use of any process prior to the date of this contract or the use or sale thereafter of any article or material so manufactured.

* * * * *

(l) *Numbering and distribution.* (1) It is unnecessary to number royalty adjustment agreements, notwithstanding the provisions of § 803.309.

(2) The executed original of every royalty adjustment agreement (whether or not executed by the Government) will be forwarded to the Chief, Audit Division, Room 506, General Accounting Office, Washington 25, D. C., under the following conditions:

(i) If such agreement provides that the Government is to make or receive the payment of an amount determinable at the time of the execution of the contract (such as, for example, refund of royalties already accrued or received), the agreement will be forwarded immediately.

(ii) If such agreement provides that the Government is to make or receive the payment of money upon the happening of or in an amount which is contingent upon a future event (such as, for example, refund of royalties to accrue or to be received), the agreement will be forwarded immediately or upon the happening of any event which requires the payment or receipt of moneys under the agreement.

(3) If such an agreement contains any provision granting to the Government an interest (such as an assignment or license) in or under patents or applications for patents, the agreement is required by Executive Order No. 9424, 18 February 1944, to be recorded in the United States Patent Office. Such recording will be carried out in the manner provided in paragraph 4 of AR 25-10. An agreement providing for a waiver of royalties under existing private licenses, even for a limited time, is subject to the foregoing.

(4) If a royalty adjustment agreement contains provisions such as to require both that it be forwarded to the General Accounting Office (subparagraph (2) above) and that it be recorded in the Patent Office (subparagraph (3) above), and the War Department has in its possession no more than one executed original thereof, such original shall first be transmitted for recording in the Patent Office (in compliance with paragraph 4 of AR 25-10) with a request that it be returned, and upon return thereof said original shall then be forwarded to the General Accounting Office. Hereafter the representative of the War Department shall, if possible, secure an executed original and an executed duplicate original of all documents required to be forwarded under subparagraph (2) and recorded under subparagraph (3) above, and the executed duplicate original shall be used for complying with paragraph 4 of AR 25-10.

3. Section 811.1114 (c) is added, as follows:

§ 811.1114 *Agreements in settlement and compromise after an order is made and before suit against the United States has been instituted.* (See § 811.1112 (g).)

* * * * *

(c) *Numbering and distribution.* (See § 811.1113 (l).)

SUBPART D—PRICE AND RATIONING REGULATIONS

Subpart D is completely revised to read as follows:

§ 811.1130 *General*—(a) *Scope of this section.* This section deals primarily with certain problems arising from or associated with the relation of the maximum price and rationing regulations issued by the Office of Price Administration (hereinafter sometimes referred to as OPA) to War Department purchases and sales. It discusses separately (1) price regulations in general, (2) problems primarily associated with purchases, (3) information pertinent to sales, and (4) matters relating to rationing. (For a further discussion as to OPA matters primarily relating to War Department sales, see § 807.111 et seq.) The discussion is introductory and is not intended to be complete. Complete details and the text of OPA regulations and orders may be found in the FEDERAL REGISTER, or may be procured from any OPA office. Should these sources fail, inquiries should be sent through the chief of the technical service concerned to the OPA Branch, Purchases Division, Headquarters, Army Service Forces, Washington 25, D. C.

(b) *Function of OPA Branch.* (1) Because of penalties imposed by the Emergency Price Control Act of 1942, as amended, upon contractors who violate price ceilings, contractors must proceed with caution in the acceptance of contracts. To expedite procurement and sales, it is important that War Department personnel be familiar with the problems involved and able, whenever possible, to be of assistance or guidance to contractors. It is an important function of the OPA Branch to undertake the solution of specific problems.

(2) Whenever contact or negotiation is necessary between one of the services

and the Office of Price Administration on any price regulation or rationing problem which involves a general policy or might affect more than one of the services, the negotiations will be conducted through the Chief, OPA Branch, Purchases Division.

§ 811.1131 *OPA price regulations in general*—(a) *General.* (1) The Office of Price Administration, pursuant to the Emergency Price Control Act of 1942, as amended, and appropriate delegations of authority, establishes ceiling prices for certain sales of commodities and services. These ceilings are established either by (i) Price Schedules; (ii) Maximum Price Regulations; (iii) Temporary Maximum Price Regulations; (iv) the General Maximum Price Regulation; or (v) other directives. Certain exemptions from price control have been granted and methods for obtaining relief provided, as discussed more fully hereafter.

(2) Definition of commodity: By statutory definition, the term commodity, as to which a ceiling price may be established, includes, with certain exceptions set forth in the statute, commodities, articles, products, materials and services.

(b) *Specific Price Regulations (Price Schedules and Maximum Price Regulations).* The distinction between price schedules and maximum price regulations is historical only. Both are price regulations, essentially similar in nature, and are hereafter referred to without distinction as specific price regulations. They establish ceiling prices for the commodities or services specified therein.

(c) *The General Maximum Price Regulation (GMPR).* The General Maximum Price Regulation (hereafter referred to as GMPR) places a price ceiling on practically all commodities and services sold or rendered by manufacturers, wholesalers and retailers, if not covered by specific price regulations (see §§ 811.1131 (e), 811.1132 (f) for exemptions). In general, ceiling prices on items covered by this regulation are based on the highest prices charged in March, 1942. Other formulae are used in the event the March 1942 method is inapplicable. Specific price regulations, as to the specific articles or services covered therein, take precedence over the GMPR, whether issued prior or subsequent to the GMPR.

(d) *The service regulation: MPR 165.* As above noted (par. (c)) all services (along with commodities) were brought under control of the OPA by the GMPR. Effective August 19, 1942, Maximum Price Regulation 165 brought under specific control a long list of services, leaving those not specifically listed still covered by the GMPR, subject to exemptions (see § 811.1132 (f)).

(e) *Exemptions*—(1) *General.* OPA has granted exemption of certain purchases and sales from price control. In some cases, specific commodities and services have been exempted from all price control. In other cases, though in general the commodities and services are subject to price ceilings, some purchases and sales thereof, depending on the identity of the buyer or seller, or on other special considerations, have been exempted.

(2) *How exemptions are effected.* (i) In the case of commodities and services covered by the GMPR, exemptions are granted respectively by OPA Revised Supplementary Regulation No. 1 and OPA Supplementary Regulation No. 11.

(ii) In the case of commodities or services covered by specific price regulations, exemptions are granted by the terms of the regulation itself, either (*a*) by specific terms or (*b*) by incorporating in the regulation by reference terms of other directives.

(iii) In addition to the foregoing methods, exemptions may be granted in specific cases or otherwise by the terms of various OPA orders.

(iv) When determining whether or not an exemption exists, the language apparently granting the exemption must be carefully examined, bearing in mind particularly that although certain transactions may be exempt from price control by the GMPR, they still may be subject to control by specific price regulations unless such regulations, or orders issued supplementary thereto, specifically exempt them.

(3) *Particular exemptions of interest.* Reference is made to certain exemptions of primary interest in connection with purchases (see § 811.1132 (b) to (f)) and sales (see § 811.1134 (b)).

(f) *Procedure for obtaining relief*—(1) *General.* The OPA has provided methods for obtaining relief with respect to price control, in proper cases, by way of elevation of ceiling prices, exemption, or otherwise.

(2) *Obtaining higher maximum price.* (i) OPA Procedural Regulation No. 6, effective July 3, 1942, as amended, sets forth the procedure to be followed (except where other OPA regulations specifically otherwise provide) to obtain higher maximum prices for commodities or services under Government contracts or subcontracts. In substance, the regulation provides that (*a*) any seller who has entered into or proposes to enter into a Government contract, or a subcontract thereunder, who believes that his maximum price or prices impedes or threatens to impede the production, manufacture or distribution of a commodity or the supply of a service which is essential to the war program and which is or will be the subject of such contract or subcontract, may apply for adjustment of his maximum price or prices; (*b*) any government agency may appear as an interested party in the case of any such application; (*c*) upon the filing of an application for adjustment, or within five days prior thereto and until final disposition of the application, contracts may be entered into or proposals and bids submitted at the higher price or prices requested in the application, and deliveries may be made under such contracts, except that the seller may not receive and the buyer may not pay the amount by which the price exceeds the maximum price unless and until an order granting a higher price has been issued; (*d*) the seller shall include in any sale, contract to sell, or offer to sell at the price requested in the application the following: The maximum price for the commodity or service in question; a statement that the quoted price is subject to the approval of the Office of Price Administration; and a statement that an appropriate application has been filed, or will be filed within five days with the Office of Price Administration, and (*e*) applications involving War Department contracts exceeding $5,000,000 in value must be filed with the OPA in Washington, D. C. (Other applications, [with a few exceptions] may be filed either with the appropriate regional office of the OPA or with the OPA in Washington, D. C.)

(ii) Special procedure to obtain higher maximum prices is provided by amendments to MPR 136, (Machines and Parts and Machinery Services), effective April 12, 1943 and June 25, 1943, respectively, to which reference is made for complete details. This procedure is available to any person who has entered into a "war contract", defined as a contract for the sale of machine or part purchased for the ultimate use of the armed forces of the United States or for lend-lease purposes, or for use in the production or manufacture of any such commodity. Provision is also made for adjustments of the maximum prices of machinery services.

(3) *Certain specific cases.* For methods of obtaining relief in certain cases primarily relating to purchases (see § 811.1132 (c) to (e)).

(g) *Dissemination of information by chiefs of technical services.* Whenever the Office of Price Administration makes an industry-wide revision of ceiling prices on any item purchased by the War Department, or other revision in ceiling prices affecting products purchased by the War Department, the chief of the technical service involved will notify all contracting officers.

§ 811.1132 *Purchases*—(a) *General.* This section deals with OPA matters primarily relating to purchases. (For a discussion as to sales see § 807.111 et seq.; § 811.1134 (a) to (c). Interested personnel should, in addition, be familiar with the preceding paragraphs of this section.

(b) *Exemptions of purchases by virtue of War Department-OPA Agreement, September 1942.* Among the exemptions from price control heretofore granted by the OPA by methods indicated in § 811.1131 (e) are transactions involving certain so-called military items. By agreement between the OPA and the War Department, military items exempt in September 1942 will remain exempt. However, under this agreement, OPA has reserved the right to resume control over exempt items if it develops that the War Department is unable to control prices effectively through its own procurement policies.

(c) *Exemptions of secret contracts and subcontracts*—(1) *Exemption.* OPA Supplementary Order No. 42, which applies to all specific price regulations and to the GMPR, exempts from price control sales and deliveries of any commodity or service made under a contract or subcontract properly certified as secret to

the OPA (see subpar. (3) of this paragraph for proper certification).

(2) *Period of exemption.* The exemption applies only for such period as is necessary for the preservation of secrecy. The purchasing agency certifying the contract as secret must notify the contractor or subcontractor and the OPA whenever the contract or subcontract ceases to be secret. Upon receipt of such notification by the contractor or subcontractor, the exemption will end. (See subpar. (3) of this paragraph for proper notification.)

(3) *Procedure.* The certification mentioned in subparagraph (1) of this paragraph, made by a representative of the purchasing agency, shall set forth the date of the secret contract or subcontract and its number or other designation. It shall not name the commodity or service covered thereby or the name or address of the contractor. The notice mentioned in subparagraph (2) of this paragraph shall identify the contract and state that it is no longer secret. Both the certificate and the notice shall be sent to: The Security Officer, Office Services Division, Office of Price Administration, Federal Office Building No. 1, Washington 25, D. C.

(d) *Exemption of developmental contracts*—(1) *Definition of developmental.* A contract or subcontract is deemed by the terms of OPA Revised Supplementary Regulation No. 1, to be "developmental" if the manufacturer or supplier thereunder requires a period of time for the accumulation of sufficient production experience to permit him to make a fair estimate of his manufacturing costs, or if the purchaser thereunder requires a period of time to select a product, or both.

(2) *Exemption.* OPA Revised Supplementary Regulation No. 1 (insofar as ceiling established by the GMPR are concerned) and many specific price regulations grant exemptions from price control in connection with developmental contracts and subcontracts properly certified as being "developmental". The exemptions are not automatic, but are conditioned on complying with the procedure set forth in subparagraph (4) of this paragraph. Also, not all developmental contracts are exempt, even when such procedure is followed, so in each case the pertinent OPA regulations should be consulted.

(3) *Period of exemption.* Any exemption of a developmental contract or subcontract applies only so long as the period necessary for development continues. The OPA reserves the right, after consultation with the certifying Government agency, to determine when the developmental period shall expire (for services, MPR 165 fixes a maximum time limit of 90 days).

(4) *Procedure.* (i) To obtain exemption of a developmental contract or subcontract, where exemption is provided for (see subpar. (2) of this paragraph) it is necessary that the contract or subcontract be certified by the War Department as being developmental and that the contractor or subcontractor file a report within ten days after entering into the contract or subcontract. The certificate, with blank spaces filled in appropriately may be in the following form:

In accordance with the provisions of Maximum Price Regulation No. _____ Section _____ [or the General Maximum Price Regulation] the following contract is hereby certified as developmental: Contract No. _____ Date of Contract _____ Name and address of supplier_____ _____Commodity covered _____

The report, to be filed by the contractor or subcontractor must describe the product or service, the terms of the contract or subcontract (including pricing provisions) and the production plans of which the contract or subcontract is a part, and must estimate the duration of the developmental work. Both the certificate and the contractor's report should be sent (the certificate in duplicate) to the Office of Price Administration, Washington 25, D. C. Attention: War Goods Price Coordinator.

(e) *Exemption of emergency purchase*—(1) *Exemption.* OPA Revised Supplementary Regulation No. 1 (insofar as ceilings established by the GMPR are concerned) and many specific price regulations grant exemptions from price control of "emergency purchases" made by the War Department. The exemptions are not automatic, but are conditioned on complying with the procedure set forth in subparagraph (3) of this paragraph. Also, not all emergency purchases are exempt, even when such procedure is followed, so in each case, the pertinent OPA regulations should be consulted.

(2) *Definition.* To satisfy the definition of "emergency" for purposes of the exemption (i) the subject matter of the purchase must be needed at once, and (ii) at least a portion of the purchase must be capable of immediate delivery (or performance in the case of services) either from stock or after a short period of production. In any case, the emergency exemption is applicable only to the quantity immediately deliverable. The exemption will not apply to contracts or agreements for future delivery.

(3) *Procedure.* To obtain exemption of an emergency purchase, where exemption is provided for (see subpar. (1) of this paragraph), the purchasing officer must certify that it was imperative to secure the commodity or service immediately and that it was impossible to secure, or unfair to require, immediate delivery or performance at the maximum price which would otherwise be applicable. The certificate must set forth, in addition, (i) the name and address of the seller, (ii) the date of purchase, (iii) the date of delivery, (iv) a description of the commodity or service purchased, (v) the quantity purchased, (vi) the price, and (vii) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price. The certificate must be filed with the OPA in Washington within five days (ten days in the case of services) after the purchase is made. It should be sent in duplicate to: Office of Price Administration, Washington 25, D. C., Attention: War Goods Price Coordinator. (No report is required in the case of services unless the total price thereof exceeds $500.00, and a similar exemption is extended in some specific price regulations to emergency purchases.)

(f) *Other exemptions of primary interest in connection with purchases*—(1) *General.* Attention is called in this paragraph to certain exemptions from price control by the GMPR (but not necessarily from control by specific price regulations: see § 811.1131 (e) (2) (iv)) not specified in preceding sections, of primary interest in connection with purchases.

(2) *Commodities.* The following exemptions as to commodities are established by OPA Revised Supplementary Regulation No. 1, which provides in part that the GMPR shall not apply to sales, or deliveries of the following commodities or in the following transactions:

(i) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum and agricultural components used in the manufacture of furfural, under the conditions and to the extent stated in the regulation.

(ii) Sales and deliveries to the United States or its agencies of the following commodities:

(*a*) Aircraft, ammunition, armored trains, artillery, balloon barrage equipment, bombs, bomb sights, caissons, fire control equipment, gas masks, grenades, gun sights, military bridges, mines, mortars, projectiles, pyrotechnics, small arms, ships and boats, and torpedoes;

(*b*) Amphibians, armed vehicles, automobiles, tanks, trailers and trucks, when sold for military purposes;

(*c*) Component parts and subassemblies of any product excepted under (*a*) and (*b*), regardless of the person to whom sold or delivered, including all metallic and non-metallic component parts, adjuncts and accessories which have been machined or fabricated but not including raw or unfinished materials or any other materials which are in such form as to permit their use in the manufacture of products other than those excepted under (*a*) and (*b*);

(*d*) Military propellants and explosives;

(*e*) The following Army field and emergency rations and commodities: completed rations; C; D; K; Five-in-One; Mountain; Bail Out; Combat; Jungle; Life Raft; Corned Beef Hash (5½ lb. can); Meat and Vegetable Hash (6 lb. 12 oz. can); Chili Con Carne, and Ten-in-One.

(iii) Dehydrated vegetables sold to the Armed Forces of the United States.

(iv) The list of exemptions in this paragraph is not complete. Interested personnel are referred to the text of OPA Revised Supplementary Regulation No. 1.

(3) *Services.* The exemptions mentioned in subparagraph (1) of this paragraph are established, as to services, by OPA Supplementary Regulation No. 11 (which also has been incorporated by reference into the so-called Service Regulation MPR 165; see § 811.1131 (d)). It provides, in part, that the GMPR shall not apply to compensation for the following services:

(i) The lubrication, painting, rental, storage, washing, operation, repair, conversion, modification, maintenance or other services of aircraft, including maintenance of or repairs to engines, parts, accessories, instruments and other equipment used in connection with aircraft.

(ii) The list of exemptions in subparagraph (3) of this paragraph is not complete. Interested personnel are referred to the texts of OPA Supplementary Regulation No. 11 and Maximum Price Regulation No. 165.

(g) *Responsibility of contracting officers as to purchases.* (1) Contracting officers, in executing contracts covering procurement of commodities or purchases unless otherwise specifically directed, are not required to verify the prices charged by any vendor or contractor against the maximum prices fixed in accordance with the Emergency Price Control Act of 1942, and in the absence of actual knowledge of violation of price limitations, they may assume that prices charged do not exceed maximum prices. Likewise, in connection with cost-plus-a-fixed-fee contracts, contracting officers in approving items for reimbursement are not responsible for determining whether the costs of materials, supplies, tools, equipment or machinery exceed the maximum prices thus fixed. In the interests of economical purchasing, however, contracting officers are expected to exert reasonable effort to be familiar with the OPA regulations that apply to the commodities and services which they buy.

(2) Where a contracting officer is definitely informed that the price or proposed price of a commodity or service is in excess of the OPA maximum, he should proceed as follows:

(i) Try to negotiate a reduction in the price to conform to the OPA standard;

(ii) If such a reduction proves impossible, endeavor to have the contractor file an application for an adjustment of the established maximum price with OPA under Procedural Regulation 6 (see § 811.1131 (f);

(iii) If necessary, and if immediate deliveries can be made, make emergency purchases for immediate delivery in excess of the OPA maxima, complying with the requirements set forth in paragraph (e);

(iv) If recourse to the foregoing methods proves unsuccessful and the contracting officer believes an impairment of production of essential war material is threatened, report should be made at once to the chief of the technical service concerned and the services of the OPA Branch enlisted to remove the impediment.

(v) As a last resort, the statutes provide for the requisition of needed articles already in existence, and for mandatory orders to compel the supply of essential military items. For the conditions and procedures governing the use of these methods, see Part 814.

(h) *Acceptance of contractor's certification in connection with purchases.* The action of certifying and disbursing officers in connection with such price limitations is governed by Fiscal Directive SPBFA-11A, June 19, 1942, providing as follows:

1. The certification now required on Standard Form No. 1034-revised, as used in connection with payments made to vendors or contractors for purchases or services rendered other than personal will be continued in use and is a proper and sufficient warranty of compliance by the vendor or contractor with the price ceilings established in accordance with the provisions of the Emergency Price Control Act of 1942, Public Law 421, approved January 30, 1942.

2. In the absence of actual knowledge of violation of price limitations, certifying officers may rely upon the certificate of the vendor or contractor as to the correctness of the prices charged and will not be required to verify such prices against maxima established by the Office of Price Administration. Disbursing Officers may rely upon their records and the certificate of the vendor or contractor and will not be required to verify such maxima prices.

3. Disbursing officers will make payment in accordance with the above outlined procedure.

The form of certification (Standard Form 1034) is as follows:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amounts billed.

The words "the above bill is correct and just" and "all conditions of purchase applicable to the transactions have been complied with" constitute a proper and sufficient warranty by the vendors and contractors that the prices billed are within any applicable price ceilings established by the OPA. Accordingly, no additional certificate or statement by the vendors and contractors with respect to maximum prices should be required. Also, no special certificate accompanying quotations, or warranty in the contract with respect to compliance with price regulations will be required.

(i) *Exemption from liability of contracting and finance officers in connection with purchases.* Supplementary Order No. 7, entitled "Removal of Liability of War Procurement Agencies and Governments whose Defense is Vital to the defense of the United States," effective July 11, 1942, provides that prohibitions contained in maximum price regulations against buying or receiving a commodity or service at a price higher than the permitted maximum shall not apply to (1) any War Procurement Agency of the United States or any contracting or paying finance officer thereof or (2) the Government of any country whose defense is deemed by the President to be vital to the defense of the United States under the terms of the Act of March 11, 1941. It provides further that any such War Procurement Agencies or contracting or paying finance officers of any such government or agency, shall be relieved of any criminal or civil liability imposed by a maximum price regulation or by the Emergency Price Control Act of 1942. The OPA statement of considerations involved in the issuance of Supplementary Order No. 7 states such purchases are typically not purchases "in the course of trade or business" within the meaning of the act.

(j) *Non-exemption of contractors holding War Department contracts.* The OPA has advised, however, that this exemption is applicable only to Government contracting officers in connection with Government purchases and does not extend to purchases made by contractors even when operating under cost-plus-a-fixed-fee contracts, and even though purchases made by them are reimbursable by the Government. Cost-plus-a-fixed-fee contractors, as well as all other prime contractors, are buyers "in the course of trade or business" within the meaning of Section 4 (a) of the Emergency Price Control Act of 1942, as amended, and are, therefore, subject to the prohibitions of that section.

§ 811.1134 *Sales*—(a) *General.* For a general discussion of OPA matters primarily relating to War Department sales other than by Army stores, see § 807.111 *et seq.* (See § 811.1132–811.1132 (j) for a discussion of purchases.) Interested personnel should in addition be familiar with §§ 811.1130 to 811.1131 (f).

(b) *Exemption of sales by Army stores (OPA Supplementary Order No. 27).* OPA Supplementary Order No. 27, effective November 14, 1942, as amended, exempted sales and deliveries of any commodity or service by the War Department through its sales stores, including commissaries, Army canteens, and post exchanges, from all OPA price regulation. The OPA retained the right, however, to make price regulations applicable to such sales.

(c) *Other OPA regulations pertaining to sales.* If officers making sales on behalf of the War Department have any problems with relation to ceiling prices in connection with such sales which are not covered by the provisions of these procurement regulations including § 807.111 (b) et seq., solution of such problem should be reached through contact with appropriate OPA officials by reference of the problems to the Chief, OPA Branch, Purchases Division, as provided in § 811.1130 (b).

§ 811.1135 *Rationing regulations*—(a) *General.* The OPA issues regulations covering the rationing of scarce consumer goods. These regulations do not restrict Army purchases of the goods concerned, but to control illegal sales ("black markets") sellers of rationed goods, whether sales are made to the Army or otherwise, are required by OPA, upon replacement of their stocks, to produce so-called "ration evidences" obtained from their customers. Accordingly, Army procurement officers, in purchasing rationed goods, furnish the seller with ration evidences for the goods purchased, or otherwise cooperate with OPA policies.

(b) *Applicable OPA directives.* Sugar (Ration Order 3), processed foods (Ration Order 13), meats, fish, fats, and cheese (Ration Order 16), gasoline (Ration Order 5c), fuel oil in part of the United States (Ration Order 11), and shoes (Ration Order 17), have been subjected to rationing. Procedures under the rationing system are established by OPA General Ration Orders 3, 3A, 3B, 5 and 11.

(c) *Where certain War Department instructions may be found.* Interested personnel may find instructions in the following War Department publications covering the general subjects indicated:

1. Circular Letter 30, OQMG, 13 February 1943 and supplements thereto—ration banking accounts;

2. Circular 201, W. D., 1943—food rationing;
3. Circular 291, W. D., 1943; Circular 59, W. D., 1944—non-rationed food items containing rationed commodities;
4. Circulars 246, 282, W. D., 1944—Certain petroleum products; and
5. Circular 255, W. D., 1944—Shoes.

SUBPART H—MISCELLANEOUS MATTERS

1. Section 811.1183 is amended by revising the last sentence. The section, as amended, reads as follows:

§ 811.1183 *Procurement of spare parts.* Certain restrictions and procedures have been prescribed with respect to the procurement of spare parts, particularly initial concurrent spare parts. Such restrictions and procedures are set forth in Circular No. 227, War Department, 1944, as amended by section IV, Circular 318, War Department, 1944.

2. Section 811.1187 is revised to refer to applicable War Department circulars. The section as amended reads as follows:

§ 811.1187 *Restrictions on purchases of selected items.* The purchase of various items or classes of materiel and supplies has been restricted or prohibited due to shortages of such items or classes of equipment or of materials used in the construction thereof and for other reasons. Certain of these items or classes are mentioned below together with a reference to the War Department circulars setting forth the restrictions or prohibition. These circulars must be examined for a more detailed statement of the items and classes of materiel and supplies affected and of the nature of the restriction or prohibition.

1. Office furniture and equipment. See section II, Circular No. 168, War Department, 1943 and section III, Circular No. 216, War Department, 1943.
2. Interoffice communication systems, sound recording equipment and public address systems. See section I, Circular No. 2, War Department, 1944.
3. Farm machinery and equipment. See section VI, Circular No. 204, War Department, 1944, as amended by section III, Circular No. 217, War Department, 1944.
4. Spare parts. See paragraph § 811.1183.

3. Section 811.1187a is added, as follows:

§ 811.1187a *Restrictions on local purchases.* (a) Detailed provisions respecting restrictions upon and procedures required to be followed in connection with local purchases (including local purchases from appropriated as well as unappropriated funds) are set forth in section VII, Circular 310, War Department, 1944.

(b) It is essential that local purchases be kept to a minimum in order not to impinge on materiel and supplies intended for civilian economy. Local purchases are generally less economical, often result in an accumulation of nonstandard supplies which have limited use and tend to create excesses of standard items in depot stocks.

(c) Responsibility for controlling local purchases is a continuing command function in all echelons and at all installations. It shall be exercised vigorously and systematically.

[Procurement Reg. 12]

PART 812—RENEGOTIATION AND PRICE ADJUSTMENT

SUBPART C—CONTRACT PROVISIONS FOR PRICE ADJUSTMENT UPON CONTINGENCIES AND SHORT-TERM PRICING

1. Section 811.1231 is amended to read as follows:

§ 811.1231 *Adjustments under changes article in fixed price supply contracts*—(a) *General.* The "changes" article authorized for use in fixed price supply contracts (see § 813.1301 (b)) permits the contracting officer by a written order to make changes in the drawings or specifications, or in the requirements as to packing and shipment. The article authorized in § 803.329a may be used in supply contracts in lieu of that authorized in § 813.1301 (b) in which event the contracting officer is also empowered to increase or decrease within stated limits the quantities called for by the contract or to accelerate or reduce the rate of deliveries. An equitable adjustment is to be made and the contract modified accordingly,

(1) If such changes cause an increase or decrease in the amount due under the contract or in the time required for its performance (§ 813.1301 (b)), or

(2) If such changes cause an increase or decrease in the amount of work under the contract or in the time required for its performance (§ 803.329a).

If the parties fail to agree the dispute is to be determined as provided in the Disputes article.

The different types of changes which may be ordered will raise different kinds of problems in effecting the equitable adjustment required. These are discussed in paragraphs (b) to (d).

(b) *Types of adjustments after a change order.* There are two types of adjustments either or both of which may be required to be made as the result of a change order:

(1) Adjustments attributable to increases or decreases in the unit costs for the balance of the contract as a result of the change order including changes in the direct expenses and in the allocations of indirect expenses,

(2) Adjustments attributable to the portion of the work done prior to the change order including items such as work in process, materials or machinery no longer usable, and subcontract or purchase order cancellation charges.

It is important that the difference between these two types of charges be clearly understood and observed in order to avoid duplication of the expenses incurred by the Government. Ordinarily it is desirable that these two types of adjustments be kept distinct, although the results may be included in a single written instrument. From the standpoint of pricing such separation is particularly desirable since including those adjustments which are attributable to work done prior to the change order in the adjustment of unit prices tends to distort the unit prices for the purpose of pricing continuation orders and other comparable contracts. Where the two types of adjustment mentioned in (1) and (2) above are not set out in a single instrument it is important that each instrument shall indicate that it accomplishes only a part of the "equitable adjustment" contemplated as a result of the change order.

(c) *Adjustments attributable to the balance of the contract.* Efficient administration of the contract requires that the charges attributable to the change in unit costs as a result of the change order be determined and adjusted as quickly as possible in order that the contractor shall assume the same risks as he assumed in negotiating the original contract price. In effecting this adjustment, consideration must be given to the factors and principles relating to the negotiation of a new contract discussed in ASF Manual M-601 "Pricing in War Contracts", with particular attention to changes in the cost factors. Any necessary adjustment will in every case be reflected in an increase or decrease of the unit price of the items to be delivered after the change became effective. The claim for this type of adjustment is similar in nature to a a claim asserted by a contractor under subparagraph (f) of the Uniform Termination Article (see e. g. §§ 803.324, 815.901, 815.321 (b)). Including this adjustment in a written agreement need not be delayed pending completion of the adjustment discussed in the next paragraph. In the event that the contract in question contains the optional price adjustment article set forth in § 803.360a or § 803.360a (a), consideration will be given to the desirability of a negotiation for price adjustment under that article in lieu of the adjustment described in this paragraph.

(d) *Adjustments attributable to the work before the change order.* A claim for the adjustment of charges attributable to the work done prior to the effective date of the change order is similar in nature to a claim with respect to the uncompleted portion of the contract arising upon termination under the termination article (see e.g. §§ 803.324, 815.901, 815.901a). In adjusting such charges the provisions of Part 815 are not controlling but may be used as a guide. The adjustment of this type of charges may be reflected in a lump sum payment and should normally be so reflected where substantial amounts are involved. In the event that the contractor includes in his claim the cost of any property which is rendered unusable by reason of the change order, the contracting officer must safeguard the interests of the Government by assuring that the value of such property is reflected in the adjustment made by reason of the change. Such property rendered unusable will be disposed of by use of one of the following methods:

(1) By retention of the property by the contractor, with a credit to the Government of an amount therefor to be agreed upon between the contractor and the contracting officer;

(2) By sale of the property at a price to be approved by the contracting officer, the proceeds to be credited to the Government; or

(3) By transfer of title to the property to the Government and delivery of pos-

session thereof in such manner as may be agreed upon by the contractor and the contracting officer.

The written agreement reflecting the adjustment will show as to each general category of property rendered unusable which method of disposition is to be followed. If title is to be taken by the Government, the agreement will provide clearly what is to be done with the property. The contracting officer will take all necessary action for prompt execution of the provisions of the supplementary agreement relating to property which is to be transferred to the Government.

(e) *Adjustments of changes resulting in a reduction in quantity.* A reduction in the quantity to be delivered under the contract made pursuant to the "changes" article set forth in § 803.329a constitutes a partial termination within the meaning of the Contract Settlement Act of 1944. The use of a "changes" article to effect a reduction in quantity and the problems incident thereto are discussed in § 815.300 (c). Attention, however, is directed to the importance of safeguarding the interest of the Government in property rendered unusable because of the reduction by securing title thereto or otherwise receiving credit for the value thereof.

2. In § 812.1232 the reference at the end of paragraph (d) is revised. The paragraph, as amended, reads as follows:

§ 812.1232 *Escalation* * * *

(d) *Escalation in relation to OPA ceiling prices.* Escalation in relation to OPA ceiling prices is not permitted, except that escalation articles may be included in contracts for the purchase of certain basic commodities to the extent and in the form set forth in § 803.351 (d) et seq.

SUBPART H—AUDITS AND INSPECTIONS UNDER TITLE XIII OF THE SECOND WAR POWERS ACT

Section 812.1263 (a) is amended to read as follows:

§ 812.1263 *Preliminary steps before audit or subpena.* (a) No audit is to be made without first advising the War Production Board. Communications on this subject should be addressed to Chief, Contract Review Branch, Procurement Policy Division, War Production Board, 4th and Independence Avenue, SW., Washington 25, D. C. It is the intent of this notification to prevent conflict and duplication of audit with other Departments. Approval from the War Production Board should therefore be obtained before proceeding.

APPENDIX

NOTE: For Renegotiation Regulations, see 9 F.R. 4135, 6154, 7020, 9107, 9907.

[Procurement Reg. 13]

PART 813—FORMS OF CONTRACTS

1. In § 813.1303 subparagraph 2 of Article IV is amended to read as follows:

§ 813.1303 *W. D. Contract Form No. 3.* * * *

ART. IV. *Records and Accounts Inspection and Audit.* * * *.

2. The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the Contractor pertaining to said work except such documents as have been submitted in support of reimbursement vouchers; and the Contractor, without additional compensation therefor, shall preserve such papers to such extent and for such period as may be required by law.

* * * * *

2. In § 813.1304 subparagraph 2, of Article III-B is amended to read as follows:

§ 813.1304 *W. D. Contract Form No. 4.* * * *

ART. III-B. *Records and accounts, inspection and audit.* * * *

2. *Access to records by Contracting Officer and Architect-Engineer.* The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the Architect-Engineer pertaining to said work except such documents as are submitted in support of reimbursement vouchers; and the Architect-Engineer, without additional compensation therefor, shall preserve such papers to such extent and for such period as may be required by law. Likewise, any duly authorized representative of the Architect-Engineer shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the actual cost of the work for the purpose of checking and verifying such cost.

* * * * *

3. In §§ 813.1307 to 813.1310, inclusive, the footnotes in paragraph 6 of the forms are amended. The paragraphs, as amended, read as follows:

§ 813.1307 *W. D. Contract Form No. 7.* * * *

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

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

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.* Any such negotiated settlement shall be embodied in a Supplemental Agreement.

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

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

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

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

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

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

* * * * *

§ 813.1308 *W. D. Contract Form No. 8.* * * *

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

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

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting

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[1] Where the letter order is for an amount less than $20,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 803.326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 803.326 or that contained in General Provision 12 of W.D. Contract Form No. 18 (paragraph § 813.1317b).

Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the unit price above specified for all completed supplies, the costs incurred by you with respect to the uncompleted portion of this order, and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made with respect to such uncompleted portion of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.* Any such negotiated settlement shall be embodied in a Supplemental Agreement.

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

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

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

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

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

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

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

[1] See footnote 1, page 10961.

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

* * * * *

§ 813.1309 *W. D. Contract Form No. 9.* * * *

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

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

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.* Any such negotiated settlement shall be embodied in a Supplemental Agreement.

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

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

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

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

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

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

* * * * *

§ 813.1310 *W. D. Contract Form No. 10.* * * *

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

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

(c) In the event of any termination pursuant to either paragraph 6 (a) or paragraph 6 (b) of this order, you and the Contracting Officer will attempt to agree by negotiation upon a settlement estimated by the parties to be the aggregate amount (less payments previously made to you) of the costs incurred by you in the performance of this order and the amounts paid or to be paid by you or for your account in settling with the approval of the Contracting Officer your obligations for commitments made in the performance of this order. *In case of termination pursuant to paragraph 6 (b), such negotiated settlement may include a reasonable allowance for profit.* Any such negotiated settlement shall be embodied in a Supplemental Agreement.

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

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

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

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

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

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

* * * * *

4. In § 813.1311 Articles 17 and 18 are amended to read as follows:

§ 813.1311 *War Department Contract Form No. 13A.* * * *

ART. 17. *Definitions.* (Insert § 813.1301, Art. 23.)

ART. 18. *Alterations.* (Insert § 813.1301, Art. 24.)

5. Section 813.1311a is added as follows:

§ 813.1311a *War Department Contract Form No. 13 B.*

Contract No. _____

CONTRACT (SUPPLIES) WAR DEPARTMENT AND METALS RESERVE COMPANY

(A subsidiary of Reconstruction Finance Corporation)

Contract for: _____
Amount: _____
Location: _____
Payment: To be made by _____
_____, U. S. Army, at _____
_____.

The supplies and services to be obtained by the instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same: _____
_____

This contract is authorized by the following laws: _____
_____
_____

CONTRACT

Subject and pursuant to the terms and conditions hereinafter stated and contained in the Exhibit hereto attached and made a part hereof:

Seller: Metals Reserve Company, 811 Vermont Avenue, N.W., Washington 25, D. C. (hereinafter called "Contractor"), agrees to sell and deliver,

Buyer: United States of America (hereinafter called "Government"), represented by the Contracting Officer executing this contract, agrees to buy and receive,

Material: _____
_____

Quantity: _____
_____

Quality: _____
_____

Price and Delivery: _____ per _____ f. o. b. railroad cars or trucks at _____ in accordance with delivery schedule attached. The Government is to prepare bills of lading, except where the material is sold on a delivered basis at destination designated by the Government.

Weighing, Sampling and Analysis: _____

Payment: Promptly upon receipt of Contractor's invoice with certificates of weights and analysis, if any, attached.

Cancellation: Notwithstanding any other provision hereof, the obligation of the Contractor to deliver any balance of _____ which might be undelivered after _____ may be canceled by Contractor after _____, upon written notice to the Government, provided the Contractor is not in default. Such cancellation shall be effective upon receipt of such notice.

Executed in Quadruplicate.

Dated:

METALS RESERVE COMPANY,
Contractor.
By _____

UNITED STATES OF AMERICA.
By _____
_____
(Official title)

NOTE: Exhibit to be attached to W. D. Contract Form No. 13B (§ 813.1311a).

EXHIBIT

ART. 1. *Changes.* (Insert § 803.329a.)

ART. 2. *Extras.* (Insert § 813.1301, Art. 3.)

ART. 3. *Inspection.* (Insert § 813.1301, Art. 4.)

ART. 4. *Delays—Damages.* (Insert § 803.-352.)

ART. 5. *Responsibility for supplies tendered.* (Insert § 813.1301, Art. 6.)

ART. 6. *Payments.* (Insert § 813.1301, Art. 8.)

ART. 7. *Officials not to benefit.* (Insert § 803.322.)

ART. 8. *Covenant against contingent fees.* (Insert § 803.323.)

ART. 9. *Disputes.* (Insert § 803.326.)

ART. 10. *Termination at the option of the Government.* (Insert § 803.324, the article following paragraph (6).)

ART. 11. *Notice of shipments.* (Insert § 803.328.)

ART. 12. *Subcontracting.* (Insert § 803.-367.)

ART. 13. *Anti-discrimination.* (Insert § 803.325.)

ART. 14. *Convict labor.* (Insert § 803.345.)

ART. 15. *Assignment of rights hereunder.* No claim under this contract shall be assigned.

ART. 16. *Disclosure of information.* (Insert § 803.336.)

ART. 17. *Employment of aliens.* (Insert § 803.337.)

ART. 18. *Definitions.* (Insert § 813.1301, Art. 23.)

ART. 19. *Alterations.* (Insert § 813.1301, Art. 24.)

6. In § 813.1312, subparagraph 2, of Article XIII, is amended to read as follows:

§ 813.1312 *W. D. Contract Form No. 12.*

ART. XIII. *Records and accounts, inspection and audit.* * * *

2. *Access to records by Contracting Officer and A-E-M.* The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the A-E-M pertaining to said work except such documents as are submitted in support of reimbursement vouchers; and the A-E-M shall preserve such papers, without additional compensation therefor, to such extent and for such period as may be required by law. Likewise, any duly authorized representative of the A-E-M shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the actual cost of the work for the purpose of checking up and verifying such cost.

7. In § 813.1315b (d), subparagraph 5 of the special provisions for gas service is amended to read as follows:

§ 813.1315b *W. D. Contract Form No. 27.*

(d) * * *

SPECIAL PROVISIONS E—GAS SERVICE

* * * * *

5. *Metering and billing.* Gas will be measured by _____ meters to be
(number and type)
furnished, installed, maintained, calibrated and read by the Contractor, the readings of which will be combined for billing purposes.

When orifice meters are used to measure gas furnished hereunder, such meters shall be of standard manufacture and shall be installed and operated in accordance with the manufacturer's specifications and recommendations. Computations of gas deliveries shall be made in accordance with the manufacturer's recommendations and shall be corrected for the specific gravity of the gas, which shall be determined by spot specific gravity tests made monthly or at more frequent intervals if required, or by a recording gravitometer.

Upon request of the Contracting Officer or his representative, the Contractor will submit to the Government records and charts from its metering equipment, together with calculations therefrom, for the Government's inspection and verification, subject to return by the Government within ten days after receipt thereof, after which return the charts and records shall be kept on file by the Contractor for the mutual use of both parties for such period and to such extent as may be required by law.

8. Sections 813.1317 and 813.1317a are amended to read as follows:

§ 813.1317 *Short forms.* In § 813.-1317a and immediately following, there are set forth certain short forms of contracts for procuring supplies or services, to be used in accordance with the "explanatory notes" applicable to each.

§ 813.1317a *W. D. Contract Form No. 383, revised 26 June 1944 (W. D. Forms Nos. 383, 383a, 383b and 383c); Short Form—(a) Explanatory note.* W. D. Contract Form No. 383, revised 26 June 1944, comprising W. D. Forms Nos. 383, 383a, 383b and 383c, will be used in compliance with instructions appearing in TM 38-403 (Station Supply Procedure), which supersedes ASF Manual M403; and in ASF Manual M408 (Depot Supply Procedure).

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[1] Where the letter order is for an amount less than $20,000, the "Disputes" article will not have been incorporated by reference by virtue of paragraph 3 or 6 (g) of the letter order, since contracts in such amount are not required to contain that article (see § 803.-326). In that event the language of the letter order will be appropriately modified expressly to incorporate by reference either the "Disputes" article set forth in § 803.326 or that contained in General Provision 12 of W.D. Contract Form No. 18 (§ 813.1317b).

(b) *Contract forms.*

War Department Form No. 383

Form Prescribed by Comptroller General, U. S. June 26, 1944.

PURCHASE ORDER ☐ OR DELIVERY ORDER ☒ (indicate by X)

AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

WAR DEPARTMENT

Date ..... Insert Name and Address of Procuring Office .....

Delivery order No.	Contract No.	Purchase order No.	Requisition No.	Purchase authority	D. O. Vou. No.

TO:	SHIP TO:	Paid by
Vendor: Return white copy with vendor's certificate completed or white copy with certified or original and two copies of your invoice	Payment will be made by Finance Officer	
To:	At:	(For use of paying office)

F. o. b.	(Del. date(s))	Discount terms	The officer(s) whose signature(s) appear below certify that the available balance or funds chargeable (indicated below under accounting classification) is sufficient.

If purchase order: This instrument is negotiated under authority of the First War Powers Act, 1941, and Executive Order No. 9001, 27 December, 1941. In accordance with your price list/oral quotation written quotation of ..... 194.., please furnish the following, subject to the terms and conditions stated on both sides of this form.

If delivery order: Please furnish the following in accordance with basic purchase agreement identified above. The provisions on the reverse side of this form do not apply when used as delivery order.

Item No.	Articles or services	Quantity ordered	Unit	Unit price	Amount	Quantity received
	Total.....					

Vendor's certificate: I certify that the above bill is correct and just, that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with and that State or local sales taxes are not included in the amounts billed.

.....

Payee (sign original only)*

Per ..... Title .....

(This certificate not required when a like certificate is made by payee on attached bill or bills)

Vendor's invoice No.

(Vendor must NOT use this space)

Differences .....

.....

.....

.....

Account verified: correct for .....

.....

.....

(Signature or initials)

Pursuant to authority vested in me, I certify that the above articles were received in good condition, after due inspection, acceptance, and delivery prior to payment as required by law, or the services were performed as stated, that they were procured without written contract, in open market, or as indicated above and were necessary for the public service and that the prices charged are just and reasonable and in accordance with the agreement.

Signature..... Title.....

Accounting classification

Appropriation (including limitation) symbol	Appropriation title	Station code	Limitation or project amount	Appropriation amount

Check No. ..... dated ..... 19.. for $..... on Treasurer of the United States in favor of Payee named above.

Cash, $..... on ..... 19... Payee .....

*When a voucher is signed or receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary" or "Treasurer" as the case may be.

Per .....

Title .....

[Reverse side of W. D. Form No. 383]

GENERAL PROVISIONS APPLYING TO THIS ORDER

1. *Payments.* The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. If the Contracting Officer permits, (a) payments may be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, (b) when requested by the Contractor, payments for accepted partial deliveries may be made whenever such payments would equal or exceed either $1,000 or 50% of the total amount of the contract.

2. *Inspection.* Whether or not an inspection point is specified herein, all material and workmanship shall be subject to inspection and test at all times and places (including inspection and test after arrival at destination) and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with the specification requirements, the Government shall have the right to reject such articles, or require their correction. Final inspection shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud. In the event public necessity requires the use of materials or supplies not conforming to the specifications, payment therefor shall be made at a proper reduction in price.

3. *Variation in quantities.* (Insert § 803.329)

4. *Notice of shipments.* (Insert § 803.328)

5. *Taxes.* (Insert § 803.357 (b))

6. *Walsh-Healey Act.* If this contract is for an amount in excess of $10,000, the representations and stipulations required by Section 1 of the Act of June 30, 1936 (Walsh-Healey Act, Public No. 846, 74th Cong.), to be included in all contracts therein specified, are hereby incorporated and made a part of this contract with the same force and effect as if fully set forth in the contract. Such representations and stipulations shall be subject to all applicable regulations, determinations, and exemptions of the Secretary of Labor now or hereafter in effect.

7. *Eight-hour law.* This General Provision 7 shall apply if General Provision 6 is not applicable. (Insert § 803.346)

8. *Anti-discrimination.* (Insert § 803.325)

9. *Convict labor.* The Contractor shall not employ any person undergoing sentence of imprisonment at hard labor.

10. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in the drawings or specifications. Changes as to shipment and packing of all supplies may also be made as above provided. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly.

11. *Delays; damages.* If the Contractor refuses or fails to perform this contract within the time specified, or any extension thereof,

the Government may, by written notice, terminate the right of the Contractor to proceed with deliveries or with such part or parts thereof as to which there has been delay, and may hold the Contractor liable for any damage caused the Government by reason of such termination. The right of the Contractor to proceed with the performance of this contract shall not be terminated under this General Provision 11 if the delay is due to causes beyond the control and without the fault or negligence of the Contractor, including without being limited to, any preference, priority, or allocation order issued by the Government or any other act of the Government.

12. *Disputes.* Except as otherwise specifically provided in this contract, all disputes concerning questions of fact which may arise under this contract, and which are not disposed of by mutual agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail a copy thereof to the Contractor. Within 30 days from said mailing the Contractor may appeal to the Secretary of War, whose decision or that of his designated representative, representatives, or board shall be final and conclusive upon the parties hereto. Pending decision of a dispute hereunder the Contractor shall diligently proceed with the performance of this contract.

13. *Assignment of rights hereunder.* This General Provision 13 shall apply if this contract is for $1,000 or more, unless this contract is marked secret, confidential, or restricted. (Insert § 803.355.)

14. *Officials not to benefit.* Insert § 803.322.)

15. *Covenant against contingent fees.* (Insert § 803.323.)

16. *Termination at the option of the Government.* The performance of work under this contract may be terminated by the Government whenever the Contracting Officer shall determine that such action is for the best interests of the Government. If this contract is so terminated, fair compensation, within the meaning of the Contract Settlement Act of 1944 (Public No. 395, 78th Cong.), as the same may from time to time be amended, will be provided for contractor.

17. *Definitions.* Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

SHIPPING INSTRUCTIONS

A. Mark each package with complete destination, Delivery Order or Purchase Order number, name of Contractor, commodity, quantity, Delivery Order or Purchase Order item number, package number.

B. Packing list must accompany each shipment, showing package number and contents.

C. If purchase is f. o. b. destination, delivery charges are absorbed in the prices. If purchase is f. o. b. origin, delivery charges are excluded from the prices and Government bill of lading will be used, or commercial bill of lading will be used and exchanged for Government bill of lading at destination.

War Department Form No. [illegible]
Form Prescribed by Comptroller General, U. S.
June 23, 1944.

PURCHASE ORDER ☐ OR DELIVERY ORDER ☐ (Indicate by X)

AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

WAR DEPARTMENT

Date ..... Insert Name and Address of Procuring Office .....

Delivery order No.	Contract No.	Purchase order No.	Requisition No.	Purchase authority	D. O. Vou. No.

To:	Ship to:	Paid by
Vendor: Return white copy with vendor's certificate completed or white copy with certified original and two copies of your invoice. To:	Payment will be made by Finance Officer At:	(For use of paying office)

F. o. b.	Del. date(s)	Discount terms	The officer(s) whose signature(s) appear below certify that the available balance or funds chargeable (indicated below under accounting classification) is sufficient.

If purchase order: This instrument is negotiated under authority of the First War Powers Act, 1941, and Executive Order No. 9001, 27 December, 1941. In accordance with your price list, oral quotation, written quotation of ..... 194..., please furnish the following, subject to the terms and conditions stated on both sides of this form.
If delivery order: Please furnish the following in accordance with basic purchase agreement identified above. The provisions on the reverse side of this form do not apply when used as delivery order.

Item No.	Articles or services	Quantity ordered	Unit	Unit price	Amount	Quantity received

Memorandum:

(Vendor must NOT use this space)
Differences.....

Vendor's Invoice No.

Account Verified: correct for .....
(Signature or initials)

Inspection report: I certify that the items listed in Quantity Received column above were inspected by me, and that they conform to the contract requirements, and/or that the services specified in the contract were actually rendered.

(Date) ..... Inspecting Officer .....

Receiving report: I certify that the items listed in Quantity Received column above were received by me in the quantities and conditions stated, and that the same have been taken up on the property accounts at this station.

Date(s) received ..... Accountable Officer .....

Accounting classification

Appropriation (including limitation) symbol	Appropriation title	Station code	Limitation or project amount	Appropriation amount

Check No. ..... dated ..... 19 ..., for $ ..... on Treasurer of the United States in favor of Payee named above.

Cash, $ ..... on ....., 19... Payee..... (Sign original only) ..... Property Vou. No.

Title .....

[Reverse side of W. D. Form No. 383a]

This is the same as the reverse side of W. D. Form No. 383.

War Department Form No. 383b
Form prescribed by Comptroller General, U. S., June 26, 1944.

PURCHASE ORDER ☐ OR DELIVERY ORDER ☐ (indicate by X)

AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

WAR DEPARTMENT

Date_____

(Continuation sheet—Original)

Delivery Order No.	Contract No.	Purchase order No.	Requisition No.	Purchase authority	Sheet of

Item No.	Articles or services	Quantity ordered	Unit	Unit price	Amount	Quantity received
	Total_____					

War Department Form No. 383c
Form prescribed by Comptroller General, U. S., June 26, 1944.

PURCHASE ORDER ☐ OR DELIVERY ORDER ☐ (indicate by X)

AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

WAR DEPARTMENT

Date_____

(Continuation sheet—Memorandum)

Delivery Order No.	Contract No.	Purchase order No.	Requisition No.	Purchase authority	Sheet of

Item No.	Articles or services	Quantity ordered	Unit	Unit price	Amount	Quantity received
	Total_____					

9. In § 813.1329, the first "Whereas" clause and articles 1, 2, and 6 are amended to read as follows:

§ 813.1329 *W. D. Contract Form No. 29.* * * *

Whereas, on or about the _____ day of _____, 19____, Licensor and Licensee entered into an instrument of license, providing for the payment of certain royalties;

* * * * *

ARTICLE 1. *Definitions.* Where used in this contract, the following terms have the meanings here assigned to them, viz.:

(a) "Said license" means the instrument of license dated _____, 19__ above mentioned;

(b) "Said inventions" means each and all of the inventions whose practice is licensed in and by said license;

(c) "The Act" and "the Royalty Adjustment Act" means the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C. 89-96);

(d) "Notice under the Act" means the notice contemplated by Section 1 of the Act;

(e) "Period of this agreement" means the period of time beginning the _____ day of _____, 19__ [insert date as of which the royalty adjustment is to take effect] and ending when the head of any department or agency of the Government gives notice under the Act that the reduced royalties specified in this contract are believed to be unreasonable or excessive, but in any event ending six months after the cessation of hostilities in any war in which the United States are now engaged;

(f) "Subject royalties" means that portion of the royalties accruing under said license, in respect to the practice of said inventions during the period of this agreement, which is charged or chargeable to the Government; and

(g) "Secretary of War" includes any officer or board exercising the powers, duties and authorities of the Secretary of War under the Act in respect of said license or said inventions.

ART. 2. *Royalty Reduction.* Licensor agrees that the subject royalties shall be and they are hereby reduced to ____% [or, reduced to an amount not exceeding $_____ in any calendar year] in lieu of the rates specified in said license.

* * * * *

ART. 6. *Reserved Rights.* Nothing herein contained shall limit the right of the head of any department or agency of the Government, including but not limited to the Secretary of War, to give notice [*or*, further notice] under the Act if at any time it is believed that the reduced royalties specified in Article 2 hereof are unreasonable or excessive, nor shall the Government be deemed to have approved the rates or amounts of said reduced royalties or be estopped at any time to contest the enforceability, validity or scope of, or the title to, any patent in respect of which said royalties are payable.

10. Footnote 1 to the signature lines at the end of § 813.1329 is deleted.

[Procurement Reg. 15]

PART 815—TERMINATION OF CONTRACTS FOR THE CONVENIENCE OF THE GOVERNMENT

SUBPART A—POLICY AS TO TERMINATION OF CONTRACTS AND SUPERVISION OF TERMINATION SETTLEMENTS

Introduction

1. In § 815.100 former (a), (b) and (c) are redesignated (1), (2) and (3), and paragraph (a) is added, as follows:

§ 815.100 *Scope of part.* * * *

(a) *Contracts made or to be performed outside continental United States or in Alaska.* (1) By War Department Circular 330, 1944, all war contracts made or to be performed outside the continental limits of the United States or Alaska have been exempted from the provisions of the Contract Settlement Act of 1944 except to the extent that the commanding officer in charge of United States armed forces outside the continental United States or in Alaska, who is responsible direct to the War Department, may choose at his discretion to make some or all of the provisions of the act applicable to any such contract or class of contracts. By Circular 330, each such commanding officer is authorized to exercise, within the limits of his command,

subject to any applicable regulations or instructions of the Director of Contract Settlement or of the War Department, any authority or discretion granted to the War Department under the act.

(2) With respect to any contracts or class of contracts being administered under the direction of the chiefs of any technical service, and made or performed outside of the continental limits of the United States or in Alaska, such chief of the technical service is hereby granted authority:

(i) To make some or all of the provisions of the Act applicable thereto, and

(ii) To exercise with respect thereto, subject to any such applicable regulations of the Director of Contract Settlement or of the War Department, any authority or discretion granted to the War Department under the act.

(3) The procedures set out in this part are not applicable outside the continental United States or in Alaska, but may furnish useful suggestions to the commanding officers mentioned above as to appropriate procedure to be followed in such areas. The chiefs of the technical services, however, in their administration of contract terminations in such areas should adhere to the procedures in this part as closely as is practicable. This matter, insofar as it relates to the commanding officers mentioned above, is more fully treated in section III of Circular 330, War Department, 1944.

2. In paragraph (h) of § 815.104, the words "76th Congress" are added immediately following the words "Public Law 703" in the last sentence.

3. In paragraph (a) of § 815.107, the parenthetical reference in the first sentence is amended to read "(see §§ 815.150 (b), 815.206)" and paragraph (b) is amended by the substitution of subparagraphs (2) and (3) for the former subparagraphs (2) to (5), inclusive.

§ 815.107 *Amendments of contracts to insert termination provisions.* * * *

(b) *Letters of intent, letter contracts and letter orders.* * * *

(2) The chief of each technical service is authorized by supplemental agreement at any time to amend any letter of intent or letter order to include therein the appropriate standard termination provisions. Whenever possible, such amendments will be made before the giving of notice of termination but may be made even after such notice is given. If any such amendment made after notice of termination includes the portions of the standard termination provisions authorizing the payment of a profit to the contractor, then such amendment may be made only after a finding by the chief of the technical service or any duly authorized representative within his headquarters office that an allowance for profit is reasonable under the circumstances. In the case of the Army Air Forces the authority to make such finding may be exercised by any duly authorized representative of the Commanding General, Army Air Forces, within the headquarters offices of the Army Air Forces or of any of its major commands.

(3) Amendments pursuant to this paragraph shall not be allowed to delay in any manner whatsoever the execution of a definitive contract in accordance with § 803.303a.

Organization and Responsibility for Terminations

4. Section 815.202 is amended to reflect the redesignation of the Assistant Chief of Air Staff, Materiel; Maintenance and Distribution, as Assistant Chief of Air Staff, Materiel and Services, Section 815.202, as amended, reads as follows:

§ 815.202 *Staff supervision.* Staff supervision of terminations in the Army Service Forces is assigned to the Director of Materiel who will coordinate the activities of all headquarters staff divisions relating to this subject through the Readjustment Division. With respect to the Army Air Forces, staff supervision of terminations is vested in the Commanding General, Army Air Forces who acts with respect to such matters through the Assistant Chief of Air Staff, Materiel and Services.

5. Section 815.208 is amended by the addition of a sentence at the end thereof. The section, as amended, reads as follows:

§ 815.208 *Authority to vary procedures.* The chief of each technical service, consistently with the general policy of this part and with the policy stated in § 815.106, may authorize variations from the procedures herein prescribed in any case or class of cases, unless in his opinion such variation involves a matter of policy which should be considered and passed upon by higher authority. In determining whether a matter of policy should be considered and passed upon by higher authority, consideration shall be given by the chief of the technical service to the following factors:

(a) Whether there is involved a conflict with a policy theretofore approved by higher authority;

(b) Whether there is involved a decision on an important question of policy which has not theretofore been passed upon by higher authority;

(c) Whether there is involved a decision on any matter in which uniformity among the several technical services is especially desirable;

(d) Whether there is involved a decision on an important or doubtful question of law, cost interpretation, accounting practice or fiscal policy;

(e) Where deviation from the procedures herein prescribed will tend to set a precedent which may be undesirable in other cases.

In any case where a substantial deviation from the general policies prescribed in this part is involved, such deviation may be made only with the approval of the Director, Readjustment Division, Headquarters, Army Service Forces, who will obtain any appropriate concurrences of other Headquarters staff divisions, where in his judgment such concurrences are desirable. The Director, Readjustment Division, may authorize:

(i) Any deviation from the provisions of these regulations in any case or class of cases;

(ii) Such action or procedures as he deems appropriate in any case or class of cases where this regulation does not adequately cover the problems raised.

SUBPART E—PROCEDURES RELATING TO TERMINATION OF LUMP SUM SUPPLY CONTRACTS

Service of Termination Notice and Action Connected Therewith

1. In § 815.325 (c) (5) the parenthetical reference is amended to read as follows: "(see § 815.431 et seq.)"

Property Disposition

2. Section 815.350 is amended by the addition of reference to subcontractors in the second sentence. The last sentence in paragraph (c) is revised to refer to § 815.437a and subparagraph (3) of paragraph (d) is revised to correct cross reference:

§ 815.350 *Disposition of property.* As stated in paragraph (b) of § 815.106, so far as permitted by the contract being terminated, property acquired for the performance of the contract is to be disposed of with reasonable dispatch, as advantageously as is reasonably possible and in a manner which makes such property available for other productive use at the earliest possible moment. The settlement and payment of the amounts owing to contractors and subcontractors are not, however, to be delayed by reason of failure to dispose of property. Property not disposed of prior to the reaching of an agreement for settlement will be transferred to the Government, unless previously transferred in accordance with the provisions of Subpart F-1 of this part (§ 815.850 et seq). The policies and procedures with respect to the removal of property from contractors plants subsequent to termination are set forth in said Subpart F-1. Property included in termination inventories will be disposed of in accordance with the provisions in Part 807, which set forth procedures to be followed and price policies applicable to various classes of property.

* * * * *

(c) *Approval of the contracting officer.* Pursuant to the provision quoted in paragraph (a) the contractor (1) may be authorized or directed by the contracting officer to make reasonable efforts to sell property to which he has title at prices approved by the contracting officer, or (2) may be permitted to retain such property to which he has title with the approval of the contracting officer at a price mutually agreeable. Such authorizations to sell or retail property shall be subject to the regulations relating to sales of termination inventories set forth in Part 807. In each instance the prior approval or subsequent ratification of the contracting officer must be obtained except as provided in § 815.354 (a), and except in the case of settlements made pursuant to authority given under § 815.437a.

(d) *Protection of the rights of assignees and the Government.* * * *

(3) Where the Government has made advance payments, or partial payments pursuant to §§ 815.500 to 815.512 on the contract in process of termination, the interest of the Government in preserving adequate security or obtaining payment where property is to be retained by the contractor or in the proceeds of the property which is to be sold or retained for sale by the contractor should be protected by proper coordination, in advance, with the officers charged with the administration of such advance payments or partial payments.

3. In § 815.351 (b) the parenthetical reference to § 815.361 is deleted.

4. Section 815.353 is amended to read as follows:

§ 815.353 *Where contractor or subcontractor is willing to forego reimbursement for the cost of any property.* Frequently as to certain property (e. g. standard materials and parts) the contractor will be willing to retain or take over property at cost and agree not to include such property in any request for reimbursement. Unless in rare instances where the contracting officer wants the specific property transferred to the Government (as, for example, because it is a critical material or because it has risen sharply in value) it will be normal procedure for the contracting officer to notify the contractor, at the time of serving the termination notice or by subsequent written instructions (see par. 10a of the instructions to contractor, § 815.936), that, without further authority of the contracting officer, the contractor may retain any property to which he has title if he agrees to make no request for reimbursement. The contracting officer should direct the contractor similarly to advise subcontractors and suppliers (see par. 19 of the instructions to contractors). However, in any case where there is an advance payment or partial payment outstanding with respect to the contract, the interest of the Government will be protected by the contracting officer by proper coordination in advance with the officers charged with the administration of advance payments or partial payments, as provided in § 815.350 (d) (3). Where such blanket authority has previously been granted, it should appropriately be limited or conditioned, if the interests of the Government so require, before an advance or partial payment is thereafter made.

5. Paragraph (a) of § 815.355 is amended to read as follows:

§ 815.355 *Retention of property by price contractor at less than cost.* * * *.

(a) *Diversion of property or orders to other contracts.* (1) It is the policy of the War Department to encourage contractors and subcontractors so far as possible to divert to other war production all materials, equipment, and supplies which have become excess by reason of the termination of a contract or subcontract. If notice of termination of any contract to which such property is diverted is thereafter given, the contractor is entitled in the settlement of this contract to reimbursement for the property so diverted to the extent that the property is properly allocable to this contract and is within the reasonable quantitative requirements of the entire contract. Thus, where the cost of such property was not included in the settlement of the original terminated contract, or where the cost was included but the contractor retained the property at an agreed value, the cost or agreed value, as the case may be, together with any charges properly applicable thereto, may be included as part of the cost of materials applicable to the contract to which such property was diverted.

(2) Where a saving to the Government may be effected, contractors and subcontractors should divert property from a terminated contract to a continuing contract in accordance with subparagraph (1) above even if it necessitates the cancellation of orders which have already been placed for materials, equipment, or supplies under the continuing contract. The charges incurred by reason of the cancellation of such orders may be dealt with in either of the following ways:

(i) The contractor may take such cancellation charges into consideration when calculating the amount at which he will agree to retain the property for transfer to the continuing contract. If an agreement is reached whereby the contractor retains the property at an amount thus calculated, and the continuing contract to which the property is transferred is later terminated, the reasonable cost to the contractor of cancelling such orders, may be included as part of the cost of materials applicable to the continuing contract.

(ii) In the alternative, with the approval of the contracting officer, such cancellation charges may be included in the termination claim under the contract from which the property is transferred, in which event such charges shall not be considered in determining the agreed value of the property, or in a later termination settlement of the continuing contract.

(3) Similarly, it is the policy of the War Department to encourage the transfer of orders for materials, equipment, supplies and services from contracts or subcontracts being terminated to continuing contracts or subcontracts where a saving to the Government may be effected and where the property or services covered by the orders transferred will be properly allocable to the continuing contract and within the reasonable quantitative requirements of the entire contract. Where the transfer of an order from a contract being terminated to a continuing contract necessitates the cancellation of orders under the continuing contract, the cancellation charges thereon may be included as part of the cost of materials applicable to the contract being terminated.

6. In §§ 815.356 and 815.357 references to the Termination Accounting Manual are deleted.

Preparation and Review of Contractors' and Subcontractors' Accounting Statements and Proposals for Settlement: Accounting Guides to a Negotiated Settlement

7. Section 815.445 is amended to correct the reference. The section, as amended, reads as follows:

§ 815.445 *Accounting guides for use in connection with negotiating settlement.* In negotiating a settlement, the contracting officer should have as a guide an accounting memorandum, prepared by Government accounting personnel, containing the available accounting data as to the costs incurred by the contractor with respect to the uncompleted portion of the contract and computations based upon such data and other available information as to the rate of profit which it is expected the contractor would have earned if he had been permitted to complete the contract. This accounting memorandum will ordinarily be prepared on either the inventory basis or the total cost basis as described in paragraph 20 of TM 14-1005. This memorandum will not limit the contracting officer in arriving at what he considers to be a proper settlement, but should be given weight by him in connection with other relevant and available criteria and considerations.

Negotiation of Settlements

8. Paragraph (f) of § 815.560 is amended to read as follows:

§ 815.560 *Formula settlements.* * * *

(f) *Final payment.* When the amount due the contractor on his termination claim has been finally determined, a voucher will be prepared in the usual manner covering the portion of the amount so determined which remains unpaid and will be presented to the finance officer for payment. A copy of the determination pursuant to which payment is made will be attached to the voucher, and the voucher should contain substantially the following statement:

> The payment covered by this voucher is a full and final payment of all amounts due on the contractor's termination claim under Contract W-------, as finally determined pursuant to Section 13 of the Contract Settlement Act of 1944 by the ------, (War Department, War Department Board of Contract Appeals, Appeal Board, Court) in its determination dated----------, a copy of which is attached hereto.

The voucher should also include a certificate by the contracting officer substantially as follows:

> This payment is authorized under the Contract Settlement Act of 1944.

SUBPART D—COST-PLUS-A-FIXED-FEE CONTRACTS

General

1. In § 815.651, paragraphs (a), (b) and (d) are amended and paragraph (g-1) is added, as follows:

§ 815.651 *Steps in the termination of cost-plus-a-fixed-fee contracts.* * * *

(a) *Issuance of a notice of termination and action directed therein.* The contracting officer will issue a notice of termination (see §§ 815.914 and 815.915) to the contractor ordering the contractor to stop all work and the making of all commitments and directing him to issue similar orders to all subcontractors,

vendors and suppliers, and to request them to furnish statements of charges on account of such termination. A copy of such termination notice will be promptly furnished to the disbursing officer currently designated as the paying officer for the contract. Provision may be made for ordering the continuation of some of the work, in the discretion of the contracting officer. With respect to the issuance of a notice of termination, the following provisions of this part relating to the termination of lump sum supply contracts are also applicable to the termination of cost-plus-a-fixed-fee contracts.

(1) Preparatory steps, §§ 815.301 to 815.306, 815.312 to 815.315.

(2) Service of termination notice and action connected therewith, §§ 815.320 and 815.321. [He should, of course, obtain a statement of charges and a proposal for settlement from each of his subcontractors and suppliers despite the fact that the Government may have agreed to assume his commitments to such subcontractors and suppliers.]

(3) Initial conference, §§ 815.322 and 815.323. The attention of the contractor should be directed particularly to the necessity of prompt performance of the applicable obligations listed in § 815.321.

(b) *Termination and settlement of subcontracts.* The prime contractor will take steps forthwith upon receipt of the termination notice to terminate subcontracts and purchase orders in compliance with such notice and to obtain inventories, accounting data, cost statements and proposals for a negotiated settlement of any lump sum subcontracts and purchase orders. (See § 815.325 (c).) In the case of cost-plus-a-fixed-fee subcontracts the prime contractor will obtain the accounting and other data necessary to permit (1) the negotiation of a settlement of such a contract or (2) final determination and payment of the reimbursable costs under such subcontract and any necessary adjustment of the fixed fee thereunder, if such determination is necessary.

* * * * *

(d) *Settlement of cost-plus-a-fixed-fee subcontracts, purchase orders and other obligations of the prime contractor.* (1) The prime contractor and the subcontractor may settle by negotiation in the manner set forth in paragraph (c) all amounts due with respect to any cost-plus-a-fixed-fee subcontract or other obligation under a cost-plus-a-fixed-fee prime contract, the amount of any adjustment of any fixed fee payable under such a subcontract and the costs and expenses incurred by the subcontractor in connection with the termination and settlement of such cost-plus-a-fixed-fee subcontract. The amount of any such settlement, when approved by the contracting officer as made in good faith and with protection of the interests of the Government, shall be reimbursable to the prime contractor.

(2) If such a settlement by negotiation is not made, settlement of such cost-plus-a-fixed-fee subcontract or other obligations will be made in accordance with the terms of the subcontract.

(3) Audit of the unreimbursed costs of such cost-plus-a-fixed-fee subcontracts will be made in a manner consistent with the applicable instructions set forth in paragraph (g-1).

* * * * *

(g-1) *Method of presenting and auditing costs under terminated cost-plus-a-fixed-fee supply contracts and subcontracts.* (1) *General.* In connection with the settlement of cost-plus-a-fixed-fee supply prime contracts and cost-plus-a-fixed-fee subcontracts thereunder terminated for the convenience of the Government or in process of settlement on and after 21 July 1944, the procedure set forth in this paragraph will be put into effect as promptly as possible.

(i) Costs of the contractor not reimbursed by the Government will not be included in form 1034 vouchers but will be dealt with as provided in subparagraph (4) below.

(ii) The only form 1034 vouchers which will be prepared after the procedure described in this paragraph is in effect will be:

(*a*) A voucher representing the final negotiated settlement of the contract or a final determination by the contracting officer of the amount due to the contractor on its termination claim.

(*b*) A voucher for each partial payment which may be necessary to provide the contractor with interim financing prior to final settlement.

(*c*) A voucher based upon any supplemental agreement effecting a partial negotiated settlement of the contract or upon any partial determination by the contracting officer of the amount due to the contractor on its termination claim.

(iii) Any final or partial settlement voucher going to the disbursing officer will be supported only by the final or partial settlement agreement or by the final or partial determination of the contracting officer. Vouchers for partial payments will be supported only by the certificate prescribed in § 815.506 (d), except that if interim financing is provided by controlled partial payments (as prescribed in § 815.506 (f)) the vouchers will also be supported by the supplemental agreement providing for such controlled partial payments.

(2) *Proposal forms.* Upon termination, unreimbursed costs incurred by the contractor, which are reimbursable under the contract will under the procedure herein prescribed, form part of the costs proposed to be dealt with in the termination settlement. Such costs will not be reimbursed in accordance with the usual cost-plus-a-fixed-fee procedure, but proof that such reimbursable costs have been incurred will be presented to the contracting officer as part of the contractor's settlement proposal. Instead of presenting these costs on the usual voucher forms they will be summarized, as presented from time to time on a new form, which is set out in § 815.940, entitled "Contractor's Partial Proposal for Settlement of a Terminated Cost-plus-a-fixed-fee Contract", supported by appropriate schedules of such costs. In much the same manner as in the case of forms 1034 and 1035 the new forms will be used by the contractor as a method of presenting costs for inclusion in the settlement and will be examined by the Government auditor. The proposal form, however, will not be sent to the disbursing officer. Inasmuch as no payments will be made directly on the basis of this form, the form will not be the subject of the usual cost-plus-a-fixed-fee audit by the General Accounting Office. When the contractor has submitted his complete proposal for settlement on the Partial Proposal for Settlement Forms above mentioned, the contractor will present as his final proposal for settlement a summary and recapitulation of these partial proposal forms, supported by any other information or schedules which the contractor may deem appropriate.

(3) *Retention of Government copies of proposal and data.* Government copies of the Contractor's Proposal Forms referred to in subparagraph (2) above and the supporting data therefor will be retained in War Department files, separated from the files of 1034 vouchers, at the project or elsewhere, as the chief of the technical service concerned may prescribe.

(4) *Numbering of proposal forms.* Every Partial Proposal for Settlement Form, when prepared, will be serially numbered by the contractor beginning with number "1". A separate number series will be maintained for each cost-plus-a-fixed-fee contract or subcontract.

(5) *Audit procedures.* The procedure prescribed by TM 14-1000 "Administrative Audit Procedures for Cost-plus-a-fixed-fee Supply Contracts" will be applied in connection with all reimbursable costs submitted by the contractor on the Partial Proposal for Settlement Form for consideration in connection with the termination settlement. The documentary evidence requirements set forth in TM 14-1000 will also be continued but such evidence will be presented and maintained for War Department administrative purposes only.

(6) *Certificate of evidence of payment.* The "Certificate of Evidence of Payment" required by paragraph 28 of TM 14-1000 will be furnished to the General Accounting Office (with respect to items for which the contractor has been reimbursed prior to the effective date of the notice of termination), but the deduction of uncleared checks in accordance with subparagraph *a* (4) of that paragraph will not be made. The auditor will continue to check the evidence of payment on a selective basis and at the time of final settlement will consider the necessity of recommending to the contracting officer the elimination from consideration in the settlement of any costs on which doubt has been caused by lack of evidence of payment.

(7) *Information for disbursing officer.* For the assistance of the disbursing officer he will be advised in writing by the contracting officer of the bureau voucher number of the last form 1034 voucher submitted to him for payment prior to putting into effect the procedures contemplated by this paragraph, or, in the case of terminations thereafter, prior to the effective date of the termination.

(8) *Scope of application of this paragraph; partial terminations.* The instructions contained in this paragraph apply to all complete terminations of cost-plus-a-fixed-fee supply contracts and cost-plus-a-fixed-fee subcontracts thereunder and to all terminations of such contracts or subcontracts which do not involve any substantial continuing performance. The continuation of work on subsidiary items or spare parts or incidental work on minor aspects of the contract will not be considered a substantial continuing performance. Until further notice, however, the instructions given in this paragraph will not be applied with respect to the partial termination of a contract where there is any substantial amount of continuing performance, unless the prior written approval of the Director, Readjustment Division, Headquarters, Army Service Forces, has been obtained.

(9) *Items affected by General Accounting Office action.* Procurement Regulations provide that negotiated settlements will not be made of items of termination claims which are the subject of suspensions by the General Accounting Office (either outstanding at the time of settlement or previously cleared by a deduction) unless the Director, Readjustment Division, has given prior written approval of such a negotiated settlement. It is recognized that contractors may be unwilling to enter into negotiated settlements of their termination claims based on unreimbursed items of cost, unless at the same time they also receive a final closing agreement with reference to all items of cost incurred and reimbursed prior to termination, including final disposition of all items questioned or suspended by the General Accounting Office. Accordingly, every effort should be made to answer both all suspensions and all informal inquiries from the General Accounting Office promptly. The assistance of the chief of the technical service in answering suspensions should be sought if necessary. The General Accounting Office audit of vouchers at the project should usually be complete by the time a final settlement agreement is to be considered and all informal inquiries should have been answered by that time. If at the time a final settlement agreement is to be negotiated, any informal inquiries (deemed likely to give rise to formal exceptions) have not been cleared or if there are outstanding suspensions the items involved in such informal inquiries or suspensions of the General Accounting Office will not be made the subject of negotiation without the prior written approval of the Director, Readjustment Division. All clearances of suspensions with the General Accounting Office will be made through the office of the Fiscal Director, by request made through the office of the chief of the technical service and the Director, Readjustment Division.

(10) *Presentation of proposals affecting suspended items.* The Partial Proposal for Settlement Form will not be utilized by the contractor in presenting for settlement reimbursable costs which have been suspended by the General Accounting Office and deducted by the disbursing officer. Settlement of such items will be presented by the contractor in a memorandum which includes a full explanation of the circumstances justifying such settlement. If the contracting officer believes a negotiated settlement of such items to be proper, recommendation therefor may be submitted by the contracting officer through channels for approval by the Director, Readjustment Division, of the negotiation of a settlement as provided in § 815.651 (g) (3).

(11) *Unreimbursed overhead items.* The Partial Proposal for Settlement Form will be used by the contractor in presenting claims for settlement of overhead or administrative costs for any year for which final overhead settlement vouchers for such year have not been paid or submitted to the disbursing officer for payment prior to the date of putting into effect the procedure outlined in this paragraph, or, in the case of terminations hereafter, prior to the effective date of the termination notice. In the negotiation or determination of overhead allowances in connection with termination settlements, full recognition should be given to the fact that such negotiations or determinations may be relevant in connection with other Government contracts with the same contractor performed in the same period. Accordingly, so far as practicable, effort should be made to coordinate the actions of Government personnel of all interested Government agencies in ascertaining overhead allowances.

(12) *Auditor's report for final settlement negotiation.* When the final settlement proposal has been submitted by the contractor, the auditor will prepare a final report to be submitted to the contracting officer for his assistance in negotiating a final lump-sum settlement with the contractor. The auditor's report will summarize in an appropriate manner all costs which have been submitted by the contractor on the new Partial Proposal for Settlement Form. It will also include a complete list of General Accounting Office suspensions which are disputed by the contractor and any uncleared informal inquiries by the General Accounting Office related to the terminated contract.

(13) *Determinations of costs where negotiated settlement is not practicable.* Subparagraph (2) of § 815.651 (g) provides that, if a settlement cannot be negotiated, the contracting officer will determine the items payable to the contractor, of the types mentioned in subparagraph (1) of § 815.651 (g), substantially in accordance with the procedures for a formula settlement under a lump-sum supply contract. For this purpose Partial Proposal for Settlement Forms will be employed by the contractor in presenting unreimbursed reimbursable costs for the consideration of the contracting officer. The contracting officer will cause these forms to be reviewed and audited as provided in subparagraph (5) above, together with such other evidence and data as may be presented to him or as he may require as a basis of his general findings of fact and determination.

2. Section 815.654 is amended to read as follows:

§ 815.654 *Interim financing.* (a) Pending the final determination of the total amount due the contractor on account of termination, the contracting officer is authorized to make partial payments on account in general in accordance with §§ 815.506 to 815.512. Such partial payments will be made in amounts within the estimates of the total amounts due to the contractor, and will not take the form of direct reimbursement of the costs summarized in Partial Proposal for Settlement Forms.

(b) Where advance payment funds have been established, they should be utilized in lieu of partial payments. These funds are available for the payment of all termination costs, including the making of partial payments to subcontractors. In the case of a total termination, such funds may be utilized on termination without further payment of interest (§§ 803.348a and 813.1321). In the case of partial terminations (whether effected under the termination article or the changes article of the contract), many advance payment agreements outstanding require the payment of interest. The Procurement Regulations have been amended so as to authorize the amendment of existing advance payment agreements, either before or after termination, to provide that in the case of partial or total terminations of prime contracts, the advance payment balance outstanding, to the extent that partial payments out of the revolving fund are made to subcontractors or supplies against their termination claims, shall not bear interest from the time those partial payments are made until the contractor is reimbursed for termination settlements with such subcontractors. (See §§ 803.321 (m) and 803.349a.)

SUBPART G—FORMS

Inventory Forms

Section 815.940 is added as follows:

§ 815.940 *Standard form of contractor's partial proposal for settlement of terminated cost-plus-a-fixed-fee contract.*

War Department Form No. 70
August 1944

Budget Bureau No. 49—R217
Approval expires November 30, 1944

CONTRACTOR'S PARTIAL PROPOSAL FOR SETTLEMENT OF TERMINATED COST-PLUS-A-FIXED-FEE CONTRACT

Contractor's Name	Address		
Effective date of termination	Government contract No.	Partial proposal for settlement	
		Date	Number

Summary	Amount
Total	

CERTIFICATE

The undersigned, individually and as an authorized representative of the contractor, certifies that, to the best of his knowledge and belief:

(1) *Contractor's own charges.* The summary of charges, exclusive of charges arising from termination claims filed against the undersigned by its subcontractors, (which term is used in this certificate to include suppliers) and supporting schedules and explanations have been prepared from the books of account and records of the undersigned in accordance with the terms of this contract; they include only those charges allocable to this contract; they have been prepared with knowledge that they will, or may, be used directly or indirectly as the basis of settlement of a claim or claims against the United States; and the charges as stated are fair and reasonable.

(2) *Subcontractors' charges.* (a) The contractor has examined, or caused to be examined, to an extent which it considers adequate in the circumstances, the claims of its immediate subcontractors (exclusive of charges arising from termination claims filed against such immediate subcontractors by their subcontractors); (b) the settlements on account of immediate subcontractors' own charges are fair and reasonable, said charges are allocable to this contract, and said settlements were negotiated in good faith, and are not more favorable to its immediate subcontractors than those which the undersigned would make if reimbursement by the Government were not involved; (c) the contractor has received from all its immediate subcontractors appropriate certificates with respect to their claims, which certificates, if the claims are for more than $1,000, are substantially in the form of this certificate; and (d) the contractor has no knowledge leading it to doubt the reasonableness of the settlements with more remote subcontractors or to doubt that the charges for them are allocable to this contract.

Upon receipt by the contractor of amounts covering settlements with its immediate subcontractors, the contractor will pay or credit such subcontractors promptly with the amounts so received, to the extent that it has not previously done so.

The undersigned certified that to the best of his knowledge and belief the statements with respect to accounting matters made in the above Certificate are true.	Name of contractor	
Signature of supervisory accounting official	By (Signature of authorized executive official)	
Title	Title	Date

War Department Form No. 70-A
August 1944

Budget Bureau No. 49—R217
Approval expires November 30, 1944
Page — of — Pages

(Detail sheet)

CONTRACTOR'S PARTIAL PROPOSAL FOR SETTLEMENT OF TERMINATED COST-PLUS-A-FIXED FEE CONTRACT

Contractor's name		Government contract No.	Partial proposal for settlement	
			Date	Number
Item date or number	Contractor's voucher number	Vendor's name	Contractor's check number	Amount
		Total		

[F. R. Doc. 44-13661; Filed, Sept. 6, 1944; 9:37 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 53]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AIRWAYS

AUGUST 12, 1944.

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

Redesignation of Civil Airways: Red Civil Airways Nos. 2, 7, 17 and 29; Blue Civil Airways Nos. 9 and 13. Designation of Civil Airways: Red Civil Airway No. 4; Blue Civil Airways Nos. 33, 34, 35, 36 and 37.

1. By striking in § 600.10201 *Red civil airway No. 2 (Whitehall, Mont., to Bozeman, Mont.)* the following portion of the caption: "Bozeman, Mont." and substituting in lieu thereof the following: "Rapid City, S. Dak." and adding after the words: "Belgrade, Mont., radio range station." the following: "From the intersection of the center lines of the on course signals of the southeast leg of the Sheridan, Wyo., radio range and the north leg of the Casper, Wyo., radio range via the intersection of the center lines of the on course signals of the southeast leg of the Sheridan, Wyo., radio range and the west leg of the Rapid City, S. Dak., radio range to the Rapid City, S. Dak., radio range station."

2. By adding a new § 600.10203 *Red civil airway No. 4 (Otto, N. Mex., to Las Vegas, N. Mex.)* to read as follows: "From the Otto, N. Mex., radio range station via the Santa Fe, N. Mex., Municipal Airport to the Las Vegas, N. Mex., radio range station."

3. By inserting in § 600.10206 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.)* after the words: "the southwest leg of the Greensboro, N. C., radio range." the following: "From the intersection of the center lines of the on course signals of the southwest leg of the Greensboro, N. C., radio range and the southeast leg of the Winston-Salem, N. C., radio range via the Winston-Salem, N. C., radio range station and the Winston-Salem, N. C., Municipal Airport to the Greensboro, N. C., radio range station."

4. By amending §600.10216 *Red civil airway No. 17 (Martinsburg, W. Va., to Baltimore, Md.)* to read as follows:

§ 600.10216 *Red civil airway No. 17 (Fort Wayne, Ind., to Baltimore, Md.).* From the Fort Wayne, Ind., radio range station via the center of the city of Findlay, Ohio and the center of the city of Hayesville, Ohio to the Pittsburgh, Pa., radio range station. From the Martinsburg, W. Va., radio range station to the Baltimore, Md., radio range station.

5. By amending § 600.10228 *Red civil airway No. 29 (Baltimore, Md., to Elmira, N. Y.)* to read as follows:

§ 600.10228 *Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.).* From the intersection of the center lines of the on course signals of the southwest leg of the Rochester, N. Y., radio range and the east leg of the Buffalo, N. Y., radio range to the intersection of the center lines of the on course signals of the southwest leg of the Rochester, N. Y., radio range and the northwest leg of the Elmira, N. Y., radio range. From the intersection of the center lines of the on course signals of the southeast leg of the Elmira, N. Y., radio range and the north leg of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station and the Harrisburg, Pa., radio range station to the Baltimore, Md., radio range station.

6. By striking in § 600.10308 *Blue civil airway No. 9 (Kirksville, Mo., to U. S.-Canadian Border)* the following portion of the caption: "Kirksville, Mo." and substituting in lieu thereof the following: "Columbia, Mo." and by striking the following: "From the Kirksville, Mo., radio range station via" and substituting in lieu thereof the following: "From the Columbia, Mo., radio range station via the Kirksville, Mo., radio range station;".

7. By striking in § 600.10312 *Blue civil airway No. 13 (Lake Charles, La., to Texarkana, Ark.)* the following portion of the caption: "Texarkana, Ark." and substituting in lieu thereof the following: "Chanute, Kans." and adding after the words: "the southwest leg of the Texarkana, Ark., radio range," the following: "From the Neosho, Mo., radio range station via the intersection of the center lines of the on course signals of the north leg of the Neosho, Mo., radio range and the east leg of the Chanute, Kans., radio range to the Chanute, Kans., radio range station."

8. By adding a new § 600.10332 *Blue civil airway No. 33 (Fort Wayne, Ind., to Toledo, Ohio)* to read as follows:

§ 600.10332 *Blue civil airway No. 33 (Fort Wayne, Ind., to Toledo, Ohio).* From the Fort Wayne, Ind., radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Fort Wayne, Ind., radio range and the east leg of the Goshen, Ind., radio range.

9. By adding a new § 600.10333 *Blue civil airway No. 34 (Memphis, Tenn., to Little Rock, Ark.)* to read as follows:

§ 600.10333 *Blue civil airway No. 34 (Memphis, Tenn., to Little Rock, Ark.).* From the intersection of the center lines of the on course signals of the southwest leg of the Memphis, Tenn., radio range and the southeast leg of the Little Rock, Ark., radio range to the Little Rock, Ark., radio range station.

10. By adding a new § 600.10334 *Blue civil airway No. 35 (Kansas City, Mo., to Des Moines, Iowa)* to read as follows:

§ 600.10334 *Blue civil airway No. 35 (Kansas City, Mo., to Des Moines, Iowa).* From the intersection of the center lines of the on course signals of the northeast leg of the Kansas City, Mo., radio range and the south leg of the Des Moines, Iowa, radio range to the intersection of the center lines of the on course signals of the northwest leg of the Kirksville, Mo., radio range and the south leg of the Des Moines, Iowa, radio range.

11. By adding a new § 600.10335 *Blue civil airway No. 36 (Akron, Colo., to North Platte, Nebr.)* to read as follows:

§ 600.10335 *Blue civil airway No. 36 (Akron, Colo., to North Platte, Nebr.)* "From the Akron, Colo., radio range station to the Big Spring, Nebr., radio marker station.

12. By adding a new § 600.10336 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)* to read as follows:

§ 600.10336 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* From the Casper, Wyo., radio range station to the intersection of the on course signals of the southeast leg of the Sheridan, Wyo., radio range and the west leg of the Rapid City, S. Dak., radio range.

This amendment shall become effective 0001 e.w.t., August 31, 1944.

J. E. SOMMERS,
Deputy Administrator.

[F. R. Doc. 44-13572; Filed, Sept. 5, 1944; 9:18 a. m.]

[Amdt. 55]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAY FROM AMARILLO, TEX., TO CHARLESTON, S. C.

AUGUST 18, 1944.

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

Redesignation of Red Civil Airway No. 10

1. By striking in § 600.10209 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* the following portion of the caption: "Amarillo, Tex." and substituting in lieu thereof the following: "Trinidad, Colo." and striking the words: "From the Amarillo, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Wichita Falls, Tex., radio range and the north leg of the Fort Worth, Tex., radio range," and substituting in lieu thereof the following: "From the Trinidad, Colo., radio range station via a point located at latitude 36°47′ and longitude 102°15′30″; the Amarillo, Tex., radio range station and the Wichita Falls, Tex., radio range station to the intersection of the center lines of the on course signals of the southeast leg of the Wichita Falls, Tex., radio range and the north leg of the Fort Worth, Tex., radio range."

This amendment shall become effective 0001 e. w. t., September 1, 1944.

J. E. SOMMERS,
Deputy Administrator.

[F. R. Doc. 44-13573; Filed, Sept. 5, 1944; 9:18 a. m.]

[Amdt. 79]

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

MISCELLANEOUS AIRWAYS

AUGUST 12, 1944.

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

Redesignation of Airway Traffic Control Areas: Red Civil Airways Nos. 2, 17, 29. Blue Civil Airways Nos. 9, 13. Designation of Airway Traffic Control Areas: Red Civil Airway No. 4. Blue Civil Airways Nos. 33, 34, 35, 36, 37. Redesignation of Radio Fixes: Green Civil Airway No. 4. Red Civil Airways Nos. 2, 12, 17, 29. Blue Civil Airways Nos. 9, 13. Designation of Radio Fixes: Red Civil Airway No. 4. Blue Civil Airways Nos. 33, 34, 35, 36, 37

1. By striking in § 601.10202 *Red civil airway No. 2 airway traffic control areas (Whitehall, Mont., to Bozeman, Mont.)* the following portion of the caption: "Bozeman, Mont." and substituting in lieu thereof the following: "Rapid City, S. Dak."

2. By adding a new § 601.10204 *Red civil airway No. 4 airway traffic control areas (Otto, N. Mex., to Las Vegas, N. Mex.)* to read as follows:

§ 601.10204 *Red civil airway No. 4 airway traffic control areas (Otto, N. Mex., to Las Vegas, N. Mex.)* All of Red civil airway No. 4.

3. By striking in § 601.10217 *Red civil airway No. 17 airway traffic control areas (Martinsburg, W. Va., to Baltimore, Md.)* the following portion of the caption: "Martinsburg, W. Va." and substituting in lieu thereof the following: "Fort Wayne, Ind."

4. By amending § 601.10229 *Red civil airway No. 29 airway traffic control areas (Baltimore, Md., to Elmira, N. Y.)* to read as follows:

§ 601.10229 *Red civil airway No. 29 airway traffic control areas (Rochester, N. Y., to Baltimore, Md.)* All of Red civil airway No. 29.

5. By striking in § 601.10309 *Blue civil airway No. 9 airway traffic control areas (Kirksville, Mo., to U. S.-Canadian Border)* the following portion of the caption: "Kirksville, Mo." and substituting in lieu thereof the following: "Columbia, Mo."

6. By striking in § 601.10313 *Blue civil airway No. 13 airway traffic control areas (Lake Charles, La., to Texarkana, Ark.)* the following portion of the caption: "Texarkana, Ark." and substituting in lieu thereof the following: "Chanute, Kans."

7. By adding a new § 601.10333 *Blue civil airway No. 33 airway traffic control areas (Fort Wayne, Ind., to Toledo, Ohio)* to read as follows:

§ 601.10333 *Blue civil airway No. 33 airway traffic control areas (Fort Wayne, Ind., to Toledo, Ohio)*. All of Blue civil airway No. 33.

8. By adding a new § 601.10334 *Blue civil airway No. 34 airway traffic control areas (Memphis, Tenn., to Little Rock, Ark.)* to read as follows:

§ 601.10334 *Blue civil airway No. 34 airway traffic control areas (Memphis, Tenn., to Little Rock, Ark.)*. All of Blue civil airway No. 34.

9. By adding a new § 601.10335 *Blue civil airway No. 35 airway traffic control areas (Kansas City, Mo., to Des Moines, Iowa)* to read as follows:

§ 601.10335 *Blue civil airway No. 35 airway traffic control areas (Kansas City, Mo., to Des Moines, Iowa)*. All of Blue civil airway No. 35.

10. By adding a new § 601.10336 *Blue civil airway No. 36 airway traffic control areas (Akron, Colo., to North Platte, Nebr.)* to read as follows:

§ 601.10336 *Blue civil airway No. 36 airway traffic control areas (Akron, Colo., to North Platte, Nebr.)*. All of Blue civil airway No. 36.

11. By adding a new § 601.10337 *Blue civil airway No. 37 airway traffic control areas (Casper, Wyo., to Rapid City, S. Dak.)* to read as follows:

§ 601.10337 *Blue civil airway No. 37 airway traffic control areas (Casper, Wyo., to Rapid City, S. Dak.)*. All of Blue civil airway No. 37.

12. By inserting in § 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* after the words: "Amarillo, Tex., radio range station;" the following: "the intersection of the center lines of the on course signals of the southwest leg of the Gage, Okla., radio range and the northwest leg of the Pampa, Tex., radio range;"

13. By amending § 601.40202 *Red civil airway No. 2 (Whitehall, Mont., to Bozeman, Mont.)* to read as follows:

§ 601.40202 *Red civil airway No. 2 (Whitehall, Mont., to Rapid City, S. Dak.)*. The intersection of the center lines of the on course signals of the southeast leg of the Sheridan, Wyo., radio range and the west leg of the Rapid City, S. Dak., radio range.

14. By adding a new § 601.40204 *Red civil airway No. 4 (Otto, N. Mex., to Las Vegas, N. Mex.)* to read as follows:

§ 601.40204 *Red civil airway No. 4 (Otto, N. Mex., to Las Vegas, N. Mex.)*. No radio fix designation.

15. By inserting in § 601.40212 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.)* before the words: "Kirksville, Mo., radio range station"; the following: "The intersection of the center lines of the on course signals of the northeast leg of the Kansas City, Mo., radio range and the south leg of the Des Moines, Iowa radio range;"

16. By striking in § 601.40217 *Red civil airway No. 17 (Martinsburg, W. Va., to Baltimore, Md.)* the following portion of the caption: "Martinsburg, W. Va." and substituting in lieu thereof the following: "Fort Wayne, Ind."

17. By amending § 601.40229 *Red civil airway No. 29 (Baltimore, Md., to Elmira, N. Y.)* to read as follows:

§ 601.40229 *Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.)*. Williamsport, Pa., radio range station.

18. By striking in § 601.40309 *Blue civil airway No. 9 (Kirksville, Mo., to U. S.-Canadian Border)* the following portion of the caption: "Kirksville, Mo." and substituting in lieu thereof the following: "Columbia, Mo."

19. By striking in § 601.40313 *Blue civil airway No. 13 (Lake Charles, La., to Texarkana, Ark.)* the following portion of the caption: "Texarkana, Ark." and substituting in lieu thereof the following: "Chanute, Kans."

20. By adding a new § 601.40333 *Blue civil airway No. 33 (Fort Wayne, Ind., to Toledo, Ohio)* to read as follows:

§ 601.40333 *Blue civil airway No. 33 (Fort Wayne, Ind., to Toledo, Ohio)*. No radio fix designation.

21. By adding a new § 601.40334 *Blue civil airway No. 34 (Memphis, Tenn., to Little Rock, Ark.)* to read as follows:

§ 601.40334 *Blue civil airway No. 34 (Memphis, Tenn., to Little Rock, Ark.)*. No radio fix designation.

22. By adding a new § 601.40335 *Blue civil airway No. 35 (Kansas City, Mo., to Des Moines, Iowa)* to read as follows:

§ 601.40335 *Blue civil airway No. 35 (Kansas City, Mo., to Des Moines, Iowa)*. No radio fix designation.

23. By adding a new § 601.40336 *Blue civil airway No. 36 (Akron, Colo., to North Platte, Nebr.)* to read as follows:

§ 601.40336 *Blue civil airway No. 36 (Akron, Colo., to North Platte, Nebr.)*. No radio fix designation.

24. By adding a new § 601.40337 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)* to read as follows:

§ 601.40337 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)*. No radio fix designation.

This amendment shall become effective 0001 e. w. t., August 31, 1944.

J. E. SOMMERS,
Deputy Administrator.

[F. R. Doc. 44-13574; Filed, Sept. 5, 1944; 9:18 a. m.]

[Amdt. 81]

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

REDESIGNATION OF AIRWAY FROM AMARILLO, TEX., TO CHARLESTON, S. C.

AUGUST 18, 1944.

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

Redesignation of Airway Traffic Control Areas: Red Civil Airway 10. Redesignation of Radio Fixes: Red Civil Airway 10

1. By amending § 601.10210 *Red civil airway No. 10 airway traffic control areas (Amarillo, Tex., to Charleston, S. C.)* to read as follows:

§ 601.10210 *Red civil airway No. 10 airway traffic control areas (Trinidad, Colo., to Charleston, S. C.)*. All of Red civil airway No. 10 between the Amarillo, Tex., radio range station and the Charleston, S. C., radio range station.

2. By striking in § 601.40210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* the following portion of the caption: "Amarillo, Tex.," and substituting in lieu thereof the following: "Trinidad, Colo."

This amendment shall become effective 0001 e. w. t., September 1, 1944.

J. E. SOMMERS,
Deputy Administrator.

[F. R. Doc. 44-13575; Filed, Sept. 5, 1944; 9:18 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3407]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATION-WIDE DISTRIBUTORS

§ 3.6 (l) *Advertising falsely or misleadingly—Free goods or service:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of electric toasters, watches, pen and pencil sets, jewelry ensembles, leather wallets, silverware sets, chinaware, dresser sets, cameras, cosmetics, razor blades, cigarette lighters, or any other articles of merchandise, (1) supplying, etc., others with pull cards or circulars having pull tabs thereon, or other lottery devices for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof; (2) mailing, etc., to respondent's agents, or to distributors or to members of the public pull cards or circulars having pull tabs thereon, or other lottery devices so

prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof; (3) selling, etc., any merchandise by the use of pull cards or circulars having pull tabs thereon, or any other lottery device; or (4) using the terms "free" or "without cost" or any other terms of similar import or meaning to describe or refer to merchandise offered as compensation for distributing respondent's merchandise; prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., sec. 45b) (Modified cease and desist order, Nation-Wide Distributors, Docket 3407, August 16, 1944)

In the Matter of Aaron N. Sauer, Individually and Trading as Nation-Wide Distributors

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts; and the Commission having duly made and issued its findings as to the facts, conclusion and order to cease and desist dated February 7, 1939; and the Commission having further considered said order to cease and desist heretofore issued, and being of the opinion that the public interest requires that a modified order to cease and desist should be issued in said cause; and the Commission having given due notice to the respondent to show cause on July 24, 1944, why this case should not be reopened for the purpose of modifying said order to cease and desist; and the Commission having considered the matter and the record herein, and having issued its order modifying said order in certain respects, issues this its modified order to cease and desist:

It is ordered, That the respondent, Aaron N. Sauer, individually and trading as Nation-Wide Distributors, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of electric toasters, watches, pen and pencil sets, jewelry ensembles, leather wallets, silverware sets, chinaware, dresser sets, cameras, cosmetics, razor blades, cigarette lighters, or any other articles of merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to, or placing in the hands of others, pull cards or circulars having pull tabs thereon, or other lottery devices for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof.

2. Mailing, shipping or transporting to his agents or to distributors or to members of the public pull cards or circulars having pull tabs thereon, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof.

3. Selling or otherwise disposing of any merchandise by the use of pull cards or circulars having pull tabs thereon, or any other lottery device.

4. Using the terms "free" or "without cost" or any other terms of similar import or meaning to describe or refer to merchandise offered as compensation for distributing respondent's merchandise.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-13674; Filed, Sept. 6, 1944; 11:16 a. m.]

[Docket No. 3238]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WILLIAM C. STEFFY, ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or corrections—Identity:* § 3.69 (c 10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) *Using misleading name—Vendor—Identity.* In connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, cards, or other and similar devices redeemable in silverware, earthenware, chinaware or any other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeau China Company, or China Sales Syndicate, or trading under any other name or names, or trading through the corporations Security Silverware Distributors, Inc., United States Sales Corporation, or through any other corporation or corporations, and on the part of their representatives, etc., and among other things, as in order set forth, representing through the use of the term "Rogers Silverware", either alone or in connection with any other term or terms in a corporate or trade name, or in any other manner, that respondents have an interest in, form a part of, or have any connection with, the manufacturers of Simon L. and George H. Rogers Silverware, or representing in any manner that respondents have an interest in, form a part of, or have any connection with, the International Silverware Company, the Atlas Globe China Company, or any other manufacturer or manufacturers of silverware, chinaware or earthenware; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) (Modified cease and desist order, William C. Steffy, et al., Docket 3238, August 16, 1944)

§ 3.69 (a) *Misrepresenting oneself and goods—business status advantages or connections—business methods:* § 3.69 (a) *Misrepresenting oneself and goods—business status, advantages or connections—operations as special or other advertising:* § 3.69 (b) *Misrepresenting oneself and goods—goods—free goods:* § 3.69 (c 10) *Misrepresenting oneself and goods—promotional sales plans:* §3.72 (e) *Offering deceptive inducements to purchase or deal—free goods:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—terms and conditions.* In connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, cards, or other and similar devices redeemable in silverware, earthenware, chinaware or any other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeau China Company, or China Sales Syndicate, or trading under any other name or names, or trading through the corporations Security Silverware Distributors, Inc., United States Sales Corporation, or through any other corporation or corporations and on the part of their representatives, etc., and among other things, as in order set forth, (1) representing merchandise delivered in redeeming certificates, coupons or trading cards as "free" or as a gift or gratuity or as delivered without cost to the holders of said certificates, coupons or trading cards when said merchandise is not in fact delivered to the holders of said certificates, coupons or trading cards without cost and unconditionally; (2) representing that respondents are conducting any special campaign or advertising campaign to introduce, advertise or sell any article or articles of merchandise on behalf of a manufacturer or manufacturers of silverware, earthenware or chinaware, or any other manufacturer or concern unless such a campaign is in fact being conducted at the instance of and on behalf of such manufacturer or concern; or (3) representing that respondents sell premium certificates, cards, coupons or other and similar devices or other merchandise in any territory or locality exclusively to any purchaser therein unless and until such is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C. sec. 45b) (Modified cease and desist order, William C. Steffy, et al., Docket 3238, August 16, 1944)

§ 3.69 (b) *Misrepresenting oneself and goods—goods—free goods:* § 3.69 (b) *Misrepresenting oneself and goods—goods—refunds:* § 3.69 (b) *Misrepresenting oneself and goods—goods—terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—goods—undertakings, in general:* § 3.69 (c) *Misrepresenting oneself and goods—prices—exaggerated as regular and customary:* § 3.69 (c 10) *Misrepresenting oneself and goods—promotional sales plans:* § 3.72 (e) *Offering deceptive inducements to*

purchase or deal—free goods: § 3.72 (k 15) *Offering deceptive inducements to purchase or deal—returns and reimbursements:* § 3.72 (n 10) *Offering deceptive inducements to purchase or deal—terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase or deal—undertakings, in general.* In connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, cards, or other and similar devices redeemable in silverware, earthenware, chinaware or any other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeau China Company, or China Sales Syndicate, or trading under any other name or names, or trading through the corporations Security Silverware Distributors, Inc., United States Sales Corporation, or through any other corporation or corporations, and on the part of their representatives, etc., and among other things, as in order set forth, (1) representing that the respondents will give a set of silverware or other merchandise free, or will refund the sum of $4.50, or any other sum, to the purchaser of said premium certificates, gift cards, coupons or other and similar devices on the redemption of a specified number of cards, certificates or coupons unless such merchandise is delivered to said purchaser, without cost and unconditionally and said premium certificates, gift cards, coupons or other and similar devices are redeemed without cost to the holders thereof and unconditionally, and said refund is made to said purchaser upon the redemption of the specified number of premium certificates, gift cards, coupons or other and similar devices; (2) representing that the retail price of radios is $24.90 or $39.99 or any other amount or amounts unless and until said radios are customarily and ordinarily sold at retail at such amount or amounts; or (3) representing that certificates, coupons or trading cards will be redeemed with certain articles of merchandise, unless the merchandise described is delivered to the holders of such certificates, coupons or trading cards without cost or condition; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) (Modified cease and desist order, William C. Steffy, et al., Docket 3238, August 16, 1944)

§ 3.99 (b) *Using or selling lottery devices—in merchandising.* In connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, cards, or other and similar devices redeemable in silverware, earthenware, chinaware or any other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeau China Company, or China Sales Syndicate, or trading under any other name or names, or trading through the corporations Security Silverware Distributors, Inc., United States Sales Corporation, or through any other corporation or corporations, and on the part of their representatives, etc., and among other things, as in order set forth, (1) supplying, etc., others with its said radios or other merchandise together with a padlock and a number of keys which said padlock and keys are to be used or may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of said radios or other merchandise to the general public; (2) selling or otherwise disposing of any merchandise by means of a lottery, game of chance, or a gift enterprise; or (3) supplying to, or placing in the hands of, others any lottery device, game of chance or a gift enterprise so as to enable such persons to dispose of or sell any merchandise by the use thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) (Modified cease and desist order, William C. Steffy, et al., Docket 3238, August 16, 1944)

In the Matter of William C. Steffy, Lorina Steffy, and G. V. Parkinson

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents William C. Steffy and G. V. Parkinson, in which said respondents admit all of the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearings as to said facts, and upon the testimony taken before Robert S. Hall, an examiner of the Commission therefore duly designated by it, relative to the acts and practices of respondent Lorina Steffy, and the Commission having duly made and issued its findings as to the facts, conclusion and order to cease and desist dated August 2, 1939; and the Commission having further considered said order to cease and desist heretofore issued, and being of the opinion that the public interest requires that a modified order to cease and desist should be issued in said cause; and the Commission having given due notice to the respondents to show cause on July 24, 1944, why this case should not be reopened for the purpose of modifying said order to cease and desist; and the Commission having considered the matter and the record herein, and having issued its order modifying said order in certain respects, issues this its modified order to cease and desist:

It is ordered, That the respondents William C. Steffy and G. V. Parkinson, individually and trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeau China Company, or China Sales Syndicate, or trading under any other name or names, or trading through the corporations Security Silverware Distributors, Inc., United States Sales Corporation, or through any other corporation or corporations, their respresentatives, agents and employees, directly or through any other corporate or other device, in connection with the offering for sale, sale and distribution of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, cards, or other and similar devices redeemable in silverware, earthenware, chinaware or any other merchandise, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing through the use of the term "Rogers Silverware" either alone or in connection with any other term or terms in a corporate or trade name, or in any other manner, that respondents have an interest in, form a part of, or have any connection with, the manufacturers of Simon L. and George H. Rogers Silverware, or from representing in any manner that respondents have an interest in, form a part of, or have any connection with the International Silverware Company, the Atlas Globe China Company, or any other manufacturer or manufacturers of silverware, chinaware or earthenware.

(2) Representing merchandise delivered in redeeming certificates, coupons or trading cards as "free" or as a gift or gratuity or as delivered without cost to the holders of said certificates, coupons or trading cards when said merchandise is not in fact delivered to the holders of said certificates, coupons or trading cards without cost and unconditionally.

(3) Representing that respondents are conducting any special campaign or advertising campaign to introduce, advertise or sell any article or articles of merchandise on behalf of a manufacturer or manufacturers of silverware, earthenware or chinaware, or any other manufacturer or concern unless such a campaign is in fact being conducted at the instance of and on behalf of such manufacturer or concern.

(4) Representing that respondents sell premium certificates, cards, coupons or other and similar devices or other merchandise in any territory or locality exclusively to any purchaser therein unless and until such is the fact.

(5) Representing that the respondents will give a set of silverware or other merchandise free, or will refund the sum of $4.50, or any other sum, to the purchaser of said premium certificates, gift cards, coupons or other and similar devices on the redemption of a specified number of cards, certificates or coupons unless such merchandise is delivered to said purchaser, without cost and unconditionally and said premium certificates, gift cards, coupons or other and similar devices are redeemed without cost to the holders thereof and unconditionally, and said refund is made to said purchaser upon the redemption of the specified number of premium certificates, gift cards, coupons or other and similar devices.

(6) Representing that the retail price of radios is $24.90 or $39.99 or any other amount or amounts unless and until said radios are customarily and ordinarily sold at retail at such amount or amounts.

(7) Supplying to, or placing in the hands of, others said radios or other merchandise together with a padlock and a number of keys which said padlock and

keys are to be used or may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of said radios or other merchandise to the general public.

(8) Selling or otherwise disposing of any merchandise by means of a lottery, game of chance, or a gift enterprise.

(9) Supplying to, or placing in the hands of, others any lottery device, game of chance or a gift enterprise so as to enable such persons to dispose of or sell any merchandise by the use thereof.

(10) Representing that certificates, coupons or trading cards will be redeemed with certain articles of merchandise, unless the merchandise described is delivered to the holders of such certificates, coupons or trading cards without cost or condition.

It is further ordered, That this proceeding in so far as it relates to respondent Lorina Steffy, be and the same hereby is, closed without prejudice.

It is further ordered, That the respondents William C. Steffy and G. V. Parkinson shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 44-13673; Filed, Sept. 6, 1944; 11:16 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 220]

PART 802—PROGRAM LICENSE

GENERAL LICENSE; GIFTS TO PRISONERS OF WAR AND INTERNEES

Subchapter (8) of paragraph (a) of § 802.16 *General license, gifts to prisoners of war and internees* is hereby amended by revising the commodity description of "Coffee in plain bags * * *" to read "Coffee in plain bags not in excess of two (2) pounds", and by revising the commodity description of "Nuts—only pecans, Brazil nuts * * *" to read "Nuts—all kinds, out of shells, in cellophane bags or cardboard containers".

(Sec. 6, 54, Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: August 31, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-13657; Filed, Sept. 6, 1944; 9:10 a. m.]

[Amdt. 221]

PART 811—BLANKET LICENSE "BLT"

SPECIAL PROVISIONS; TRACK-LAYING TRACTORS

Paragraph (a) of § 811.3 *Special provisions* (9 F.R. 7812) is hereby amended by adding to the commodities listed therein the following:

Commodity:	*Schedule B No.*
Parts and accessories for track-laying tractors	7889.01

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380; 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: September 2, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-13656; Filed, Sept. 6, 1944; 9:10 a. m.]

[Amdt. 222]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS; MISCELLANEOUS COMMODITIES

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars: In the column headed "General License Group" the group and country designations assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby amended to read as follows:

Commodity	Department of Commerce No.	General License Group
Clocks and watches:		
Watch parts (report jewel bearings in 5990.98)	9589.00	.....
Watch crystals of all materials	9589.00	K
All other watch parts	9589.00	None
Cotton semimanufactures:		
Cotton batting, unglazed wadding, carded cotton and roving	3009.00	.....
Batting, unglazed wadding and carded cotton	3009.00	K
Roving	3009.00	None
Hair and manufactures:		
Cattle, ox, calf, and horse body hair, new except ear hair	3690.50	K
Human hair	3696.90	K
Iron and steel manufactures—Miscellaneous:		
Sewing machine needles (include shoe machine)	6189.00	.....
Domestic sewing machine needles	6189.00	K
Industrial sewing machine needles	6189.00	None
Other iron and steel manufactures (include bottle openers, hand bottle cappers, sheet steel ware, steel stampings)	6209.98	.....
Stencils of iron or steel	6209.98	K
Other iron and steel manufactures, n. e. s.	6209.98	None
Jewelry:		
Articles to be worn or carried about the person, of metals other than solid gold or platinum	9626.00	.....
Containing diamonds or other precious stones	9626.00	None
Of palladium	9626.00	None
Other	9626.00	K
Men's jewelry of metals other than solid gold or platinum	9621.00	.....
Containing diamonds or other precious stones	9621.00	None
Of palladium	9621.00	None
Other	9621.00	K
Women's jewelry of metals other than solid gold or platinum	9623.00	.....
Containing diamonds or other stones	9623.00	None
Of palladium	9623.00	None
Other	9623.00	K
Miscellaneous:		
Cellulose acetate manufactures, n. e. s.	9319.00	K
Manufactures of all compounds of cellulose (except cellulose acetate) n. e. s. (include Celastic, Colescot, Celluloid, Dumold, Fiberloid, Nixinoid, Pyradiolin, Pyralin, and Viscoloid)	9320.00	K
Methyl methacrylate products, fabricated, not molded	9313.03	K
Molded products of phenol-formaldehyde fabricated	9312.01	K
Molded products of methy methacrylate	9312.03	K
Molded products of synthetic gums and resins, n. e. s.	9312.93	K
Molded products of urea-formaldehyde fabricated	9312.07	K
Notions, cheap novelties, and specialties (include costume forms)	9340.98	.....
Apparel findings of metal (report shoe findings in 9953.00)	9340.98	None
Pins, bank, bobby, common straight and safety	9340.98	None
Other notions, cheap novelties and specialties	9340.98	K
Phenol formaldehyde products, fabricated, not molded	9313.01	K
Sponges, natural or synthetic (report rubber sponges in 2042.00)	9821.00	K
Synthetic resin products, n. e. s.	9313.98	K
Urea formaldehyde products, fabricated, not molded	9313.07	K
Office appliances:		
Typewriter parts	7775.00	.....
Spools, ribbon, typewriter	7775.00	K
Parts for repair	7775.00	K
All other typewriter parts	7775.00	None
Paper and related products and manufactures:		
Paper hangings and wallpaper	4775.00	K
Other paper and paper products (include paper patterns whether printed, blank, or transfer impressions and quilt or blanket types (bat) of fiber insulation)	4799.00	.....
Cups, paper	4799.00	None
Patterns and stencils	4799.00	K
Other paper and paper products	4799.00	None
Textile, sewing and shoe machinery:		
Sewing machine parts for domestic use	7553.98	K
Textile products:		
Wool felt hats (include bodies)	3953.00	K
All other commodities, n. e. s.	9999.90	.....
Incense	9999.90	K
Mannequins and parts	9999.90	K
Medals, not awards, except solid gold, platinum or palladium	9999.90	K
Rosaries and parts	9999.90	K
Sealing wax	9999.90	K
Shrines and parts	9999.90	K
Soap boxes	9999.90	K
All other commodities, n. e. s.	9999.90	None

Shipments of the commodity "pins, bank, bobby, common, straight and safety" which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exist pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to the Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective immediately upon publication except with respect to "pins, bank, bobby, common, straight and safety" as to which it shall become effective September 9, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: September 4, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-13658; Filed, Sept. 6, 1944; 9:11 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

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

PART 1010—SUSPENSION ORDERS

[Suspension Order S-615]

THE HOUSE OF RUTTENBERG

Joseph Ruttenberg, Ida Ruttenberg, Melvin Ruttenberg and Samuel Ruttenberg, partners, doing business as The House of Ruttenberg, are engaged in the wholesale and retail sale of hardware, paints and furniture through their store located at 419 Kaighn Avenue, Camden, New Jersey. During their second quarter of 1943 (May 1 to July 31), the partners received consumers' goods of the value of $28,909 in excess of their allowable receipts for this period; during their third quarter of 1943 (August 1 to October 31) they received consumers' goods of the value of $23,611 in excess of their allowable receipts for that period; during their fourth quarter (November 1 to January 31, 1944) they received consumers' goods of the value of $24,479 in excess of their allowable receipts for that period, and during their first quarter of 1944 (February 1 to April 30) they received consumers' goods of the value of $41,217 in excess of their allowable receipts for that period. The excessive receipts of consumers' goods during each of these periods constituted violations of Consumers' Goods Inventory Limitation Order L-219. The partnership was familiar with the provisions of Limitation Order L-219 and its actions constituted wilful violations of that order.

These violations of Limitation Order L-219 have interfered with the controls established by the War Production Board for the distribution of critical materials and have hampered and impeded the war effort of the United States. In view of the foregoing, It is hereby ordered, that:

§ 1010.615 *Suspension Order No. S-615.* (a) Joseph Ruttenberg, Ida Ruttenberg, Melvin Ruttenberg and Samuel Ruttenberg, partners, doing business as The House of Ruttenberg, or under any other name, their and its successors and assigns, during their third quarterly period of 1944 (August 1 to October 31) shall compute their allowable receipts of consumers' goods in accordance with the provisions of Consumers' Goods Inventory Limitation Order L-219 as a controlled merchant whose mercantile inventory is greater than its inventory limit at the beginning of any quarterly period; they shall not during their third quarter of 1944 (August 1 to October 31), receive consumers' goods in excess of 90% of the amount thus computed under the provisions of Consumers' Goods Inventory Limitation Order L-219, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Joseph Ruttenberg, Ida Ruttenberg, Melvin Ruttenberg and Samuel Ruttenberg, partners, doing business as The House of Ruttenberg, or under any other name, their and its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 5th day of September 1944.

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

[F. R. Doc. 44-13652; Filed, Sept. 5, 1944; 4:39 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-569]

SEIDEL ROSENSON & SONS, INC.

Seidel Rosenson & Sons, Inc., is a California corporation having its principal place of business at 5127 South Broadway, Los Angeles, California, where it operates a general department store known as "Kay's". The President and General Manager of this corporation is Robert Rosenson and the Secretary-Treasurer is his brother, Theodore Rosenson; the two individuals as partners own and operat. under common ownership and control with "Kay's" two other department stores, one situated in Inglewood, California, and the other in Huntington Park, California; these three stores are subject as a unit to the restrictions and controls of Consumers' Goods Inventory Limitation Order L-219. The corporation (together with the individual officers) violated Consumers' Goods Inventory Limitation Order L-219 by receiving merchandise during the second quarter of 1943 having a value of $90,247 in excess of allowable receipts and during the third quarter of 1943 by receiving merchandise of a value of $80,975 in excess of allowable receipts. Partial restitution has been made by voluntary reduction in their receipts of consumers' goods; however, the responsible officers of Seidel Rosenson & Sons, Inc., were aware of Consumers' Goods Inventory Limitation Order L-219, and these violations were the result of gross negligence.

These excess receipts of consumers' goods have interfered with the War Production Board's allocation controls and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.569 *Suspension Order S-569.* (a) Unless hereafter specifically authorized in writing by the War Production Board, Seidel Rosenson & Sons, Inc., its successors or assigns, shall reduce its inventory at the close of the third calendar quarter and of the fourth calendar quarter in 1944 below the allowable inventory limit under Consumers' Goods Inventory Limitation Order L-219 (as applicable to its then operations, and as amended from time to time) for the quarters in question by a total amount of not less than $20,000, this amount being distributed between the two quarters as it may see fit.

(b) Nothing contained in this order shall be deemed to relieve Seidel Rosenson & Sons, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on September 5, 1944, and shall expire on December 31, 1944.

Issued this 26th day of August 1944.

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

[F. R. Doc. 44-13655; Filed, Sept. 5, 1944; 5:16 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Limitation Order L-99, Direction 1]

TEMPORARY SUSPENSION OF SCHEDULE B IN CASES WHERE APPEALS HAVE BEEN FILED

The following direction is issued pursuant to Limitation Order L-99:

Any person who has filed an appeal from the restrictions of Schedule B is relieved from complying with them until September 30, 1944, or until otherwise ordered by the War Production Board in acting on his appeal.

Issued this 5th day of September 1944.

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

[F. R. Doc. 44-13653; Filed, Sept. 5, 1944; 4:39 p. m.]

PART 3270—CONTAINERS

[Order M-290, Direction 2 as Amended Sept. 6, 1944]

USE OF SOLID FIBRE CONTAINER PRODUCTION EQUIPMENT

The following amended direction is issued pursuant to Order M-290:

(a) *Purpose.* This direction is issued in order to insure timely production of the items listed in Schedule A and to reduce the current excessive backlog of orders for these items.

(b) *Restrictions on use of solid fibre container production equipment.* No person shall use solid fibre container production equipment to fill any order except a preferred order unless he can do so without interfering with the delivery of preferred orders on hand on the delivery dates specified by the purchaser. A preferred order is an order for any item listed in Schedule A

which, in case of all items except V-boxes and W-boxes, bears the certificate set forth in Paragraph (g).

(c) *Use of solid fibre container production equipment to produce preferred orders.* All persons are directed to use all of their solid fibre container production equipment to the fullest extent to fill all preferred orders which they may have on hand at any time, regardless of the preference ratings on other orders for solid fibre containers which they may then have on hand.

(d) *Scheduling of solid fibre container orders on which specifications are changed.* If a person has unfilled rated orders for solid fibre containers other than preferred orders, and the specifications on them are changed to call for corrugated rather than solid fibre containers, he shall not treat them as new orders, but as orders received on the date the original rated order for solid fibre containers was received.

(e) *Applicability of regulations.* All applicable provisions of the regulations of the War Production Board as amended from time to time remain fully applicable to the production of solid and corrugated fibre containers except as they are specifically modified by this direction.

(f) *Modification of this direction and requests for procurement of V-board.* This direction may be modified by the War Production Board from time to time with respect to specific container manufacturers. Any person who does not have sufficient V-board to run V-box orders which he has on hand should promptly advise the Fibre Box Section, Paperboard Division, War Production Board, Washington 25, D. C.

(g) *Certification.* No person shall treat any order for any item listed in Schedule A (except V-boxes and W-boxes) as a preferred order, unless he receives with each purchase order a certification signed as provided in Priorities Regulation No. 7 in substantially the following form:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Direction 2 to Order M-290 of the War Production Board and that the items covered by this purchase order are included in the items listed in Schedule A of said direction.

A jobber, in placing this certificate on his orders, may rely on the certificate supplied to him by his customer.

(h) *Individual directives.* All orders for domestic solid fibre freezer boxes specifying delivery before November 1, 1944 placed pursuant to individual directives shall be filled in accordance with such directives. Individual directives to fill orders for domestic solid fibre freezer boxes shall become null and void on November 1, 1944. All orders for domestic solid fibre freezer boxes for delivery after November 1, 1944 must comply with the provisions of this direction in order to be regarded as preferred orders.

Issued this 6th day of September 1944.

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

SCHEDULE A

[NOTE: Schedule A added Sept. 6, 1944.]

1. V-boxes and W-boxes (as defined in Paragraph (g) of Order L-317).

2. Interior boxes or parts when sold to be packed for the account of the military services in accordance with Army specification 100-14A, OQMC 93, Navy specifications 39P16A and 53B-11, and joint Army and Navy specifications JAN-P108.

3. Solid fibre board sheets to be made into fibre drums.

4. Freezer boxes for packing butter, meat and fish.

5. Solid fibre containers for packing military explosives, TNT, nitromon or dynamite.

[F. R. Doc. 44-13679; Filed, Sept. 6, 1944; 11:28 a. m.]

PART 3284—BUILDING MATERIALS

[General Limitation Order L-277, as Amended Sept. 6, 1944]

ELECTRICAL WIRING DEVICES AND HEATER CORD SETS

§ 3284.31 *General Limitation Order L-277*—(a) *Definitions of "electrical wiring device and replacement heater cord set."* (1) "Electrical wiring device" means any unit of an electric circuit which does not consume electrical energy, but is used for the purpose of switching, tapping, or connecting such circuit. The term includes, but is not limited to the following:

(i) Sockets and lampholders of all types and component parts thereof;

(ii) Switches, such as: tumbler, push, rotary, snap, pull, door, pendant, cord, canopy, appliance switches; and component parts thereof;

(iii) Receptacles, such as: weatherproof, watertight, non-watertight, motor base, polarized, locking, electric range, pilot light receptacles; and component parts thereof;

(iv) Caps, plugs, connectors and taps, such as: weatherproof, watertight, non-watertight, polarized, locking and electric range plugs, current taps, attachment plugs and component parts of such caps, plugs, connectors and taps;

(v) Rosettes, adapters; and component parts thereof.

(2) "Electrical wiring devices" shall not include lighting fixtures, portable lamps, flashlights, fuses, fuse cutouts, lugs, mechanical wire connectors, knife blade switches, fluorescent starter switches, relays, push buttons, automatic control equipment, circuit breakers, cord sets, or any unit of an electric circuit designed and constructed to connect, convey or control electrical energy in excess of 60 amperes or 600 volts.

(3) "Replacement heater cord set" means any heater cord set not produced for original use in the manufacture or assembly of any new electrical appliance. "Heater cord set" means any assembly of insulated wire, an attachment plug and an appliance plug or terminals which is used to connect an electrical appliance to a source of electrical current.

(b) *Definition of "manufacturer".* "Manufacturer" means any person who produces, processes or assembles electrical wiring devices, component parts thereof, or heater cord sets. However, the term does not include a repairman who, in the normal course of his business, assembles electrical wiring devices, component parts thereof, or heater cord sets, if such items are for use only with the equipment he is currently repairing.

(c) *Restrictions on manufacture of heater cord sets.* (1) On and after July 5, 1944, no manufacturer shall manufacture or assemble replacement heater cord sets except pursuant to an authorization issued by the War Production Board on Form GA-1850. The amount authorized will be based on the manufacturer's 1940 total production of such sets, available facilities including manpower required, and the availability of controlled materials to meet such production.

(2) All heater cord sets shall be six feet in length. The conductors shall be size No. 16 or No. 18 American Wire Gauge and shall be either type HC, type HPD, type HSJ, or the equivalent insulated copper wire. The wire shall test three thousand or more cycles in flexure.

(d) *Restrictions on sale and delivery of electrical wiring devices.* No manufacturer may ship, transfer, sell or otherwise dispose of an electrical wiring device except on an order bearing a preference rating of AA-5 or higher.

(e) *Restrictions on sale and delivery of replacement heater cord sets.* On or after July 5, 1944, no manufacturer may ship, transfer, sell or otherwise dispose of replacement heater cord sets except on an order bearing a preference rating of AA-5 or higher.

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

(g) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB 1477 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.

(h) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(i) *Communications.* Reports and other communications concerning this order shall be addressed to: War Production Board, Building Materials Division, Washington, 25, D. C., Ref: L-277.

Issued this 6th day of September 1944.

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

[F. R. Doc. 44-13676; Filed, Sept. 6, 1944; 11:28 a. m.]

PART 3293—CHEMICALS

[Conservation Order M-382]

PROTECTIVE COATINGS

§ 3293.621 *Conservation Order M-382*—(a) *Definitions.* For the purpose of this order:

(1) "Protective coating" means any liquid organic coating, thinner or remover which either alone or mixed with other materials is normally applied to any surface by brush, spray, dip, roller coat, or other method of application. The term includes but is not limited to paint, varnish, enamel, lacquer, dope, lacquer or dope thinner, paint or varnish remover, and stain. The term does not include adhesive, cement, printing ink, coating for the manufacture of coated fabric, coating for leather (limited to hides, skins and splits, etc., which have not been incorporated into any product), and coating for footwear (of any material, including leather).

(2) "Critical coating" means any protective coating as defined above, which contains one or more of the following allocated raw materials:

Acetone and diacetone, as defined in Order M-352.
Benzene, as defined in Order M-300-22.
Butyl alcohols and butyl acetates, as defined in Order M-159.
Cadmium (cadmium pigments only), as defined in Order M-65.
Chrome pigments (Class B only), as defined in Order M-370.
Copper chemicals (cuprous oxide only), as defined in Order M-227.
Ethyl acetate and isopropyl acetate, as defined in Order M-327.
Ethyl cellulose, as defined in Order M-175.
E. W. naphtha, as defined in Order M-340.
Isopropyl alcohol, as defined in Order M-300-12.
Methyl ethyl ketone, as defined in Order M-169.
Methyl isobutyl ketone, as defined in Order M-300-24.
Phenolic resins (Protective Coatings A only), as defined in Order M-246.
Phosphate plasticizers, as defined in Order M-183.
Phthalate plasticizers, as defined in Order M-203.
Phthalic alkyd resins, as defined in Order M-139.
Toluene, as defined in Order M-300-21.
Urea and melamine aldehyde resins, as defined in Order M-300-34.
Vinyl polymers, as defined in Order M-10.
Xylene, as defined in Order M-300-23.

The effect of revocation of, or amendment to, the above orders is explained in paragraph (h).

(3) "Producer" means any person engaged in the business of making critical coatings.

(4) "Distributor" means any person who buys critical coatings for the purpose of resale as such.

(5) "Consumer" means any person who uses critical coatings.

(b) *Restrictions on producers.* On and after September 20, 1944, no producer may deliver critical coatings unless all the following conditions have been met:

(1) *Labeling.* If the critical coatings are packaged in containers of 5 gallon capacity or larger, the producer must have labeled all such containers, "Contents subject to WPB Order M-382". This statement must be plainly visible and easily readable on the containers.

(2) *Receipt of end-use certificate.* The producer must have received from the person accepting delivery of the coatings, the end-use certificate set forth in Appendix A. The person ordering protective coatings from a producer may not know that the coatings he wants are critical coatings. When such is the case, the producer must advise that person to furnish a certificate.

(3) *Receipt of allocation of raw materials.* The producer must have received War Production Board authorization under the applicable M orders listed in paragraph (a) (2), relating to each of the allocated raw materials contained in the critical coating. In other words, the necessary quantity of each allocated ingredient must have been previously authorized for the specific coating for the specific end use certified.

(4) *Notification to purchaser.* In the event the producer is unable to fill in full any purchase order (for critical coatings) accompanied by an end-use certificate specifying more than one use, by reason of the limitations imposed by paragraph (b) (3) of this order, he must have notified the purchaser in writing (either on the invoice or otherwise) what quantity of specific critical coating he is able to deliver for each end use stated on the purchaser's end-use certificate. For example, the purchaser may have ordered 100 gallons of a certain lacquer and certified to the producer that 75 gallons will be used for aircraft parts and 25 gallons for civilian furniture. War Production Board may have only allocated sufficient raw materials to the producer to enable him to make up for this particular purchaser, 75 gallons for aircraft and 10 gallons for civilian furniture. The producer must notify the purchaser that War Production Board has only permitted him sufficient raw material to enable him to manufacture and deliver against his particular purchase order, 85 gallons of lacquer of which only 75 gallons may be used for aircraft parts and only 10 gallons for civilian furniture.

(c) *Restrictions on purchasers from producers and distributors.* Any person accepting delivery from a producer or distributor, on and after September 20, 1944, of any protective coating packaged in a container labeled "Contents subject to WPB Order M-382", or of any protective coating (not so labeled) which that person knows or has reason to believe is a critical coating, is subject to the following restrictions:

(1) *End-use certificate.* No person may accept delivery of any such coatings from a producer unless he has furnished the producer with the end-use certificate set forth in Appendix A. Similarly, no person may accept delivery of any such coatings from a distributor without furnishing the distributor with the end-use certificate, except that any person may accept delivery of a total of 275 gallons or less of such coatings in the aggregate from all distributors in any calendar month without furnishing an end-use certificate.

(2) *Consumer's use restricted.* If the person accepting delivery is a consumer and has filed an end-use certificate, he shall not use the coatings delivered in a greater quantity for any end use, or for any other end uses, than those specified on his certificate. Furthermore, if the producer or distributor gives him the notification described in paragraphs (b) (4) or (d) of this order, the consumer shall not use any greater quantity of a particular coating for any particular end use described or his certificate than his producer or distributor has notified him could be delivered for this use.

(3) *Distributor's deliveries restricted.* If the person accepting delivery of such coatings is a distributor who furnished an end-use certificate to obtain these coatings, he must, before redelivering the coatings, ascertain the end use to which his customer intends to put the coatings. No distributor may deliver more than 275 gallons of such coatings to any person during any calendar month without obtaining from that person the end-use certificate set forth in Appendix A. In the absence of any notification to the contrary from his supplier, no distributor shall redeliver a greater quantity of a particular coating for any particular end use than that specified on his (the distributor's) end-use certificate. Furthermore, if the supplier gives him the notification described in paragraph (b) (4) or (d) of this order, the distributor shall not redeliver any greater quantity of a particular coating for an end use certified (by the distributor) than his supplier has notified him could be delivered for this use.

(d) *Distributor's notification to purchaser.* In the event that a distributor is unable to fill in full a purchase order (for critical coatings) accompanied by an end-use certificate specifying more than one end use, the distributor shall notify the purchaser in writing (either on the invoice or otherwise) what quantity of specific critical coating he is able to deliver for each end use stated on the purchaser's end-use certificate.

(e) *Exceptions.* Paragraphs (b), (c) and (d) of this order do not apply to the following:

(1) *Coatings made from small deliveries of raw material.* Any producer may deliver a critical coating to any person for any purpose, if all the allocated raw materials contained in it were obtained by the producer under the small order exemption provisions of the applicable M orders governing the allocated materials.

(2) *Coatings made from previously acquired raw materials.* Any producer may deliver a critical coating to any person for any purpose, if the producer acquired all of the allocated raw materials contained in it prior to the effective date of the applicable M orders governing those allocated raw materials, and if the applicable M orders in no way restrict stocks of the raw materials acquired prior to the effective date of these applicable M orders.

(f) *Disposal of coatings for other uses than those for which the raw materials were originally authorized.* If for any reason a critical coating cannot be delivered or used for the specific end use for which the various allocated raw materials contained in it were authorized by War Production Board, that coating may be delivered or used by a producer, or by a consumer or distributor who filed an end-use certificate to obtain the critical coating, or by a person who obtained the critical coating as an idle or excess stock under Priorities Regulation 13, only in accordance with the following rules:

(1) *Delivery by producer or distributor.* Any producer or distributor hav-

ing a critical coating on hand as a result of spoiled batches, rejections due to failure to meet specification or consumer requirements, cancelled orders or anticipated orders which failed to materialize, or excess and idle stocks obtained by him from a consumer pursuant to Priorities Regulation 13, must first obtain War Production Board authorization before delivering or using the critical coating for other end uses than those for which the ingredients were originally authorized. Application for such authorization should be made by letter in duplicate addressed to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-382, setting forth the following information:

Type, color and specification number of critical coating;
Quantity, and package sizes;
Composition (i. e. the allocated raw materials contained in it);
Specific end use for which those allocated materials were originally authorized by War Production Board;
Approximate date of such authorization, and of manufacture;
Reasons why the critical coating cannot be used for the end use for which the allocated raw materials were authorized;
Specific end use or uses for which the producer or distributor desires to sell or use the critical coating.

(2) *Use by consumer.* Any consumer desiring to use a protective coating, packaged in a container labeled "Contents subject to WPB Order M-382" or a protective coating (not so labeled) which he knows or has reason to believe is a critical coating, for a different end use than that specified on his end-use certificate, or in a greater quantity for a specified end use than his producer or distributor has notified him could be delivered for this use, the consumer must first obtain War Production Board authorization before using the protective coating. Applications should be made in the same manner and substantially the same information furnished, as described in paragraph (f) (1) above. A consumer acquiring critical coatings pursuant to Priorities Regulation 13 not in excess of the amount shown in the remarks column of that regulation may use them for any purpose. He may also use any critical coatings acquired pursuant to Priorities Regulation 13 without limitation as to quantity for the same use that the original holder acquired them.

(3) *Delivery of excess or idle stocks of protective coatings.* Excess or idle stocks of protective coatings may be delivered on "special sales" pursuant to Priorities Regulation 13.

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

(h) *Applicability of orders listed in paragraph (a) (2).* In case the provisions of this order conflict with provisions of M orders listed in paragraph (a) (2), the provisions of this order shall govern, insofar as critical coatings are concerned, unless the M order specifically states that this order does not apply. In the event that an M order listed in paragraph (a) (2) is revoked, the subject material shall no longer be considered for the purpose of determining what is a "critical coating", except when the subject material is transferred to control under another order (for example, Order M-300). The definition of an allocated raw material listed in paragraph (a) (2) shall change for the purpose of this order when the definition is altered by amendment of the governing M order listed in paragraph (a) (2), or by the order or amendments to the order to which the material may be transferred.

(i) *Records.* All persons affected by this order must maintain accurate and complete records of all transactions as required by Priorities Regulation 1, § 944.15. Such records must include complete statements of all receipts and withdrawals of allocated raw materials, and amounts of allocated raw materils consumed in production batches of critical coatings, and the disposition of production batches.

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

(k) *Budget Bureau approval.* The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(l) *Communications to War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-382.

Issued this 6th day of September 1944.

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

APPENDIX A

END-USE CERTIFICATE

A certificate in substantially the form appearing below, signed either manually or as provided in Priorities Regulation 7, must be furnished (1) to a producer by all consumers or distributors who purchase directly from that producer, pursuant to paragraphs (b) (2) and (c) (1) of this order, and (2) to a distributor by any person who purchases more than 275 gallons from distributors in any calendar month, pursuant to paragraphs (c) (1) and (c) (3) of this order, before any deliveries of critical coatings are made or accepted. This certificate may either be endorsed upon the purchase order for the critical coating, or submitted on a separate paper with the purchase order. The end use stated in the certificate should specify the particular item to be coated. For those coatings containing allocated ingredients which are only authorized for specific military contracts and specifications, such military contract and specification numbers should be included in the end use statement. Primary Products and End Use List, WPB-I-217, may be used as a guide for submitting end use statements:

Pursuant to Order M-382, the undersigned hereby certifies to the producer or distributor and to the War Production Board that the critical coatings covered by Purchase Order No. _____, dated _____, will be used (or delivered in the case of a distributor) solely for the purposes and in the quantities listed below:

Quantity	*Description of Critical Coating*	*End Use*
_____	_____	_____
_____	_____	_____

_____ _____
(Name of purchaser) (Address)

_____
(Date)

By _____
(Signature & title of duly authorized official).

[F. R. Doc. 44-13678; Filed, Sept. 6, 1944; 11:28 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[Supplementary Order M-24-c, as Amended Sept. 6, 1944]

ALLOY SCRAP SEGREGATION

§ 3294.126 *Supplementary Order M-24-c*—(a) *Definition.* For the purpose of this order, "alloy scrap" means scrap consisting of any of the alloy irons or alloy steels listed in Schedule A hereto.

(b) *Segregation of alloy scrap.* Each person who produces in any calendar month a total of ten tons or more of alloy scrap of the types described in Groups 1-9 inclusive and Groups 21-25 inclusive of Schedule A, or a total of 1 ton or more of alloy scrap of the types described in Groups 10-20 inclusive and Group 26 of Schedule A, shall segregate such scrap into the groups shown in Schedule A.

(c) *Mingling of segregated scrap prohibited.* No person shall (except in melting iron or steel) mingle alloy scrap segregated in accordance with paragraph (b) with scrap which is unclassified or in a different group, nor ship or deliver such alloy scrap without clearly identifying the group to which it belongs.

(d) *Limitations on use of alloy scrap.* Alloy scrap shall be melted only in the production of alloy iron or alloy steel, except that the following grades of alloy scrap may be melted in the production of carbon steel or iron:

(1) Chromium or chrome-vanadium steel scrap with chromium 1.65% maximum (e. g. 5000, 5100, 52100, 6100 series).

(2) Chromium-molybdenum steel scrap with molybdenum 0.27% maximum (e. g. 4100 series).

(3) Nickel - chromium - molybdenum steel scrap with nickel 0.70% maximum, chromium 0.60% maximum, molybdenum 0.30% maximum (e. g. 8600, 8700, 9400 series).

Issued this 6th day of September 1944.

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

SCHEDULE A

WROUGHT AND CAST CONSTRUCTIONAL ALLOY STEELS

NOTE: Items 10, 11, and 13 amended Sept. 6, 1944.

Column 1 scrap groups	Column 2 description	Column 3 examples of steels in scrap group (see note)
1	Nickel Type (Nickel 1-5.25% inclusive).	2100, 2200, 2300.
2	Nickel-Chromium Type (Nickel 1-5.25% inclusive).	3100, 3200, 3300, 3400.
3	Nickel-Molybdenum Type (Nickel 1-5.25% inclusive).	4000, 4500.
4	Chromium and Chromium-Vanadium Types (Chromium 0.70-1.75% inclusive).	5100, 52100, 6100.
5	Nickel-Chromium-Molybdenum Type (Nickel 1-5.25% inclusive).	4300.
6	Nickel-Chromium-Molybdenum Type (Nickel under 1%, Molybdenum 0.08-0.65% inclusive).	8000, 8700, 8600, 8800, 9400, 9300.
7	Carbon-Molybdenum and Manganese-Molybdenum Types (Molybdenum 0.15%-0.65%, inclusive.)	4000, 4600, 8100, 8200, 8300, 8400, 8500.
8	Carbon-Molybdenum and Manganese Molybdenum Types (Molybdenum 0.65% and over).	
9	Chromium-Molybdenum Type (Molybdenum 0.15% and over).	4100.
	ALLOY TOOL AND SPECIAL STEELS	
10	Tungsten content of 12% or more with a maximum molybdenum content of 1½%.	Class B High Speed Steel High Tungsten Hot Work Steels.
11	Tungsten content of 5% or more up to but not including 12% with a maximum molybdenum content of 1½%.	Regular Tungsten Hot Work Steels.
12	Tungsten content of less than 5% but not less than 1% with a maximum molybdenum content of 1½%.	74100, Fast Finishing Steel, Low Tungsten Steels, Tungsten Molybdenum Hot Work Steels.
13	Molybdenum content of 7% or more with a maximum tungsten content of 2½%.	Class A High Speed Steels Grades II and III.
14	Molybdenum content of not less than 3½% or more than 6% with tungsten content of not less than 4½% or more than 6½%.	Class A High Speed Steel Grade I.
	CORROSION AND HEAT RESISTING ALLOY STEELS	
15	Chromium 10-14% inclusive, Nickel 0.75% maximum (Free machining grades).	
16	Chromium 10-14% inclusive, Nickel 0.75% maximum (all other grades).	
17	Chromium over 14%, Nickel 0.75% maximum	
18	Chromium 16% and over, Nickel over 6%, except as included in classification 18A or 18B.	
18A	Chromium 16% and over, Nickel over 6%, Phosphorus up to and including 0.04%, Sulphur 0.15%-0.35% inclusive.	
18B	Chromium 16% and over, Nickel over 6%, Sulphur up to and including 0.04%, Phosphorus 0.12%-0.17% inclusive, Selenium 0.15%-0.35% inclusive.	
19	Chromium 16% and over, Nickel over 6% (All other grades)	
20	All other grades of ferrous corrosion and heat resisting alloys containing chromium, nickel, molybdenum, tungsten, cobalt, or copper.	
	ALLOY CAST IRON	
21	Nickel Type (Nickel 1-5.25% inclusive)	
22	Nickel-Chromium Type (Nickel 1-5.25% inclusive).	
23	Nickel-Molybdenum Type (Nickel 1-2.5% inclusive).	
24	Chromium Type (Chromium 0.5%-1.5% inclusive).	
25	Molybdenum Type (Molybdenum 0.15-0.65% inclusive).	
26	Nickel Type (Nickel 13-22% inclusive).	

NOTE: The steel series and other designations listed in Column 3 are for illustration only. Scrap of other analyses should be segregated in the appropriate group according to the descriptions in Column 2.

[F. R. Doc. 44-13677; Filed, Sept. 6, 1944; 11:28 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RMPR 122, Amdt. 26]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

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

Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. In §1340.254 (b) Rule 2, a period is inserted after the word "sale"; the words following the word "sale" are deleted, and a sentence is added after the word "sale" to read as follows: "Dealers qualifying under this Rule 2 may add to their prices so determined an amount not exceeding the amount of any subsequent increase in their supplier's maximum price, and shall, of course, precisely reflect any decrease in such supplier's maximum price."

Amendment No. 26 to Revised Maximum Price Regulation No. 122 shall become effective September 11, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 333, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13634; Filed, Sept. 5, 1944; 4:10 p. m.]

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

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271, Amdt. 22]

POTATOES AND ONIONS

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

Revised Maximum Price Regulation 271 is amended in the following respects:

1. Section 7 is amended by adding an undesignated paragraph to read as follows:

The maximum prices established by this regulation shall not be exceeded by buyers or sellers by splitting or sharing of margins, joint account transactions or otherwise.

2. Section 9 (h) (2) is amended to read as follows:

(2) Every country shipper making shipments of potatoes or onions in any conveyance other than railroad freight car, shall post or cause to be posted in the conveyance, a manifest showing the following:

The name and address of the shipper; the location of the shipping point; the quantity, grade, state or area of production and maximum price, f. o. b. shipping point of the goods; and the name and address of the person to whom shipped. If the goods are shipped unsold the manifest shall show that fact, and the shipper shall give his own name and address as the person to whom the goods are shipped.

The shipper shall retain a copy of the manifest pursuant to section 22 of this regulation.

3. Section 13 is revoked.

4. Section 25 (b) (2), (3) and (4) are amended to read as follows:

(2) *Cotton, mesh or burlap bags.*

10 pounds	add 50¢
15 pounds	add 35¢
25 pounds	add 25¢
50 pounds	add 10¢

(3) *Paper bags.*

10 pounds	add 25¢
15 pounds	add 20¢
25 pounds	add 10¢
50 pounds	add 5¢

(4) *Kraft paper bags specially treated for moisture proof.*

10 pounds	add 27¢
15 pounds	add 22¢
25 pounds	add 12¢
50 pounds	add 7¢

This amendment shall become effective September 11, 1944.

Issued this 5th day of September 1944.

CHESTER BOWLES,
Administrator.

Approved: August 26, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-13633; Filed, Sept. 5, 1944; 4:11 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421,[1] Amdt. 13]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

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 421 is amended in the following respects:

1. A new undesignated paragraph is added to section 15, to read as follows:

This section shall not apply to any imported food item which you purchase from a wholesaler who has imported that item.

2. A new section 15a is added to read as follows:

SEC. 15a. *Items which you import.* On and after September 11, 1944, this regulation shall not apply to you for sales of any item purchased by you directly from a foreign seller or his agent (except as provided in Section 22a), for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 issued under the Maximum Import Price Regulation[2] or the General Maximum Price Regulation[3] or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

This amendment shall become effective September 11, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13635; Filed, Sept. 5, 1944; 4:09 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[4] Amdt. 25]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

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

Section 6a is added to read as follows:

SEC. 6a. *Dry groceries which you import.* On and after September 11, 1944, this regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent (except as provided in section 20 (1)), for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 under the Maximum Import Price Regulation[2] or the General Maximum Price Regulation[3] or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

This amendment shall become effective September 11, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13636; Filed, Sept. 5, 1944; 4:09 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Amdt. 26]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

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

Section 6a is added to read as follows:

SEC. 6a. *Dry groceries which you import.* On and after September 11, 1944, this regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent (except as provided in section 18 (c) for certain items of packed pineapple and packed pineapple juice) for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 under the Maximum Import Price Regulation[2] or the General Maximum Price Regulation[3] or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

This amendment shall become effective September 11, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13637; Filed, Sept. 5, 1944; 4:09 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 453,[4] Amdt. 4]

WHOLESALERS' AND RETAILERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

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

1. Section 3 is amended by adding an undesignated paragraph following paragraph (c) to read as follows:

NOTE: Any commodity, including an automotive part, traded in in connection with the sale or purchase of a part covered by this regulation is a partial payment for the part being sold. Therefore, a reasonable allowance must be made for the commodity traded in.

2. Section 8 (b) is amended to read as follows:

(b) *Allowance that may be added instead of manufacturer's federal excise tax.* A wholesaler or retailer who is entitled to add to a maximum price a manufacturer's federal excise tax under the provisions of paragraph (a), instead of adding such a tax may add an allowlowance approximating it which shall not exceed a percentage of that maximum price if he states this percentage allowance on the invoice (1) separately from all other charges and (2) designates it as "special handling charge authorized by OPA." This percentage allowance is as follows:

1. For a sale at wholesale: 4%.
2. For a sale at retail: 3%.

Wholesalers and retailers are cautioned against representing this allowance as the exact amount of the federal excise tax, since where it is in excess of this tax such a representation may be construed to be a violation of section 3325 of the Internal Revenue Code.

This amendment shall become effective September 11, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13639; Filed, Sept. 5, 1944; 4:12 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 146,[1] Amdt. 19]

APPALACHIAN HARDWOOD LUMBER

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

Maximum Price Regulation 146 is amended in the following respects:

1. Section 1382.1 is amended by adding at the end thereof, the following sentence:

The provisions of this Maximum Price Regulation 146 shall not be applicable to retail sales as defined in paragraph (a) (8) of § 1382.8. Such retail sales shall be subject to the General Maximum Price Regulation.

2. Section 1382.9 is amended to read as follows:

§ 1382.9 *Applicability of General Maximum Price Regulation.* Any sale or delivery covered by Maximum Price Regulation 146 is not subject to the General Maximum Price Regulation.

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

[1] 9 F.R. 5648.
[2] 9 F.R. 2350, 7504, 8062.
[3] 9 F.R. 1385, 5169, 6106, 8150.
[4] 9 F.R. 5656, 6828, 6951, 7339, 7520, 7937.

[1] 9 F.R. 5671, 6829, 7340, 7520, 7937.
[2] 9 F.R. 2350, 7504, 8062.
[3] 9 F.R. 1385, 5169, 6106, 8150.
[4] 8 F.R. 11582, 13256, 15458; 9 F.R. 8651.

[1] 9 F.R. 3313.

This amendment shall become effective September 11, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13640; Filed, Sept. 5, 1944; 4:10 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETIC AND ADMIXTURES

[MPR 478,[1] Amdt. 4]

COATED AND COMBINED FABRICS

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 478 is amended in the following respects:

1. In section 7a, paragraph (c) is amended and paragraphs (d) and (e) are added to read as follows:

(c) *Reports of proposed maximum prices.* The manufacturer shall file a report with the Office of Price Administration, Washington, D. C., within ten days after he begins to perform any service required to be priced under this section. This report shall contain the following information:

(1) A description of the service being priced and of the coated or combined fabric being used as a basis for pricing.

(2) The maximum price to each class of purchaser of the coated or combined fabric used as a basis for pricing, the cost (as defined in section 8 (d) (2)) of the cloth used in its production, the date on which the cost price of the cloth used was in effect in the manufacturer's plant, and the value of the cloth specified as the working allowance provided for in the service being priced.

(3) The proposed maximum price for the service for each class of purchaser, computed in accordance with paragraph (b).

(d) *Quotations, invoices, and payments pending approval of maximum prices.* Payments for a service priced under this section may not be accepted until the report required by paragraph (c) has been filed with the Office of Price Administration. Until a maximum price has been approved by the Office of Price Administration for a service priced under this section, a notification that the proposed price is subject to the approval of the Office of Price Administration must appear on all quotations and invoices. If the price approved by the Office of Price Administration is less than that set forth in the invoices, all invoices which have been issued must be changed to the approved maximum price, and if payments in excess of the approved price have been collected, refunds must be made.

(e) *Approval of maximum prices.* The Office of Price Administration may approve or disapprove the proposed maximum price, or may approve a maximum price that differs from the proposed maximum price but which is consistent with the level of maximum prices fixed by the regulation. The proposed maximum price, however, shall be deemed to be approved unless within fifteen days after the mailing of the report (or within fifteen days after the mailing of all additional information which may have been requested) the Office of Price Administration notifies the manufacturer that his proposed maximum price has not been approved or that action thereon has been deferred pending receipt of further information. The Office of Price Administration may at any time adjust an approved maximum price (not to apply retroactively) so as to make it consistent with the level of prices otherwise established by this regulation.

2. Section 8 (f) is amended to read as follows:

(f) *Reports and approvals of maximum prices*—(1) *Report of price computed under paragraph (b).* If a manufacturer receives total orders exceeding $1,000 in the case of a fabric, or exceeding $500 in the case of a service, for a fabric or service that must be priced under this section, he shall file a report with the Office of Price Administration, Washington, D. C. This report shall be filed within ten days after the manufacturer has received a sufficient dollar volume of orders to necessitate filing of the report, and shall contain information required by the form set forth in Appendix A and shall be made on a copy of that form.

(2) *Quotations, invoices, and payments pending approval of maximum prices.* Payments exceeding $1,000 in the case of a fabric, or exceeding $500 in the case of a service, for a fabric or service being priced under this section, may not be accepted until the report required by subparagraph (1) has been filed with the Office of Price Administration. Until a maximum price has been approved by the Office of Price Administration for a fabric or service being priced under this section, a notification that the proposed price is subject to the approval of the Office of Price Administration must appear on all quotations and invoices covering orders exceeding the first $1,000 in the case of a fabric, or exceeding the first $500 in the case of a service. If the price approved by the Office of Price Administration is less than that set forth in the invoices required to carry such notification, all such invoices which have been issued must be changed to the approved maximum price, and if payments in excess of the approved maximum price have been collected, refunds must be made.

(3) *Approval of maximum prices.* The Office of Price Administration may approve or disapprove the proposed maximum price, or may approve a maximum price that differs from the proposed maximum price but which is consistent with the level of maximum prices fixed by this regulation. The proposed maximum price, however, shall be deemed to be approved unless within fifteen days after the mailing of the report (or within fifteen days after the mailing of all additional information which may have been requested) the Office of Price Administration notifies the manufacturer that his proposed maximum price has not been approved or that action thereon has been deferred pending receipt of further information. The Office of Price Administration may at any time adjust an approved maximum price (not to apply retroactively) so as to make it consistent with the level of prices otherwise established by the regulation.

(4) *Report and approval where recomputation under paragraph (c) results in a higher price.* If the recomputation required by paragraph (c) results in a higher maximum price than the price previously approved by the Office of Price Administration, and if on any subsequent order the manufacturer elects to charge a higher price than the maximum price previously approved by the Office of Price Administration, he must file a report with the Office of Price Administration, Washington, D. C., within ten days after entering into a contract at such increased price. The provisions of subparagraphs (1), (2), and (3) shall be applicable to reports, quotations, invoices, payments, and approval of the increased price.

3. In section 8b, paragraph (c) is amended, and paragraphs (d) and (e) are added, to read as follows:

(c) *Reports of maximum prices.* The manufacturer shall file a report with the Office of Price Administration, Washington, D. C., within ten days after he has sold or delivered any fabric priced under this section. This report shall contain the following information:

(1) A description of the coated or combined fabric being priced, including the number of yards involved, and of the fabric used as a basis for pricing.

(2) The maximum price to each class of purchaser of the coated or combined fabric used as a basis for pricing, and a statement of the section of this regulation under which this maximum price was determined, and the proposed maximum price to each class of purchaser of the fabric being priced.

(3) The cost of the cloths used in the coated or combined fabric used as a basis for pricing and in the fabric being priced. The cost of the cloths shall be determined in accordance with section 8 (d) (2). The dates on which the prices of the cloths used were in effect in the manufacturer's plant must be reported.

(d) *Quotations, invoices, and payments pending approval of maximum prices.* Payments for a fabric priced under this section may not be accepted until the report required by paragraph (c) has been filed with the Office of Price Administration. Until a maximum price has been approved by the Office of Price Administration for a fabric priced under this section, a notification that the proposed price is subject to the approval of the Office of Price Administration must appear on all quotations and invoices. If the price approved by the Office of Price Administration is less than that set forth in the invoices, all invoices which have been issued must be changed to the approved maximum price, and if payments in excess of the approved price have been collected, refunds must be made.

(e) *Approval of maximum prices.* The Office of Price Administration may approve or disapprove the proposed maximum price, or may approve a maximum price that differs from the proposed maximum price but which is consistent with

[1] 8 F.R. 14080; 9 F.R. 577, 1321.

the level of maximum prices fixed by the regulation. The proposed maximum price, however, shall be deemed to be approved unless within fifteen days after the mailing of the report (or within fifteen days after the mailing of all additional information which may have been requested) the Office of Price Administration notifies the manufacturer that his proposed maximum price has not been approved or that action thereon has been deferred pending receipt of further information. The Office of Price Administration may at any time adjust an approved maximum price (not to apply retroactively) so as to make it consistent with the level of prices otherwise established by the regulation.

4. The paragraph numbered 1 of Appendix A is amended to read as follows:

1. Description of fabric or service being priced: (a) Give a definite description of the fabric or base material; if base is a textile, give width, and thread count of the greige goods and describe all finishes; if the base is a fibre (paper, etc.), give a full and complete description of it; (b) State the type of coating used (rubber, synthetic rubber, pyroxylin, ethyl cellulose, synthetic resin, or oxidizable oil); give the dry weight of coating and process involved in its application, and the number of coats; (c) Submit a sample of the finished material.

5. Subparagraph b of the table under paragraph 4 of Appendix A is amended to read as follows:

b. Direct materials

Rubber, if any	$------	$------	------
	(August 1, 1943, prices must be used in your calculations. If OPA has established lower maximum prices, such prices must be used.)		
Fabric or base material	$------	$------	------
Finishing charges	$------	$------	------
Other materials	$------	$------	------
	(Base period prices for fabric or base material, finishing charges, and other materials must be used in your calculations. If there was no base period price, you must use the first price after the base period. If OPA has established lower maximum prices, such prices must be used.)		

This amendment shall become effective September 11, 1944.

NOTE: The reporting and record-keeping provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13641; Filed, Sept. 5, 1944; 4:08 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 75]

SHOES

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

Ration Order 17 is amended in the following respects:

1. Section 1.7 (a) (4) is amended to read as follows:

(4) An employer or institution that gets shoes under this section or section 3.6 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 and, if it is the custom of the institution, it may give him a new pair of discharge shoes. Upon the termination of an employee's contract of employment and after collecting ration currency from the employee, an employer may, without registering as an establishment, transfer to the employee the shoes he has been wearing. It shall surrender all ration currency so received to the District Office within five days.

2. Section 1.7 (d) is added to read as follows:

(d) *Employers and institutions may dispose of shoes.* (1) If an employer or institution discontinues furnishing shoes to its employees, residents or students, or if it has worn shoes which can no longer be used by its employees, students or residents for the purposes for which it furnishes shoes to them it may make application to the District Office to transfer such worn shoes ration-free, without registering as an establishment. The application shall state the number of employees, students or residents who are furnished shoes, the number of pairs of shoes acquired since February 7, 1943, the condition of the shoes sought to be transferred ration-free and the reasons why they can no longer be used or that the employer or institution is no longer furnishing shoes. If the District Office is satisfied that the worn shoes sought to be transferred ration-free cannot be worn by the applicant's employees, students, or residents for the purposes for which it furnishes shoes to them, or that it has in fact discontinued the furnishing of shoes to its employees, students or residents, it shall issue to the applicant a written authorization to transfer such shoes as non-rationed without registering as an establishment. However, such shoes may not be transferred as non-rationed if the price charged for them is more than fifty percent of the price paid for them by the applicant. For the purposes of this subparagraph, "price paid" means the invoice price paid by the employer or institution, plus any separable transportation expense (a charge for freight or postage not included in the invoice price). In determining the price paid, a cash or trade discount need not be deducted from the invoice price.

(2) If an employer or institution has odd lot shoes on hand which it desires to transfer or if it discontinues furnishing shoes to its employees, students or residents and desires to transfer its stock of new shoes, it may make application to the District Office for permission to transfer such shoes without registering as an establishment. The application shall state the number of shoes on hand, and in the case of odd lot shoes sought to be transferred, their size and type. If the District Office is satisfied that the applicant is in fact discontinuing the furnishing of shoes for the use of its employees, students or residents, or that the shoes it desires to transfer cannot be used by its employees, students or residents, the District Office shall send the applicant a written authorization to transfer the shoes for ration currency, without registering as an establishment. The applicant shall surrender all ration currency so received to the District Office within five days.

(3) If an employer or institution desires to resume the furnishing of shoes to its employees, students or residents after having discontinued this practice in accordance with the provisions of subparagraph (1) or (2) above, it may apply to the District Office for stamps or certificates. The District Office may grant the application only if it determines that there has been a substantial change in circumstances (other than the disposition of shoes under subparagraphs (1) or (2)) leading to the decision by the employer or institution to resume furnishing shoes for the use of its employees, students or residents.

3. Section 1.12 is amended to read as follows:

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) and shoes acquired for wear-testing or as samples may not be transferred or acquired as used shoes. Shoes acquired by employers and institutions under section 1.7 (a) may be transferred or acquired as used shoes only in accordance with the provisions of section 1.7 (d). (The term "used" is explained in section 3.13.)

4. Section 3.6 (c) is amended by adding the following:

(For rules governing the use and disposition of shoes acquired under this section by an employer or institution, see section 1.7.)

This amendment shall become effective Sept. 9, 1944.

NOTE: The record-keeping requirements and reporting provisions of this amend-

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

[1] 8 F.R. 15839, 16605, 16996; 9 F.R. 92, 573, 764, 2232, 2656, 2947, 2829, 3340, 3944, 5254, 5941, 5805, 6233, 6455, 6647, 7080, 7773, 8254, 8339, 8340.

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

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13642; Filed, Sept. 5, 1944; 4:08 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 76]

SHOES

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

Ration Order 17 is amended in the following respects:

1. Section 2.11 (a) (2) is amended by deleting the following: "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 specifications of this paragraph at the time they were shipped from the factory, may not be marked or transferred as non-rationed", and substituting instead the following: "Shoes completed, packaged and shipped from a factory in the United States before April 16, 1943, or imported before that date of the following kinds, except that shoes which did not fall within the specifications of this paragraph at the time they were shipped from a factory in the United States or imported, may not be marked or transferred as non-rationed".

2. Section 2.11 (a) (3) is amended by deleting the following: "Shoes completed, packaged and shipped from the factory before August 16, 1943, made wholly of materials other than leather", and substituting instead the following: "Shoes completed, packaged and shipped from a factory in the United States before August 16, 1943, or imported before that date made wholly of materials other than leather".

3. Section 2.11 (a) (4) is amended by inserting after the date "August 15, 1943" the following: "or imported after that date."

4. Section 2.11 (a) (5) is amended to read as follows:

(5) Unassembled moccasins or moccasin kits made for use in handicraft activities if manufactured in the United States before August 31, 1943, or imported before that date.

5. Section 2.11 (a) (6) is amended by inserting after the words "in the infants' range", the following: "made in the United States or imported."

6. Section 2.11 (a) (7) is amended by inserting after the word "Shoes" the following: "made in the United States or imported."

7. Section 2.11 (a) (8) is amended to read as follows:

(8) Burial slippers made in the United States or imported.

8. Section 2.11 (a) (9) is amended to read as follows:

(9) House slippers, made in the United States or imported.

9. Section 2.11 (a) (10) is amended to read as follows:

(10) Ballet slippers which were manufactured in the United States before January 1, 1944, or imported before that date, or which, if manufactured in the United States or imported after that date, have no cattle hide leather in the uppers and no cattle hide grain leather in the outsoles (other than heads, bellies, shins or shanks of 5 iron or less).

10. Section 2.11 (a) (11) is amended to read as follows:

(11) Evening slippers made in the United States before September 5, 1944, 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.

11. Section 2.11 (a) (12) is amended to read as follows:

(12) Baseball, track and football shoes made in the United States or imported.

12. Section 2.11 (a) (13) is amended to read as follows:

(13) Men's and women's knee-height riding boots made in the United States before July 7, 1943, or imported before that date (including boots without lacing and with partial lacing but not including full lace boots or jodhpur or cowboy boots.).

13. Section 2.11 (a) (14) is amended to read as follows:

(14) Infants' footwear of size 4 or smaller, made in the United States or imported.

14. Section 2.11 (a) (15) is amended to read as follows:

(15) Shoes constructed to be worn over another shoe which are shipped from a factory in the United States before July 15, 1944 or imported before that date.

15. Section 2.11 (a) (16) is amended by inserting after the word "Shoes" the following: "manufactured in the United States or imported".

16. Section 2.11 (a) (17) is amended by deleting the following: "Women's and misses' evening slippers manufactured before December 18, 1943", and substituting instead the following: "Women's and misses' evening slippers manufactured in the United States before December 18, 1943 or imported before that date".

17. Section 2.11 (a) (18) is amended to read as follows:

(18) Men's patent leather shoes made in the United States before September 5, 1944, or imported before that date.

18. Section 2.11(a) (19) is amended to read as follows:

(19) Shoes manufactured in the United States or imported which do not have a rubber sole and which contain no leather other than shearling.

19. Section 2.15(a) is amended to read as follows:

(a) Any registered distributing establishment whose ration currency has been destroyed, damaged, lost, stolen or paid to the Collector of Customs for non-rationed shoes, 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) after the establishment paid ration currency for them, may get a certificate to replace the ration currency or shoes, as the case may be. Application for 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. In the case of an application for currency to replace shoes which have been exported, there shall be attached to the application, a shipper's export declaration certified by the Collector of Customs or ocean bill of lading signed by the steamship company, or if the shoes were mailed, a certificate of mailing certified by a postal employee, covering the shoes which were exported.

20. Section 3.4(b) (4) is added which reads as follows:

(4) Are non-rationed shoes under section 2.11.

21. Section 3.13 (d) is added to read as follows:

(d) Whenever the term "shoes" is used in this order, it refers to rationed shoes unless the context of the language used indicates otherwise.

This amendment shall become effective September 5, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13643; Filed, Sept. 5, 1944; 4:10 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[RMPR 234,[1] Revocation]

WESTERN PRIMARY FOREST PRODUCTS

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

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

[1] 8 F.R. 15839, 16605, 16996; 9 F.R. 92, 573, 764, 2232, 2656, 2947, 2829, 3340, 3944, 4391, 5254, 5805, 6233, 6647, 6455, 7080, 7773, 8254, 8339, 8340.

[1] 8 F.R. 6544, 10569, 15306; 9 F.R. 4883.

Revised Maximum Price Regulation 284 and all amendments issued thereunder are revoked subject to the provisions of Supplementary Order 40.[2]

This amendment shall become effective September 11, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13644; Filed, Sept. 5, 1944; 4:13 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 554]

WESTERN RED CEDAR POLES AND PILING

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry affected.

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

MPR 554—WESTERN RED CEDAR POLES AND PILING

Sec.
1. Sales of Western red cedar poles and piling at higher than maximum prices prohibited.
2. Products and transactions covered.
3. Basic maximum prices.
4. Transportation addition.
5. Treatment addition.
6. Definitions of territories.
7. Prohibited practices.
8. Purchasing commissions.
9. Adjustable pricing.
10. Special pricing.
11. Applications for adjustment and petitions for amendment.
12. Records.
13. Enforcement and licensing.
14. Exports.
15. Maximum prices for poles and piling.

AUTHORITY: Secs. 1 to 15, inclusive (§ 1426.254), issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales of Western Red Cedar poles and piling at higher than maximum prices prohibited.* (a) On and after September 11, 1944, regardless of any contract or other obligation except as provided in paragraph (c) of this section, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western red cedar poles and piling covered by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

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

(c) In any case where a maximum price having once been established in this regulation is reduced by subsequent amendment, sellers who have entered into firm contracts on the basis of the earlier ceiling may apply for special permission to complete shipment under such firm contracts without regard to the new ceiling, under the following rules and conditions:

(1) The permission, if granted, will allow completion of the contract within 60 days from the effective date of the action setting up the new ceilings.

(2) The existence of a "firm contract" must be shown by the seller's submitting a copy of formal contract or copies of written order and acceptance covering specific items, quantities and prices.

(3) The application must show that the items covered by the contract were actually being produced and had not been shipped on the effective date of the amendment which changes the maximum price.

(4) The seller must state in his application—and the permission, if granted, will be so limited, that all prices shown in the contract will be adhered to, even though the maximum price on some items included therein may have been increased by the amendment.

(5) Applications must be sent to the Lumber Branch, Office of Price Administration, at Washington, D. C. The Lumber Branch may grant or deny such applications by letter or telegram.

Note that the seller must apply for the special permission covered in this paragraph, and he may not go ahead on the basis of the contract prices unless and until he has received the authorization to do so.

SEC. 2. *Products, species and transactions covered.* This regulation covers all sales and purchases of the Western Red Cedar (Thuja plicata) poles and piling produced in the states of California, Idaho, Montana, Oregon, Washington, and Canada.

SEC. 3. *Basic maximum prices.* The basic maximum prices are set out in section 15. These maximum prices are all f. o. b. the railroad loading-out point or towable waters nearest the mill or point of production in the normal direction of delivery to the point of destination.

SEC. 4. *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. railroad loading-out point or towable water prices when the seller makes delivery to the destination. Transportation from the mill or point of production to the railroad loading-out point or booming and rafting ground must, in every instance, be provided on the seller's account. All additions for transportation must be shown separately on the invoice.

(a) *Common or contract carrier.* (1) When estimated weights or guaranteed mean diameters are used, the appropriate published rate times the estimated weight or mean diameter is the proper transportation charge, even though the estimated weights or diameters may be higher than actual. Estimated weights higher than those set forth in the tables may not be used. To compute mean diameters add 1" to the top or butt diameter, whichever is the controlling factor, and increase or decrease that figure by 1" for each 10 lineal feet. Add the top and butt diameters thus determined and divide by two to find the mean diameter. The charge for transportation shall be evened out to the nearest quarter cent per lineal foot or five cents per pole, whichever is applicable.

(2) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier.

(b) *Private truck.* (1) When shipment is by truck owned or controlled by the seller, the maximum permissible addition (on hauls involving any point outside of metropolitan areas) shall be computed as 5 cents per 100 pounds for hauls of not over 10 miles, 7 cents per 100 pounds for hauls of more than 10 but not over 20 miles, 9 cents per 100 pounds for hauls of more than 20 but not over 30 miles, two tenths of a cent per 100 pounds to be added to the 30-mile charge. No addition is allowed for the return trip.

(2) A "metropolitan area" includes all territory within 10 miles of the city limits of any city having a population of 250,000 or more according to the Census of 1940. On shipment by private truck entirely within a metropolitan area, the amount added for transportation may not be more than the published motor common carrier rate for such haul times the estimated weight or other unit of measure used. If there is no published rate, then the actual cost of trucking may be added, that is, the seller's out-of-pocket expense in making delivery. If the order and shipment are for less than a truckload, a minimum charge for 10,000 pounds may be made.

(c) *Rail shipments of poles and piling.* (1) On eastbound shipments by rail the transportation addition for all shippers may be computed as the estimated weights shown in the appropriate table times the rail freight rate from Seattle, Washington.

(2) On southbound shipments by rail or combined water and rail in the case of poles and piling produced in Canada to destinations covered in Pacific Freight Tariff Bureau Tariff No. 80-H or appropriate interstate tariffs the transportation addition may be computed as the estimated weights shown in the appropriate table times the rail freight rate arrived as follows:

(i) When the published rail rate is greater than the Seattle, Washington rate, the Bellingham, Washington published rate may be used; on shipments of poles or piling produced in Canada the Bellingham rate may be used regardless of the location of rail shipping point.

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[2] 8 F.R. 4325.

(ii) When the published rail rate is greater than the Portland, Oregon rate but not greater than the Seattle, Washington published rate, the Seattle, Washington published rate may be used.

(iii) When the shipping point is North of the California-Oregon State line and takes a published rail rate not greater than the Portland rate, the Portland published rate may be used.

(iv) When the shipping point is in the State of California the published rate from Arcata, California may be used.

(3) On shipments of Western red cedar poles and piling from points in Idaho, Montana, and that part of Washington east of the crest of the Cascade Mountains to points for which there is no published through railroad freight rate via the Minnesota Transfer-Twin Cities Gateway, the transportation addition may be computed on the basis of the local freight rate or rates from the original loading-out point to destination.

(4) Regardless of the foregoing provisions of this paragraph (c), if a treating-in-transit rate is applicable and results in a lower total cost of transportation, the treating-in-transit rate must be used.

(d) For other means of transportation, where there are no published rates the actual cost of such transportation may be charged, that is, the out-of-pocket cost to the seller whether public or private means of transportation are used.

(e) *Averaging inbound transportation charges from multiple loading-out points.* The addition for inbound transportation may be calculated by multiplying the estimated weight of the material by the local freight rate from the loading-out point of the untreated poles or piling. If the untreated material is received from more than one point, an average rate of all inbound freight may be used. The average must be determined by the following formula:

(1) The total inbound freight charges on all receipts during the preceding three months of the type and species of the item to be priced—divided by—

(2) The total weight of all receipts of such items during the three-month period, regardless of whether inbound freight actually was involved, but excluding any material sold f. o. b. original loading-out point.

This average rate may be used in computing the "inbound freight" addition on all sales f. o. b. treating plant or concentration yard made during the quarter next following that on which the average is based. The average may also be used in selling on a delivered basis as provided in this section, except that where treating-in-transit rates are available, the entire addition for transportation (including inbound) must be figured on the through rate from the loading-out point indicated on the freight bills surrendered in connection with the outbound shipment. The transit charge itself may be added.

SEC. 5. *Treated products.* (a) The maximum prices for Western red cedar poles and piling preservatively treated by pressure process are established by Maximum Price Regulation 491.[1]

(b) The maximum price for all Western red cedar poles and piling preservatively treated by non-pressure methods (except as otherwise provided herein in Tables 5 and 6) shall be determined in accordance with the provisions of section 9 of this regulation.

SEC. 6. *Definitions of territories.* (a) The term "Western schedule" as used in section 15, Table 1, refers to sales of treated poles shipped from treating plants or concentration yards located in California or in those parts of Oregon, Washington, and Canada west of the crest of the Cascade Mountains (regardless of the location of the original loading-out point), and to sales of untreated poles shipped from original loading-out points or from concentration yards in that same territory.

(b) The term "Eastern schedule", as used in section 15, Table 2, refers to sales of treated poles shipped from treating plants or concentration yards located outside the area described in paragraph (a), regardless of the location of the original loading-out point. It applies also to sales of untreated poles shipped from original loading-out points or from concentration yards located outside the area described in paragraph (a).

SEC. 7. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

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

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were on April 1, 1942. The cash and credit periods recognized by the seller on April 1, 1942, shall not be reduced.

(2) Refusing to sell on a loading-out point basis and insisting on selling on a delivered basis.

(3) 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.

(4) Making the buyer take something he does not want in order to get what he does want.

SEC. 8. *Purchasing commissions.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating Western Red Cedar poles and piling, or for any related service (such as "expediting") which does not involve actual physical handling of those products, if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the products. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the products in connection with which the service is performed.

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, 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 shipment. Such authorization may be given when a request for a change in the applicable maximum price is necessary to promote distribution or production and it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 10. *Special pricing.* If a seller wishes to sell a specification of Western Red Cedar poles not specifically priced in this regulation or wishes to make charges for extras not specifically provided for, he shall apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for approval of a maximum price. He must provide the following information.

(a) The requested price.

(b) A complete description of the item for which a price approval is desired.

(1) If a specification other than ASA is to be priced, he shall furnish a copy of the specification.

(2) If any other extra is to be priced he shall furnish a description of the extra for which an addition is requested.

(c) The price differential between the item to be priced and the most comparable item priced in the regulation, which existed in October 1941 or the first month preceding October 1941 in which both items were sold. The differential should be developed from the seller's own records, or if that is not possible, from the experience of other buyers and sellers.

(d) If no price differential existed, a detailed analysis of comparative costs of supplying the two items shall be furnished.

As soon as the request has been filed, quotations and deliveries may be made at the requested price, but final payment may not be made until the price has been approved by the Office of Price Administration. Such approvals may be made by letter or telegram.

[1] 8 F.R. 15594.

SEC. 11. *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* See Procedural Regulation No. 6[1] for adjustment provisions on certain government contracts or subcontracts.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

SEC. 12. *Records.* All sellers of Western Red Cedar poles and piling products must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought $1,000 worth of Western Red Cedar poles and piling. These records must be kept for inspection by the Office of Price Administration for the duration of the Price Control Act or for two years, whichever is the shorter.

SEC. 13. *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by the regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(c) The provisions of Licensing Order No. 1[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not during the period of suspension, make any sale of which his license has been suspended.

SEC. 14. *Exports.* The maximum price for export sales of Western red cedar poles and piling is governed by the Second Revised Maximum Export Price Regulation.[4]

SEC. 15. *Maximum prices for poles and piling.* (a) All maximum prices set forth below are f. o. b. cars at the railroad loading-out point or dumped, boomed, and rafted on towable waters nearest the point of in the normal direction of delivery to the point of destination.

[1] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024; 9 F.R. 6256.
[2] 9 F.R. 5791.
[3] 8 F.R. 13204.
[4] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5923, 7201.

(b) *Quantity discounts on treated poles.* When the seller takes a firm order for treated poles, he must make discounts for quantity as follows:

	Percent
For 3,000 to 4,999 poles	2½
For 5,000 poles or more	5

For purposes of this paragraph a "firm order" is one requiring shipment from time to time over a period of 12 months, as ordered by the buyer, with guarantee of payment for any poles not ordered shipped at the end of the 12-month period, and covering at least 5 lengths with 3 classes in each length. The maximum price for treated poles subject to this discount is the sum of the appropriate untreated price taken from Tables 1, 2, 3, and 4 and the additions for treatment and services made according to Tables 5 and 6 or section 5, excluding any addition for transportation.

TABLE 1—MAXIMUM PRICES FOR WESTERN RED CEDAR POLES—WESTERN SCHEDULE

[See section 6 (a) F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A.		Estimated weight in pounds per pole	Maximum price, each
Length in feet	Class		
16	5	230	$3.00
	6	190	2.20
	7	135	1.80
	8	135	1.70
	9	105	1.30
	10	85	1.05
18	3	440	4.60
	4	350	3.85
	5	265	3.20
	6	185	2.30
	7	175	1.95
	8	160	1.85
	9	120	1.45
	10	90	1.15
20	1	615	5.65
	2	530	5.40
	3	440	4.95
	4	350	4.10
	5	265	3.35
	6	200	2.45
	7	175	2.30
	8	160	1.85
	9	120	1.45
	10	90	1.25
22	1	750	5.90
	2	635	5.50
	3	530	5.05
	4	425	4.75
	5	350	4.35
	6	280	3.50
	7	220	3.25
	8	205	2.50
	9	180	1.90
	10	120	1.85
25	1	750	5.90
	2	635	5.50
	3	530	5.05
	4	425	4.75
	5	350	4.35
	6	280	3.50
	7	220	3.25
	8	205	2.50
	9	180	1.90
	10	120	1.85
30	H. D.	1,285	13.00
30" Top	1	1,120	11.15
	1	880	7.00
30" Top	2	960	10.75
	2	750	6.75
	3	645	6.45
	4	540	6.10
	5	440	5.80
	6	370	5.35
	7	310	4.95
	8	295	4.85
	9	225	4.10
35	H. D.	1,460	15.95
30" Top	1	1,385	13.00
	1	1,055	9.45
30" Top	2	1,180	12.40
	2	880	9.15
	3	760	8.75
	4	660	8.40
	5	570	7.65
	6	495	7.00
	7	415	5.95
	8	445	5.85

TABLE 1—MAXIMUM PRICES FOR WESTERN RED CEDAR POLES—WESTERN SCHEDULE—Continued

A. S. A.		Estimated weight in pounds per pole	Maximum price, each
Length in feet	Class		
40"	H. D.	1,725	$21.35
30" top	1	1,560	15.95
	1	1,320	11.15
30" top	2	1,400	14.50
	2	1,145	10.75
	3	970	10.10
	4	790	9.55
	5	705	8.65
	6	615	8.05
	7	615	7.00
45	H. D.	1,990	28.40
30" top	1	1,825	21.35
	1	1,585	13.00
30" top	2	1,575	20.80
	2	1,365	12.40
	3	1,145	11.50
	4	1,010	10.75
	5	880	9.90
	6	880	9.70
50	H. D.	2,515	36.45
30" Top	1	2,090	23.40
	1	1,760	15.95
30" Top	2	1,750	25.85
	2	1,585	14.50
	3	1,365	13.25
	4	1,230	12.20
	5	1,145	10.95
	6	1,145	10.95
55	H. D.	2,870	43.50
30" Top	1	2,615	36.45
	1	2,025	21.35
30" Top	2	2,015	30.35
	2	1,760	20.80
	3	1,540	15.75
	4	1,410	12.75
	5	1,410	12.20
60	H. D.	3,395	48.50
30" Top	1	2,970	43.50
	1	2,290	28.40
30" Top	2	2,455	37.90
	2	1,935	25.85
	3	1,760	20.30
	4	1,670	16.30
65	H. D.	4,100	64.65
30" Top	1	3,495	48.50
	1	2,815	36.45
30" Top	2	2,985	44.00
	2	2,200	30.35
	3	2,025	25.60
	4	1,935	21.05
70	H. D.	4,540	82.65
30" Top	1	4,300	64.65
	1	3,170	43.50
30" Top	2	3,510	68.05
	2	2,640	37.90
	3	2,375	31.40
	4	2,290	27.05
75	1	3,695	48.50
	2	3,170	44.00
	3	2,730	38.20
	4	2,640	32.85
80	1	4,400	64.65
	2	3,695	68.05
	3	3,170	50.75
	4	3,030	46.40
85	1	4,840	82.65
	2	3,960	72.60
	3	3,520	61.50
	4	3,520	60.45
90	1	5,810	100.70
	2	4,930	95.60
	3	4,225	90.60

TABLE 2—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE

[See section 6 (b) F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

A. S. A.		Estimated weight in pounds per pole	Maximum price each
Length in feet	Class		
16	5	230	$3.00
	6	190	2.20
	7	135	1.80
	8	135	1.70
	9	105	1.30
	10	85	1.05
18	3	400	4.60
	4	320	3.85
	5	240	3.20
	6	180	2.30
	7	160	1.95
	8	160	1.85
	9	120	1.45
	10	90	1.15

TABLE 2—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE—Continued

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price each
20	1	560	$5.65
	2	480	5.40
	3	400	4.90
	4	320	4.10
	5	240	3.35
	6	180	2.45
	7	160	2.05
	8	160	1.85
	9	120	1.45
	10	90	1.25
22	1	680	5.90
	2	575	5.50
	3	480	5.05
	4	385	4.75
	5	320	4.35
	6	255	3.15
	7	200	2.95
	8	205	2.50
	9	180	1.90
	10	120	1.85
25	1	680	5.90
	2	575	5.50
	3	480	5.05
	4	385	4.75
	5	320	4.35
	6	255	3.15
	7	200	2.95
	8	205	2.50
	9	180	1.90
	10	120	1.85
30	H. D.	1,200	11.55
30" top	1	1,000	9.60
	1	800	6.40
30" top	2	855	9.20
	2	680	6.25
	3	585	6.05
	4	490	6.05
	5	400	5.80
	6	335	4.70
	7	280	4.30
30	8	295	4.10
	9	225	3.10
35	H. D.	1,440	14.30
30" Top	1	1,240	11.05
	1	960	8.95
30" Top	2	1,055	10.50
	2	800	8.65
	3	680	8.55
	4	600	8.40
	5	520	7.65
	6	450	6.40
	7	375	5.00
	8	405	4.75
40	H. D.	1,600	24.35
30" top	1	1,400	14.30
	1	1,200	9.95
30" top	2	1,255	13.30
	2	1,040	9.45
	3	880	9.15
	4	720	8.90
	5	640	8.40
	6	560	7.65
	7	550	7.35
45	H. D.	1,840	28.40
30" top	1	1,640	24.35
	1	1,440	11.55
30" top	2	1,415	20.80
	2	1,240	11.00
	3	1,040	10.50
	4	920	9.95
	5	800	8.95
	6	800	8.80
50	H. D.	2,080	30.45
30" top	1	1,880	28.40
	1	1,600	14.30
30" top	2	1,575	25.85
	2	1,440	13.30
	3	1,240	11.80
	4	1,120	10.95
	5	1,040	9.95
	6	1,040	9.95
55	H. D.	2,560	43.50
30" Top	1	2,360	30.45
	1	1,840	24.35
30" Top	2	1,815	30.35
	2	1,600	20.80
	3	1,400	15.75
	4	1,280	12.75
	5	1,280	12.20
60	H. D.	2,880	48.50
30" Top	1	2,680	43.50
	1	2,080	23.40
30" Top	2	2,215	37.90
	2	1,760	23.85
	3	1,600	20.30
	4	1,520	16.30

TABLE 2—MAXIMUM PRICES WESTERN RED CEDAR POLES—EASTERN SCHEDULE—Continued

A. S. A. Length in feet	A. S. A. Class	Estimated weight in pounds per pole	Maximum price each
65	H. D.	3,200	$ 64.05
30" Top	1	3,100	48.50
	1	2,500	30.45
30" Top	2	2,035	41.00
	2	2,000	30.05
	3	1,840	25.00
	4	1,760	21.05
70	H. D.	4,000	82.05
30" Top	1	3,800	64.05
	1	2,850	43.50
30" Top	2	3,175	53.05
	2	2,420	37.00
	3	2,100	31.40
	4	2,000	27.05
75	1	3,000	48.50
	2	2,[illegible]	41.00
	3	2,[illegible]	33.20
	4	2,420	32.85
	1	4,000	64.05
	2	3,000	53.05
	3	2,8[illegible]	50.75
	4	2,8[illegible]	40.40
85	1	4,400	82.05
	2	3,000	72.00
	3	3,200	61.50
	4	3,200	60.45
90	1	5,250	100.70
	2	4,400	95.00
	3	3,840	90.00

TABLE 3—MAXIMUM PRICES EASTERN AND WESTERN SCHEDULE FOR LONG POLES

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]
[A. S. A. Quality with minimum butt circumference as specified in table]

Length 14 feet	Class	Minimum circumference 6" from butt	Estimated weight pounds per pole	Maximum price each
		Inches		
95	1	65	6,700	$110.00
	2	61½	5,900	105.00
	3	57½	5,250	100.00
100	1	67	7,500	125.00
	2	62½	6,500	115.00
	3	59	5,750	110.00
105	1	63½	8,500	130.00
	2	65	7,100	125.00
	3	61	6,000	120.00
110	1	70	9,000	140.00
	2	66½	7,700	135.00
	3	62½	6,850	130.00
115	1	71½	9,700	150.00
	2	63½	8,350	145.00
	3	64½	7,500	140.00
120	1	73½	10,000	175.00
	2	70	9,000	160.00
	3	65	8,100	150.00
125	1	75½	11,000	200.00
	2	71½	9,800	180.00
	3	67½	8,700	175.00

TABLE 4—MAXIMUM PRICES FOR WESTERN RED CEDAR RE-INFORCING STUTS—ANCHOR LOGS—SHORT ROUND MATERIAL—PROCESSING AND NON-PRESSURE TYPE PRESERVATIVE TREATMENT OF SAME—EASTERN OR WESTERN SCHEDULE

[F. o. b. Cars Loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Minimum diameter small end	Minimum circumference small end (inches)	Estimated weight in lbs. per lin. ft.	Maximum price for ea. lin. ft. or fraction thereof	Maximum charge for roofing ea. piece	Maximum charge for Preservative treatment Spec. ½" Pen. 6" butt treatment	Maximum charge for Preservative treatment Spec. ½" Pen. Each additional foot or fraction thereof
5 inch	15	6	$0.07½	$0.03	$1.00	$0.09
6 inch	19½	8	.10	.09	1.30	.11
7 inch	22	10	.11½	.10	1.55	.14
8 inch	25	15	.15	.12	1.80	.18
9 inch	28	20	.18	.13	2.00	.22
10 inch	31	25	.20	.15	2.40	.25
11 inch	34	30	.21	.16	2.70	.29
12 inch	38	35	.23	.18	3.35	.35
13 inch	41	40	.23	.19	4.05	.43
14 inch	44	45	.23	.21	4.75	.50
15 inch	47	50	.23	.23	5.50	.58
16 inch	50	55	.23	.25	6.10	.65

GENERAL NOTES APPLYING TO TABLES 1, 2, 3, AND 4

1. These prices include all production costs before processing and treating such as yarding and inspection.

2. *Piling.* The maximum price for Western Red Cedar piling shall be the price for the closest equivalent A. S. A. size pole in the same length.

3. On orders to established concentration, distribution or treating plant yards for less-than-carload minimum weight as established by railroad tariffs, and where the invoice value at maximum prices for the untreated poles or other round material does not exceed $300.00 on items 50 feet and shorter, or $450.00 where 50 percent of the items are more than 50 feet in length, the seller may add a service charge of not more than 25% of the total invoice value of the treated or untreated material not including transportation but including the treating and processing additions provided in Table 5 and 6. The transportation addition on "less than carload sales" must not exceed that permitted by section 4 for transportation from the point of origin to the concentration, distribution or treating plant yard from which the shipment is made. The service charge may be made only on sales, f. o. b. seller's yard, with transportation outbound for the buyer's account.

4. *Cut back allowance.* When requirements of the buyer exceed the available supply of the seller for one or more classes or lengths of poles for delivery required, the seller may cut back the next lower class pole in the five foot longer length on orders for poles 45' and shorter and the next lower class pole in the ten foot longer length on orders for poles 50' and longer, and may charge the maximum price for the class and length pole actually used. The additions for transportation, treatment, processing, etc., on such cut back poles, shall be those additions applicable to the class and length pole ordered by the buyer, plus an addition for inbound freight computed at the difference in estimated weights times the freight rate to the

concentration yards. No addition may be made for the labor included in such cutting back operations. The seller shall keep a record of such sales and show this charge as a separate item on the invoice.

5. *Inspection service.* On shipments where the buyer requests special inspection service, furnished by an approved inspection agency, an addition may be made to cover the actual cost of such service. This charge must be shown separately on the invoice.

6. *Branding and marking.* The manufacturer's brand showing year mark, class, and length of pole may be branded on the face of butt treated poles at no extra charge. For any additional branding or marking on butt treated poles, and for all branding on untreated poles, an addition of not more than 7½ cents may be made for each additional branding or marking operation required by the buyer and performed with one iron.

7. *Heavy duty and 30" top poles.* On sales of heavy duty and 30" top #1 and #2 poles an addition for inbound freight may be added computed at the difference in estimated weights between the pole as sold and the pole cut back times the freight rate to the concentration yard.

8. *Untreated poles, stubs, anchor logs and short round material.* On shipments from treating plant yards of untreated poles, stubs, anchor logs and short round material, the seller may add a charge of not more than $.075 per cwt. times the estimated weight for that length and size in the appropriate table.

9. *Storage.* When the buyer requires storage of treated poles until released for shipment as required, the seller may add a yarding charge of not more than $0.05 per cwt. times the estimated weight for the same class and length in the appropriate table.

10. *Specifications not priced.* To price any specification of pole other than American Standard Association, the seller shall determine the size A. S. A. pole of the same length having the same or nearest the larger circumference 6' from the butt, and this price is the tentative maximum price for the specification to be priced. The tentative price so determined and any price for other lengths or extras not specifically priced shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C. as provided in section 10.

TABLE 5—MAXIMUM PRICE ADDITIONS TO POLE PRICE FOR NONPRESSURE TYPE TREATMENT AND PROCESSING WESTERN RED CEDAR POLES

A. S. A.		Butt treated, incised, ½" guaranteed penetration creosote treatment [1]	Full length creosote or other preservative with out separate butt treatment		Roof only	Roof and one grain	Each additional grain	Staining or painting	Machine or hand shave full length	Reduced sapwood addition to shaving price [4]
Length in feet	Class		Incised ground line area and treated over 2 hours and under 8 hours hot or cold [2]	Incised ground line area and 8 hours minimum hot followed by cold treatment [2 3]						
16	5	$1.15	$1.00	$1.35	$0.11	$0.19	$0.08	$0.75	$0.40	$0.05
	6	1.05	.90	1.20	.11	.19	.08	.70	.40	.05
	7	.90	.80	1.05	.11	.19	.08	.70	.40	.05
	8	.75	.75	.95	.11	.19	.08	.70	.35	.05
	9	.65	.65	.90	.07	.15	.08	.65	.35	.05
	10	.50	.60	.85	.07	.15	.08	.45	.35	.05
18	3	1.60	1.65	2.20	.15	.22	.08	1.10	.75	.05
	4	1.40	1.55	2.05	.11	.19	.08	1.05	.60	.05
	5	1.20	1.20	1.60	.11	.19	.08	.85	.55	.05
	6	1.15	1.00	1.30	.11	.19	.08	.75	.45	.05
	7	1.00	.90	1.20	.11	.19	.08	.75	.45	.05
	8	.85	.80	1.05	.11	.19	.08	.75	.45	.05
	9	.75	.75	.95	.07	.15	.08	.70	.40	.05
	10	.65	.65	.90	.07	.15	.08	.60	.30	.05
20	1	2.10	2.10	2.90	.15	.22	.08	1.15	.75	.05
	2	1.90	1.85	2.50	.15	.22	.08	1.15	.75	.05
	3	1.75	1.75	2.35	.15	.22	.08	1.15	.75	.05
	4	1.50	1.60	2.15	.11	.19	.08	1.00	.60	.05
	5	1.30	1.40	1.90	.11	.19	.08	.90	.55	.05
	6	1.15	1.30	1.75	.11	.19	.08	.80	.45	.05
	7	1.00	1.20	1.60	.11	.19	.08	.80	.45	.05
	8	.85	1.00	1.35	.11	.19	.08	.80	.45	.05
	9	.75	.90	1.20	.07	.15	.08	.75	.40	.05
	10	.65	.75	1.00	.07	.15	.08	.55	.30	.05
22	1	2.35	2.25	3.05	.18	.26	.08	1.30	.95	.05
	2	2.15	2.00	2.70	.18	.26	.08	1.20	.85	.05
	3	1.95	1.85	2.50	.15	.23	.08	1.10	.70	.05
	4	1.70	1.75	2.35	.15	.23	.08	1.00	.60	.05
	5	1.50	1.50	2.05	.11	.19	.08	.90	.55	.05
	6	1.35	1.40	1.85	.11	.19	.08	.85	.45	.05
	7	1.30	1.25	1.70	.11	.19	.08	.80	.45	.05
	8	1.30	1.10	1.45	.11	.19	.08	.80	.45	.05
	9	1.15	1.10	1.30	.07	.15	.08	.75	.45	.05
	10	1.10	.90	1.15	.07	.15	.08	.75	.45	.05
25	1	2.35	2.40	3.20	.18	.26	.08	1.30	.95	.05
	2	2.15	2.20	2.95	.18	.26	.08	1.20	.85	.05
	3	1,95	1.95	2.60	.15	.23	.08	1.10	.70	.05
	4	1.70	1.85	2.45	.15	.23	.08	1.00	.60	.05
	5	1.50	1.60	2.15	.11	.19	.08	.90	.55	.05
	6	1.35	1.45	1.95	.11	.19	.08	.85	.45	.05
	7	1.30	1.35	1.80	.11	.19	.08	.80	.45	.05
	8	1.30	1.25	1.65	.11	.19	.08	.80	.45	.05
	9	1.15	1.20	1.60	.07	.15	.08	.75	.45	.05
	10	1.10	1.10	1.45	.07	.15	.08	.75	.45	.05
30	H. D.	4.00	3.55	4.70	.30	.41	.11	1.80	1.35	.35
30" Top	1	3.55	3.10	4.15	.26	.37	.11	1.70	1.20	.30
	1	2.65	2.95	3.95	.22	.30	.08	1.45	1.05	.15
30" Top	2	3.20	2.85	3.75	.26	.37	.11	1.60	1.15	.25
	2	2.40	2.70	3.60	.22	.30	.08	1.35	1.00	.10
	3	2.20	2.55	3.35	.18	.26	.08	1.25	.85	.10
	4	1.95	2.25	3.00	.15	.23	.08	1.10	.70	.10
	5	1.75	2.05	2.75	.11	.19	.08	1.00	.70	.10
	6	1.60	1.90	2.55	.11	.19	.08	.95	.65	.10
	7	1.50	1.75	2.35	.11	.19	.08	.90	.60	.10
	8	1.30	1.70	2.25	.11	.19	.08	.90	.55	.10
	9	1.30	1.55	2.05	.07	.15	.08	.90	.55	.10
35	H. D.	4.50	4.15	5.55	.30	.41	.11	1.95	1.50	.40
30" Top	1	4.00	3.75	4.95	.30	.41	.11	1.80	1.35	.40
	1	3.10	3.55	4.75	.26	.37	.11	1.60	1.20	.15
30" Top	2	3.75	3.35	4.50	.26	.37	.11	1.75	1.30	.40
	2	2.75	3.20	4.25	.26	.34	.08	1.45	1.05	.15
	3	2.50	2.95	3.95	.22	.30	.08	1.35	1.00	.15
	4	2.30	2.75	3.65	.18	.26	.08	1.30	.90	.15
	5	2.10	2.50	3.35	.18	.26	.08	1.20	.85	.15
	6	1.80	2.30	3.10	.15	.23	.08	1.15	.75	.15
	7	1.65	2.10	2.85	.15	.23	.08	1.15	.70	.15
	8	1.65	1.95	2.60	.15	.23	.08	1.15	.70	.15

TABLE 5—MAXIMUM PRICE ADDITIONS TO POLE PRICE FOR NONPRESSURE TYPE TREATMENT AND PROCESSING WESTERN RED CEDAR POLES—Continued

A. S. A.		Butt treated, incised, ½" guaranteed penetration creosote treatment [1]	Full length creosote or other preservative without separate butt treatment		Roof only	Roof and one grain	Each additional grain	Staining or painting	Machine or hand shave full length	Reduced sapwood addition to shaving price [4]
Length in feet	Class		Incised ground line area and treated over 2 hours and under 8 hours hot or cold [2]	Incised ground line area and 8 hours minimum hot followed by cold treatment [2 3]						
40	H. D.	$5.05	$5.10	$6.80	$0.24	$0.45	$0.11	$2.10	$1.75	$0.40
30" Top	1	4.50	4.45	6.05	.20	.41	.11	1.95	1.50	.40
	1	3.55	4.25	6.05	.23	.37	.11	1.70	1.20	.40
30" Top	2	4.25	4.25	6.05	.20	.41	.11	1.60	1.50	.40
	2	3.20	3.60	5.20	.23	.37	.11	1.60	1.15	.40
	3	2.80	3.60	4.80	.23	.24	.11	1.45	1.05	.35
	4	2.60	3.20	4.40	.19	.20	.11	1.40	1.00	.30
	5	2.30	3.00	4.00	.19	.20	.11	1.30	.95	.25
	6	2.05	2.70	3.60	.19	.20	.11	1.30	.95	.20
	7	2.05	2.60	3.45	.19	.20	.11	1.20	.95	.15
45	H. D.	5.80	6.70	8.95	.24	.45	.11	2.25	1.60	.60
30" Top	1	5.05	5.60	7.85	.24	.45	.11	2.10	1.75	.60
	1	4.00	5.00	7.45	.20	.41	.11	1.80	1.35	.55
30" Top	2	4.60	5.45	7.30	.20	.41	.11	2.00	1.70	.40
	2	3.75	5.20	6.95	.23	.37	.11	1.75	1.30	.50
	3	3.25	4.75	6.35	.23	.24	.11	1.60	1.25	.40
	4	2.95	4.45	5.95	.23	.24	.11	1.60	1.20	.40
	5	2.60	4.05	5.40	.23	.24	.11	1.60	1.15	.30
	6	2.50	3.90	5.20	.23	.24	.11	1.60	1.15	.25
50	H. D.	6.55	7.70	10.25	.24	.45	.11	2.40	2.40	1.20
30" Top	1	5.80	6.70	8.95	.24	.45	.11	2.25	1.90	.85
	1	4.50	6.40	8.55	.20	.41	.11	1.95	1.60	.50
30" Top	2	5.10	6.20	8.40	.20	.41	.11	2.05	1.90	.45
	2	4.25	6.00	7.80	.20	.41	.11	1.90	1.50	.45
	3	3.65	5.55	7.40	.23	.37	.11	1.75	1.50	.40
	4	3.30	5.25	7.00	.23	.37	.11	1.70	1.35	.40
	5	2.70	4.85	6.45	.23	.37	.11	1.70	1.25	.40
	6	2.70	4.75	6.35	.23	.37	.11	1.70	1.20	.40
55	H. D.	7.10	8.75	11.70	.24	.45	.11	2.75	2.25	1.85
30" Top	1	6.25	7.65	10.20	.24	.45	.11	2.40	2.40	1.20
	1	5.05	7.00	9.75	.24	.45	.11	2.10	1.75	.75
30" Top	2	5.55	7.05	9.45	.20	.41	11	2.20	2.20	1.20
	2	4.60	6.75	9.00	.20	.41	.11	2.00	1.70	.65
	3	4.10	6.25	8.35	.23	.37	.11	1.85	1.65	.45
	4	3.60	5.90	7.85	.23	.37	.11	1.80	1.55	.45
	5	3.20	5.60	7.45	.23	.37	.11	1.80	1.45	.45
60	H. D.	8.60	9.80	13.05	.24	.45	.11	2.70	2.00	1.70
30" Top	1	7.10	8.55	11.40	.24	.45	.11	2.55	2.05	1.45
	1	5.80	8.15	10.85	.24	.45	.11	2.25	2.20	1.20
30" Top	2	6.35	7.05	10.05	.20	.41	.11	2.05	2.35	1.30
	2	5.10	7.00	10.15	.20	.41	.11	2.05	2.10	1.10
	3	4.50	7.05	9.40	.23	.37	.11	1.95	2.00	1.00
	4	3.95	6.70	8.95	.23	.37	.11	1.95	1.00	1.00
65	H. D.	9.80	11.20	14.05	.24	.45	.11	2.85	3.10	1.70
30" Top	1	8.00	9.80	13.10	.24	.45	.11	2.70	2.80	1.80
	1	6.55	9.05	12.45	.24	.45	.11	2.40	2.40	1.50
30" Top	2	7.10	8.70	11.65	.21	.45	.11	2.55	2.60	1.80
	2	5.55	8.00	11.05	.20	.41	.11	2.20	2.50	1.40
	3	5.05	7.85	10.45	.23	.37	.11	2.10	2.20	1.20
	4	4.70	7.45	9.95	.23	.37	.11	2.10	2.10	1.20
70	H. D.	9.60	11.35	15.15	.24	.45	.11	3.00	3.20	2.10
30" Top	1	9.80	10.80	14.40	.24	.45	.11	2.95	3.10	1.80
	1	7.10	10.20	13.75	.24	.45	.11	2.55	2.65	1.95
30" Top	2	8.05	9.75	13.00	.21	.45	.11	2.70	2.80	1.80
	2	6.35	9.20	12.40	.20	.41	.11	2.35	2.35	1.75
	3	5.80	8.75	11.65	.23	.37	.11	2.25	2.50	1.65
	4	5.00	8.35	11.15	.23	.37	.11	2.25	2.10	1.45
75	1	8.00	11.50	15.35	.24	.45	.11	2.70	2.90	2.00
	2	7.10	10.00	14.15	.24	.45	.11	2.55	2.50	1.90
	3	6.25	9.70	12.95	.24	.45	.11	2.40	2.40	1.80
	4	5.60	9.20	12.40	.24	.45	.11	2.40	2.20	1.70
80	1	9.80	12.95	17.25	.24	.45	.11	2.85	3.10	2.20
	2	8.05	11.75	15.65	.24	.45	.11	2.70	2.80	2.10
	3	7.20	10.80	14.40	.24	.45	.11	2.55	2.40	2.00
	4	5.80	10.45	13.95	.24	.45	.11	2.55	2.25	2.00
85	1	9.60	14.15	18.85	.24	.45	.11	3.00	3.20	2.20
	2	8.80	12.60	16.80	.24	.45	.11	2.85	3.00	2.00
	3	7.80	11.75	15.65	.24	.45	.11	2.70	2.80	2.10
	4	7.20	11.05	15.25	.24	.45	.11	2.70	2.60	2.00
90	1	10.60	15.85	21.15	.34	.45	.11	3.15	3.00	2.00
	2	9.75	14.35	19.15	.34	.45	.11	3.00	3.40	2.8
	3	8.60	13.30	17.75	.34	.45	.11	2.85	3.20	2.70

[1] On poles treated west of the crest of the Cascade Mountains or in California these prices may be increased by 5%. If poles are not incised no increase to these prices is allowed.

[2] If the buyer does not require ground-line incising with this type of treatment deduct 5% from the price of under 8 hours' treatment.

[3] Where guaranteed penetration at the ground line area is required in this type of treatment add to these prices the ½" guaranteed penetration butt treatment addition for the same length and class of pole, but the reduction set forth in Note 2 above must be made.

[4] This addition is permitted when the sapwood is reduced in machine shaving to less than ¾" average thickness.

TABLE 6—MAXIMUM PRICE ADDITIONS TO TABLE 3 POLE PRICES FOR NON-PRESSURE TYPE TREATMENT AND PROCESSING LONG WESTERN RED CEDAR POLES

Length in feet	Class	Butt treated, ½" guaranteed penetration creosote treatment [1]	Full length creosote or other preservative without separate butt treatment		Roof only	Roof and one gain	Each additional gain	Staining or painting	Machine or hand shave full length	Reduced sapwood addition to shaving price [4]
			Incised ground line area and treated over 2 hours and under 8 hours hot or cold [2]	Incised ground line area and 8 hours minimum hot followed by cold treatment [2 3]						
5	1	$11.90	$16.75	$22.25	$0.40	$0.55	$0.15	$3.35	$4.00	$3.20
	2	10.75	15.85	21.10	.40	.55	.15	3.20	3.80	3.05
	3	9.60	14.35	19.10	.40	.55	.15	3.05	3.60	2.90
100	1	12.90	17.30	23.00	.40	.55	.15	3.75	4.50	3.60
	2	11.75	16.50	21.95	.40	.55	.15	3.50	4.25	3.40
	3	10.60	15.45	20.55	.40	.55	.15	3.25	4.00	3.20
105	1	13.90	18.45	24.55	.50	.65	.15	4.20	5.10	4.10
	2	12.75	17.35	23.05	.50	.65	.15	3.90	4.85	3.90
	3	11.60	16.15	21.45	.50	.65	.15	3.50	4.40	3.50
110	1	14.90	19.65	26.15	.50	.65	.15	4.75	5.60	4.50
	2	13.75	18.50	24.60	.50	.65	.15	4.25	5.35	4.30
	3	12.60	17.20	22.85	.50	.65	.15	3.90	4.90	3.90
115	1	15.90	20.80	27.65	.50	.65	.15	5.50	6.35	5.10
	2	14.75	19.70	26.20	.50	.65	.15	5.00	6.10	4.90
	3	13.60	18.50	24.60	.50	.65	.15	4.50	5.65	4.50
120	1	16.90	22.10	29.60	.50	.65	.15	6.25	7.35	5.90
	2	15.75	20.85	27.75	.50	.65	.15	5.60	7.10	5.70
	3	14.60	19.50	25.95	.50	.65	.15	5.00	6.65	5.30
125	1	17.90	23.55	31.30	.50	.65	.15	7.00	8.50	6.80
	2	16.75	22.15	29.45	.50	.65	.15	6.40	8.25	6.60
	3	15.60	20.65	27.45	.50	.65	.15	5.75	7.90	6.30

[1] On poles treated west of the crest of the Cascade Mountains or in California these prices may be increased by 5%. If poles are not incised no increase to these prices is allowed.

[2] If the buyer does not require ground-line incising with this type of treatment deduct 5% from the price of under 8 hours' treatment.

[3] Where guaranteed penetration at the ground line area is required in this type of treatment add to these prices the ½" guaranteed penetration butt treating addition for the same length and class of pole but the reduction set forth in Note 2 above must be made.

[4] This addition is permitted when the sapwood is reduced in machine shaving to less than ½" average thickness.

NOTES APPLYING TO TABLES 5 AND 6

1. *Additional height butt treatment.* An additional charge may be made for butt treatment for one foot or portion thereof in excess of the standard height, but the total charge must not be more than the maximum charge for creosote butt treatment of the same class pole five feet longer.

2. *Extended incised area.* When the buyer requires an extended ground-line incised area greater than 3 feet, the maximum charge for creosote butt treatment shall not exceed the maximum charge for the next larger class pole in the five foot longer length to provide for this service and any additional height treatment.

3. *Bolt holes and step holes.* For the first boring in any plane of a pole, stub, anchor log or other short round material add $0.05. For each additional boring in that same plane add $0.03.

4. *Continuous slab gain.* An addition may be made for each 12 inches or part thereof of continuous slab gain not to exceed the charge for "Each Additional Gain."

5. *Full length immersion of butt treated poles.* For butt treated poles immersed full length in creosote, stain or other preservative, under 2 hours the seller may add to the butt treated price the staining and painting charge for the same length and class of pole.

6. *Push braces.* For framing and boring on push brace poles, an addition of $0.50 may be made to the maximum price for class and length of pole used.

7. *Specifications not priced.* For any specification of treating or processing not priced in this table a maximum price addition may be determined in accordance with section 10.

TABLE 7—SPLIT CEDAR HOP-POLES

[F. O. B. cars loading-out point]

	Estimated weight in pounds per pole	Maximum price each
6" min. face 20' long split hop-poles	140	$1.00

This regulation shall become effective September 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13645; Filed, Sept. 5, 1944; 4:14 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 555]

WESTERN POLES AND PILING

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry affected.

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

MAXIMUM PRICE REGULATION 555—WESTERN POLES AND PILING

Sec.
1. Sales of Western poles and piling at higher than maximum prices prohibited.
2. Products, species and transactions covered.
3. Basic maximum prices.
4. Transportation addition.
5. Treatment addition.
6. Prohibited practices.
7. Purchasing commissions.
8. Adjustable pricing.
9. Special pricing.
10. Applications for adjustment and petitions for amendment.
11. Records.
12. Enformement and licensing.
13. Exports.
14. Maximum prices for poles and piling.

AUTHORITY: Secs. 1 to 14, inclusive, (§ 1426.255) issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales of Western poles and piling at higher than maximum prices*

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

prohibited. (a) On and after September 11, 1944, regardless of any contract or other obligation except as provided in paragraph (c) of this section, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western poles and piling covered by this regulation at prices higher than the maximum prices fixed by this regulation and no person shall agree, offer, or attempt to do any of these things.

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

(c) In any case where a maximum price having once been established in this regulation is reduced by subsequent amendment, sellers who have entered into firm contracts on the basis of the earlier ceilings may apply for special permission to complete shipment under such firm contracts without regard to the new ceiling, under the following rules and conditions:

(1) The permission, if granted, will allow completion of the contract within 60 days from the effective date of the action setting up the new ceilings.

(2) The existence of a "firm contract" must be shown by the seller's submitting a copy of formal contract or copies of written order and acceptance covering specific items, quantities, and prices.

(3) The application must show that the items covered by the contract were actually being produced and had not been shipped on the effective date of the amendment which changes the maximum price.

(4) The seller must state in his application, and the permission, if granted, will be so limited, that all prices shown in the contract will be adhered to, even though the maximum price on some items included therein may have been increased by the amendment.

(5) Applications must be sent to the Lumber Branch, Office of Price Administration, at Washington, D. C. The Lumber Branch may grant or deny such applications by letter or telegram.

Note that the seller must apply for the special permission covered in this paragraph, and he may not go ahead on the basis of the contract prices unless and until he has received the authorization to do so.

SEC. 2. *Products, species, and transactions covered.* This regulation covers all sales and purchases of poles and piling (except Western Red Cedar) produced in "Western" territory. Western Red Cedar poles and piling are covered by Maximum Price Regulation 554.

"Western" territory is all that area within or west of the States of North Dakota, South Dakota, Wyoming, Colorado; the Oklahoma Panhandle (Cimarron, Texas, and Beaver Counties); and West Texas (all Texas counties within or west of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties.) It includes Mexico and Canada, when the poles and piling are imported through ports of entry in the above territory.

SEC. 3. *Basic maximum prices.* The basic maximum prices are set out in Tables 1, 2 and 3. These maximum prices are all f. o. b. the railroad loading-out point or towable waters nearest the mill or point of production in the normal direction of delivery to the point of destination.

SEC. 4. *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. railroad loading-out point or towable water prices when the seller makes delivery to the destination. Transportation from the mill or point of production to the railroad loading-out point or booming and rafting ground must, in every instance, be provided on the seller's account. All additions for transportation must be shown separately on the invoice.

(a) *Common or contract carrier.* (1) When estimated weights or guaranteed mean diameters are used, the appropriate published rate times the estimated weight or mean diameter is the proper transportation charge, even though the estimated weights or diameters may be higher than actual. Estimated weights higher than those set forth in the tables may not be used. The estimated weight must be taken from the tables for the exact type of product actually ordered. To compute mean diameters add 1" to the top or butt diameter, whichever is the controlling factor, and increase or decrease that figure by 1" for each 10 lineal feet. Add the top and butt diameters thus determined and divide by two to find the mean diameter. The charge for transportation shall be evened out to the nearest quarter cent per lineal foot, or five cents per pole, whichever is applicable.

(2) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier.

(b) *Private truck.* (1) When shipment is by truck owned or controlled by the seller, the maximum permissible addition (on hauls involving any point outside of metropolitan areas) shall be computed as 5 cents per 100 pounds for hauls of not over 10 miles, 7 cents per 100 pounds for hauls of more than 10 but not over 20 miles, 9 cents per 100 pounds for hauls of more than 20 but not over 30 miles, and for each mile over 30 miles, two tenths of a cent per 100 pounds to be added to the 30-mile charge. No addition is allowed for the return trip.

(2) A "metropolitan area" includes all territory within 10 miles of the city limits of any city having a population of 250,000 or more according to the Census of 1940. On shipment by private truck entirely within a metropolitan area, the amount added for transportation may not be more than the published motor common carrier rate for such haul times the estimated weight or other unit of measure used. If there is no published rate, then the actual cost of trucking may be added, that is, the seller's out-of-pocket expense in making delivery. If the order and shipment are for less than a truckload, a minimum charge for 10,000 pounds may be made.

(c) *Rail shipments of poles and piling (other than lodgepole pine.)* (1) On eastbound shipments by rail the transportation addition for all shippers may be computed as the estimated weights shown in the appropriate table times the rail freight rate from Seattle, Washington.

(2) On southbound shipments by rail or by combined water and rail in the case of poles and piling produced in Canada to destinations covered in Pacific Freight Tariff Bureau Tariff No. 80-H or appropriate intrastate tariffs the transportation addition may be computed as the estimated weights shown in the appropriate table times the rail freight rate arrived at as follows:

(i) When the published rail rate is greater than the Seattle, Washington, rate, the Bellingham, Washington published rate may be used; on shipments of poles or piling produced in Canada the Bellingham rate may be used regardless of the location of rail shipping point.

(ii) When the published rail rate is greater than the Portland, Oregon rate but not greater than the Seattle, Washington published rate, the Seattle, Washington published rate may be used.

(iii) When the shipping point is north of the California-Oregon State line and takes a published rail rate not greater than the Portland rate, the Portland published rate may be used.

(iv) When the shipping point is in the State of California the published rate from Arcata, California may be used.

(3) Regardless of the foregoing provisions of this paragraph (c), if a treating-in-transit rate is applicable and results in a lower total cost of transportation, the treating-in-transit rate must be used.

(d) For other means of transportation, where there are no published rates the actual cost of such transportation may be charged, that is, the out-of-pocket cost to the seller, whether public or private means of transportation are used.

(e) *Averaging inbound transportation charges from multiple loading-out points.* This addition for inbound transportation may be calculated by multiplying the estimated weight of the material by the local freight rate from the loading-out point of the untreated poles or piling. If the untreated material is received from more than one loading-out point, an average rate of all inbound freight may be used. The average must be determined by the following formula:

(1) The total inbound freight charges on all receipts during the preceding three months of the type and species of the item to be priced—divided by—

(2) The total weight of all receipts of such items during the three-month period, regardless of whether inbound freight actually was involved, but excluding any material sold f. o. b. original loading-out point.

This average rate may be used in computing the "inbound freight" addition on sales f. o. b. treating plant or concentration yard made during the quarter next following that on which the average is based. The average may also be used in selling on a delivered basis as provided in this section except that where treating-in-transit rates are available, the entire addition for transportation (including inbound) must be figured on

the through rate from the loading-out point indicated on the freight bills surrendered in connection with the outbound shipment. The transit charge itself may be added.

SEC. 5. *Treated products.* (a) The maximum prices for Western poles and piling preservatively treated by pressure process are established by Maximum Price Regulation 491.[1]

(b) The maximum price for any product preservatively treated by non-pressure methods shall be the maximum price established in accordance with the provisions of section 9 of this regulation.

SEC. 6. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

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

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were on April 1, 1942. The cash and credit periods recognized by the seller on April 1, 1942, shall not be reduced.

(2) Refusing to sell on a loading-out point basis and insisting on selling on a delivered basis.

(3) 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.

(4) Making the buyer take something he does not want in order to get what he does want.

SEC. 7. *Purchasing commissions.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating Western poles and piling, or for any related service (such as "expediting") which does not involve actual physical handling of those products, if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the products. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the products in connection with which the service is performed.

SEC. 8. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, 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 shipment. 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 it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 9. *Special pricing.* If a seller wishes to sell a species or specification of western poles or piling not specifically priced in this regulation, or wishes to make charges for extras not specifically provided for, he shall apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for approval of a maximum price. He must provide the following information:

(a) The requested price;

(b) A complete description of the item for which price approval is desired;

(1) If a specification other than Navy 39P–14a Class 2 for piling or A. S. A. for poles, he shall furnish a copy of the specification.

(2) If any other extra is to be priced, he shall furnish a description of the extra for which an addition is requested.

(c) The price differential between the item to be priced and the most comparable item priced in the regulation, which existed in October 1941 or the first month preceding October 1941 in which both items were sold. The differential should be developed from the seller's own records, or, if that is not possible, from the experience of other buyers and sellers.

(d) If no price differential exists, a detailed analysis of the comparative costs of supplying the two items shall be furnished.

As soon as the request has been filed, quotations and deliveries may be made at the requested price, but final payment may not be made until a price has been approved by the Office of Price Administration. Such approvals may be made by letter or telegram.

SEC. 10. *Applications for adjustment and petitions for amendment*—(a) *Government Contracts.* See Procedural Regulation 6[2] for adjustment provisions on certain government contracts or subcontracts.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation 1[3] issued by the Office of Price Administration.

SEC. 11. *Records.* All sellers of Western poles and piling products must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought $1,000 worth of Western Red Cedar poles and piling. These records must be kept for inspection by the Office of Price Administration for the duration of the Price Control Act or for two years, whichever is the shorter.

SEC. 12. *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by the regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury department, or any of their agencies.

(c) The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to the regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 13. *Exports.* The maximum price for export sales of Western Poles and piling is governed by the Second Revised Maximum Export Price Regulation.[5]

SEC. 14. *Maximum prices for poles and piling.* (a) All maximum prices set forth below are f. o. b. cars at the railroad loading-out point or dumped, boomed, and rafted on towable waters nearest the point of production in the normal direction of delivery to the point of destination.

(b) *Quantity discounts on poles.* When the seller takes a firm order for poles, he must make discounts for quantity as follows:

	Percent
For 3000 to 4999 poles	2½
For 5000 poles or more	5

For purposes of this paragraph a "firm order" is one requiring shipment from time to time over a period of 12 months, as ordered by the buyer, with guarantee of payment of any poles not ordered shipped at the end of the 12-month period, and covering at least 5 lengths with 3 classes in each length. The maximum price for poles subject to this discount is the untreated price taken from Tables 1, 2, or 3 and the additions for treatment and services made according to section 5, excluding any addition for transportation.

[1] 8 F.R. 15594.

[2] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024; 9 F.R. 6256.

[3] 9 F.R. 5791.

[4] 8 F.R. 13240.

[5] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5923, 7201.

TABLE 1—LODGEPOLE PINE POLES AND PILING

Specifications: The maximum prices specified below apply to Lodgepole pine poles manufactured in accordance with the specifications of the American Standards Association.

Length	Class	Estimated weight per pole shipping dry	Maximum price for each pole
		Pounds	
16'	6	155	$1.70
	7	135	1.50
	8	120	1.15
	9	110	.90
20'	5	300	2.95
	6	225	2.20
	7	200	1.75
	8	180	1.55
	9	135	1.10
	10	125	.90
25'	1	850	5.15
	2	720	4.95
	3	600	4.45
	4	480	4.25
	5	400	3.95
	6	320	2.85
	7	250	2.45
	8	225	2.20
	9	200	1.70
30'	1	1,000	5.50
	2	850	5.10
	3	720	4.90
	4	610	4.70
	5	500	4.45
	6	420	3.80
	7	350	3.60
	8	325	3.40
	9	250	2.55
35'	1	1,200	7.00
	2	1,000	6.80
	3	850	6.60
	4	750	6.40
	5	650	5.80
	6	560	5.00
	7	470	4.00
	8	450	3.80
40'	1	1,500	8.05
	2	1,300	7.65
	3	1,100	7.45
	4	900	7.20
	5	800	6.80
	6	700	6.15
45'	1	1,800	9.90
	2	1,550	9.45
	3	1,300	9.00
	4	1,150	8.40
	5	1,000	7.90
50'	1	2,000	13.55
	2	1,800	12.60
	3	1,550	10.90
	4	1,400	10.20
	5	1,300	9.50
55'	1	2,300	24.00
	2	2,000	19.70
	3	1,750	14.70
	4	1,600	12.10
	5	1,450	11.40
60'	1	2,600	29.45
	2	2,200	24.00
	3	2,000	19.00
	4	1,900	15.20

1. The maximum prices for Lodgepole pine piling shall be the maximum price established in this Table 1 for the most nearly equivalent A. S. A. size pole of the same length.

TABLE 2—MAXIMUM PRICES CLEAN PEELED DOUGLAS FIR POLES, AMERICAN STANDARD ASSOCIATIONS SPECIFICATIONS

[F. o. b. cars loading-out point or dumped, boomed, rafted and prepared for towing in towable waters]

Length in feet	Class	Weight in pounds		Price	
		Each	Per linear foot	Each	Per linear foot
16-18-20	10	200	10	$1.60	$0.08
	9	220	11	1.70	.085
	8	260	13	1.80	.09
	7	310	15.5	1.90	.095
	6	350	17.5	2.00	.10
	5	400	20	2.10	.105
	4	440	22	2.20	.11
	3	490	24.5	2.40	.12
	2	530	26.5	2.60	.13
	1	580	29	3.00	.15
22-25	10	250	10	2.25	.09
	9	300	12	2.38	.095
	8	350	14	2.50	.10

TABLE 2—MAXIMUM PRICES CLEAN PEELED DOUGLAS FIR POLES, AMERICAN STANDARD ASSOCIATIONS SPECIFICATIONS—Continued

Length in feet	Class	Weight in pounds		Price	
		Each	Per linear foot	Each	Per linear foot
22-25	7	400	16	$2.63	$0.105
	6	463	18.5	2.75	.11
	5	525	21	3.00	.12
	4	575	23	3.25	.13
	3	600	24	3.50	.14
	2	650	26	3.75	.15
	1	700	28	4.25	.17
30	9	390	13	3.00	.10
	8	450	15	3.15	.105
	7	480	16	3.30	.11
	6	510	17	3.60	.12
	5	600	20	3.90	.13
	4	690	23	4.20	.14
	3	810	27	4.50	.15
	2	930	31	5.10	.17
	1	1,110	37	5.70	.19
35	8	550	16	3.85	.11
	7	595	17	4.20	.12
	6	665	19	4.90	.14
	5	770	22	5.25	.15
	4	875	25	5.60	.16
	3	1,085	31	6.30	.18
	2	1,260	36	6.65	.19
	1	1,435	41	7.70	.22
40	7	680	17	5.20	.13
	6	800	20	5.60	.14
	5	920	23	6.40	.16
	4	1,120	28	7.20	.18
	3	1,320	33	8.00	.20
	2	1,550	39	8.80	.22
	1	1,700	44	9.20	.23
45	7	810	18	6.30	.14
	6	945	21	7.20	.16
	5	1,125	25	8.10	.18
	4	1,350	30	9.00	.20
	3	1,575	35	9.45	.21
	2	1,845	41	10.35	.23
	1	2,070	46	11.25	.25
50	7	950	19	7.50	.15
	6	1,100	22	8.00	.16
	5	1,300	26	9.50	.19
	4	1,600	32	10.50	.21
	3	1,850	37	11.50	.23
	2	2,150	43	12.50	.25
	1	2,400	50	13.00	.26
55	6	1,320	24	11.00	.20
	5	1,540	28	11.55	.21
	4	1,815	33	12.10	.22
	3	2,145	39	13.50	.24
	2	2,475	45	14.00	.25
	1	2,800	52	14.80	.27
60	5	1,740	29	13.20	.22
	4	2,040	34	14.40	.24
	3	2,460	41	15.00	.25
	2	2,820	47	16.20	.27
	1	3,060	51	16.80	.28
65	5	2,015	31	14.95	.23
	4	2,340	36	16.25	.25
	3	2,795	43	17.55	.27
	2	3,250	50	18.85	.29
	1	3,835	59	19.50	.30
70	5	2,240	32	16.80	.24
	4	2,590	37	18.20	.26
	3	3,050	44	19.60	.28
	2	3,640	52	21.00	.30
	1	4,340	62	21.70	.31
75	4	2,925	39	20.25	.27
	3	3,450	46	21.75	.29
	2	4,050	54	23.25	.31
	1	4,800	64	24.00	.32
80	4	3,200	40	22.40	.28
	3	3,760	47	24.00	.30
	2	4,400	55	25.60	.32
	1	5,200	65	26.40	.33
85	3	4,165	49	27.20	.32
	2	4,930	58	28.90	.34
	1	5,780	68	29.75	.35
90	3	4,950	55	29.00	.32
	2	5,490	61	32.40	.36
	1	6,300	70	33.00	.37

1. To price any specification of pole other than American Standard Association, the seller shall determine the size A. S. A. pole of the same length having the same or nearest larger circumference 6' from the butt and this price is the tentative maximum price for the specification to be priced. The tentative price so determined and any price for other lengths or extras not specifically priced, such as roofing or framing, shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., as provided in section 9.

LENGTH SPECIFICATIONS

All additions allowed by the following footnotes must be shown separately on the invoice.

In all the specified length groups below, the lengths shall be evenly distributed.

2. For specified length groups, 5 or more consecutive lengths in A. S. A. multiples: No addition.

3. For specified length groups, of 4 consecutive lengths in A. S. A. multiples: add 0.005 per lin. ft.

4. For specified length groups, of 3 consecutive lengths in A. S. A. multiples: add 0.01 per lin. ft.

5. For specified length groups, of 2 consecutive lengths in A. S. A. multiples: add 0.015 per lin. ft.

6. For random length orders when the purchaser specifies restricted loading, the seller may add ⅔ of the appropriate specified length addition above.

WINTER OR BARK STUCK PEELING

8. For clean peeled poles which are delivered during the winter peeling or bark stuck season (October 1 to February 28 or 29, inclusive): add 0.02 per lin. ft.

9. For rough peeled poles which are delivered during the winter peeling or bark stuck season (October 1 to February 28 or 29, inclusive): add 0.01 per lin. ft.

10. *Butt treating.* When fir poles are sold butt-treated, the seller may apply, in accordance with section 9, for authorization of an addition to the untreated fir pole price.

11. *Less than carload sales.* On orders to established concentration, distribution or treating plant yards for less-than-carload minimum weights as established by railroad tariffs and where the invoice value at maximum prices for the untreated poles or other round material does not exceed $175.00 on items 50 feet and shorter, or $250.00 where 50 percent of the items are more than 50 feet in length, the seller may add a service charge of not more than 25% of the total invoice value of the butt treated or untreated material not including transportation but including the treating additions provided in footnote 10 above. The transportation addition on "less-than-carload sales" must not exceed that permitted in section 4 for transportation from the point of origin to the concentration, distribution or treating plant yard from which the sale is made. The services charge may be made only on sales f. o. b. seller's yard, with transportation outbound for the buyer's account.

12. *Cut back allowance.* When requirements of the buyer exceed the available supply of the seller for one or more classes or lengths of poles for delivery required, the seller may cut back the most similar class pole in the five foot longer length and may charge the maximum price for the class and length pole actually used. The additions for transportation, treatment, processing, etc., on such cut back poles, shall be those additions applicable to the class and length pole ordered by the buyer, plus an addition for inbound freight computed at the difference in estimated weights times the freight rate to the concentration yard. No addition may be made for the labor included in such cutting-back operations. The seller shall keep a record of such sales and show this charge as a separate item on the invoice.

13. *Inspection service.* On shipments where the buyer requests special inspection service, furnished by an approved inspection agency, an addition may be made to cover the actual cost of such service. This charge must be shown separately on the invoice.

TABLE 3—CLEANED PEELED DOUGLAS FIR PILING, NAVY SPECIFICATION 39P 14A CLASS 2

[F. O. B. Cars Producer's Loading-out Point or Dumped, Boomed, Rafted and Prepared for Towing in Towable Waters]

Diameters	8″ Min. Butt including 8″–1′ to 8″–6′		9″ Min. Butt including 9″–1′ to 9″–6′		10″ Min. Butt including 10″–1′ to 10″–6′		11″ Min. Butt including 11″–1′ to 11″–6′		12″ Min. Butt including 12″–1′ to 12″–6′		13″ Min. Butt including 13″–1′ to 13″–6′		14″ Min. Butt including 14″–1′ to 14″–6′		15″ Min. Butt including 15″–1′ to 15″–6′		16″ Min. Butt including 16″–1′ to 16″–6′		17″ Min. Butt including 17″–1′ to 17″–6′		18″ Min. Butt including 18″–1′ to 18″–6′		19″ Min. Butt including 19″–1′ to 19″–6′		20″ Min. Butt including 20″–1′ to 20″–6′	
Lengths	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot	Weight pounds per lin. foot	Price per lin. foot
16′ to 17′ incl	19	$0.10	23	$0.12	29	$0.14	35	$0.16	41	$0.18	48	$0.21	----	------	----	------	----	------	----	------	----	------	----	------	----	------
18′ to 22′ incl	18	.10	22	.12	28	.14	33	.16	39	.18	46	.21	----	------	----	------	----	------	----	------	----	------	----	------	----	------
23′ to 27′ incl	18	.10	21	.12	26	.14	32	.16	38	.18	45	.21	----	------	----	------	----	------	----	------	----	------	----	------	----	------
28′ to 32′ incl	18	.10	20	.12	25	.14	30	.16	36	.18	43	.21	50	$0.23	----	------	----	------	----	------	----	------	----	------	----	------
33′ to 37′ incl	18	.11	20	.13	24	.15	29	.16	35	.18	41	.21	48	.23	----	------	----	------	----	------	----	------	----	------	----	------
38′ to 42′ incl	18	.11	20	.13	23	.15	28	.17	33	.19	40	.22	46	.24	----	------	----	------	----	------	----	------	----	------	----	------
43′ to 47′ incl	18	.11	20	.13	23	.15	26	.17	32	.19	38	.22	45	.24	52	$0.25	60	$0.26	68	$0.28	77	$0.30	86	$0.32	95	$0.34
48′ to 52′ incl	18	.11	20	.13	23	.15	25	.17	31	.19	37	.22	43	.24	50	.25	58	.26	66	.28	75	.30	84	.32	93	.315
53′ to 57′ incl	----	------	20	.14	23	.16	25	.17	29	.19	35	.22	42	.24	48	.25	55	.26	64	.28	73	.30	82	.32	91	.34
58′ to 62′ incl	----	------	20	.14	23	.16	25	.17	28	.19	34	.22	40	.24	47	.25	54	.26	62	.28	71	.30	80	.32	89	.34
63′ to 67′ incl	----	------	----	------	23	.17	25	.19	28	.21	33	.23	39	.25	45	.26	53	.27	61	.29	68	.31	77	.33	87	.35
68′ to 72′ incl	----	------	----	------	23	.18	25	.20	28	.21	31	.23	37	.25	43	.26	51	.27	59	.29	66	.31	75	.33	85	.35
73′ to 77′ incl	----	------	----	------	----	------	26	.21	28	.22	31	.24	36	.25	41	.26	49	.27	57	.29	65	.31	73	.33	83	.35
78′ to 82′ incl	----	------	----	------	----	------	26	.22	28	.23	31	.24	34	.25	40	.26	48	.27	55	.29	63	.31	71	.33	80	.35
83′ to 87′ incl	----	------	----	------	----	------	----	------	28	.24	31	.25	34	.26	39	.27	46	.28	53	.30	61	.32	69	.34	78	.36
88′ to 92′ incl	----	------	----	------	----	------	----	------	28	.25	31	.26	34	.27	38	.29	44	.30	52	.31	59	.33	67	.35	76	.37
93′ to 97′ incl	----	------	----	------	----	------	----	------	----	------	31	.27	34	.28	38	.30	43	.31	50	.32	57	.34	65	.36	74	.38
98′ to 102′ incl	----	------	----	------	----	------	----	------	----	------	33	.28	36	.29	40	.31	42	.32	49	.33	55	.35	64	.37	72	.39
103′ to 107′ incl	----	------	----	------	----	------	----	------	----	------	----	------	36	.30	40	.32	42	.34	47	.35	54	.37	62	.39	70	.41
108′ to 112′ incl	----	------	----	------	----	------	----	------	----	------	----	------	38	.31	42	.33	44	.35	46	.36	53	.38	60	.40	68	.42
113′ to 117′ incl	----	------	----	------	----	------	----	------	----	------	----	------	----	------	44	.34	46	.36	48	.38	51	.40	58	.42	66	.44
118′ to 122′ incl	----	------	----	------	----	------	----	------	----	------	----	------	----	------	46	.35	48	.37	50	.39	50	.41	57	.43	65	.45
123′ to 127′ incl	----	------	----	------	----	------	----	------	----	------	----	------	----	------	48	.365	50	.385	52	.405	52	.425	55	.445	63	.46
128′ to 132′ incl	----	------	----	------	----	------	----	------	----	------	----	------	----	------	50	.38	52	.40	54	.42	54	.44	53	.46	61	.48

1. If a top diameter only is specified, or where the top diameter controls, the butt size shall be determined by adding 1 inch for each 10 feet or fraction thereof.

SPECIFICATIONS NOT COVERED

2. For all lengths butt or top specifications, and other extras not specifically priced, such as sniping and boring, price according to section 9.

UNPEELED PILING

3. For unpeeled piling, deduct: $0.025 per lin. ft.

LENGTH SPECIFICATIONS

Additions allowed by the following footnotes must be shown separately on the invoice.

Orders calling for specific quantities of any length are specified single length orders for that quantity. On all orders for specified length groups, the shipment must contain a distribution of lengths so that the average of the lengths actually shipped does not deviate from the average of the group ordered by more than 25 percent of the difference between the shortest and longest lengths in the group ordered.

4. For specified length groups of one size of 20′ or more spread: No addition.

5. For specified length groups of one size of over 10′ but less than 20′ spread: add $0.005 per lin. ft.

6. For specified length groups of one size of over 5′ but less than 11′ spread for example, 48′ to 53′: add $0.01 per lin. ft.

7. For specified length groups of one size of not over 5′ spread, for example, 64′–65′–66′–67′–68′: add $0.02 per lin. ft.

8. For specified length groups of one size of not over 3′ spread, for example, 79′–80′–81′: add $0.025 per lin. ft.

9. For specified single lengths: add $.03 per lin. ft.

10. For random length orders where the purchaser specifies restricted loading the seller may add ⅔ of the proper specified length addition above.

WINTER OR BARK STUCK PEELING

11. For cleaned peeled piling which is delivered during the winter or bark stuck peeling season (October 1 to February 28 or 29, inclusive): add $0.02 per lin. ft.

12. For rough peeled piling which is delivered during the winter or bark stuck peeling season (October 1 to February 28 or 29, inclusive): add $0.01 per lin. ft.

13. *Less than carload sales.* On orders to established concentration, distribution or treating plant yards for less than carload minimum weight as established by railroad tariffs and where the invoice value at maximum prices for the untreated piling or other round material does not exceed $175.00 on items 50 feet and shorter or $250.00 where 50 percent of the items are more than 50 feet in length, the seller may add a service charge of not more than 25% of the total invoice value not including transportation. The transportation addition on "less than carload sales" must not exceed that permitted by section 4 for transportation from the point of origin to the concentration, distribution or treating plant yard from which the sale is made. The service charge may be made only on sales f. o. b. seller's yard, with transportation outbound for the buyer's account.

This regulation shall become effective September 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13646; Filed, Sept. 5, 1944; 4:13 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 556]

WESTERN RAILROAD TIES AND WOODEN MINE MATERIALS

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

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

MAXIMUM PRICE REGULATION 556—WESTERN RAILROAD TIES AND WOODEN MINE MATERIALS

Sec.
1. Sales of Western railroad ties and mine material at higher than maximum prices prohibited.
2. Products, species and transactions covered.
3. Basic maximum prices.
4. Transportation addition.
5. Treatment addition.
6. Tie contractors' addition.
7. Definitions of territories.
8. Prohibited practices.
9. Purchasing commissions.
10. Adjustable pricing.
11. Special pricing.
12. Applications for adjustment and petitions for amendment.
13. Records.
14. Enforcement and licensing.
15. Exports.
16. Maximum prices for Western mine materials.
17. Maximum prices for railroad ties.

AUTHORITY: Secs. 1 to 17, inclusive, (§1426.256) issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Sales of Western railroad ties and mine material at higher than*

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

maximum prices prohibited. (a) On and after September 11, 1944, regardless of any contract or other obligation except as provided in paragraph (c) of this section, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western railroad ties and mine material covered by this regulation at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

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

(c) In any case where a maximum price having once been established in this regulation is reduced by subsequent amendment, sellers who have entered into firm contracts on the basis of the earlier ceilings may apply for special permission to complete shipment under such firm contracts without regard to the new ceiling, under the following rules and conditions:

(1) The permission, if granted, will allow completion of the contract within 60 days from the effective date of the action setting up the new ceilings.

(2) The existence of a "firm contract" must be shown by the seller's submitting a copy of formal contract or copies of written order and acceptance covering specific items, quantities, and prices.

(3) The application must show that the items covered by the contract were actually being produced and had not been shipped on the effective date of the amendment which changes the maximum price.

(4) The seller must state in his application, and the permission, if granted, will be so limited, that all prices shown in the contract will be adhered to, even though the maximum price on some items included therein may have been increased by the amendment.

(5) Applications must be sent to the Lumber Branch, Office of Price Administration, Washington 25, D. C. The Lumber Branch may grant or deny such applications by letter or telegram.

Note that the seller must apply for the special permission covered in this paragraph, and he may not go ahead on the basis of the contract prices unless and until he has received the authorization to do so.

SEC. 2. *Products, species, and transactions covered.* This regulation covers all sales and purchases of the Western railroad ties and mine material listed below when produced in the territory described, except as provided in paragraph (d) below.

(a) *Products covered.* (1) Western mine pit posts and stulls, whether peeled or unpeeled and whether processed or unprocessed, Western mine ties, timbers, blocks, cross bars, caps, lagging, and wedges, and any other wooden mine material.

(2) Western railroad cross ties and switch ties.

(b) *Species covered.* All species produced in the territory described below are covered. The price tables cover particular species as designated in each table; any species not listed in the price tables is nevertheless covered, and is to be priced according to section 11 as a special.

(c) *Territory covered.* Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; Cimarron, Texas and Beaver Counties, Oklahoma; those counties in Texas west of the east line of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties. Material produced in Canada or Mexico is subject to this regulation when imported through ports of entry in the territory just described, maximum prices to apply f. o. b. cars at the port of entry.

(d) *Excepted products and species.* Sawn railroad ties of the Redwood species (Sequoia sempervirens) are not covered by this regulation but remain subject to Maximum Price Regulation No. 253.[1] Railroad ties of Redwood species are subject to this Maximum Price Regulation No. 556 only when they are split or hewn. Sawn wooden mine materials of Redwood, Douglas fir, hemlock or true firs, produced in Canada, California, and in Oregon and Washington west of the crest of the Cascade Mountains are not subject to this regulation but to Revised Maximum Price Regulation No. 26[2] or Maximum Price Regulation No. 253.

SEC. 3. *Basic maximum prices.* The basic maximum prices for Western mine materials are set out in section 16 and for Western Railroad ties in section 17. Except as otherwise provided in footnotes to tables 5 and 8 these maximum prices are all f. o. b. the railroad loading-out point nearest the mill or point of production in the normal direction of delivery to the point of destination.

SEC. 4. *Transportation addition.* Except as otherwise provided in footnotes to Tables 5 and 8, the transportation charges set forth below may be added to the maximum f. o. b. railroad loading-out point prices when the seller makes delivery to the destination. Except when ties are sold f. o. b. mill as allowed by footnote to Tables 5 and 8 transportation from the mill or point of production to the railroad loading-out point must, in every instance, be provided on the seller's account. All additions for transportation must be shown separately on the invoice.

(a) *Common or contract carrier.* (1) When estimated weights are used, the appropriate published rate times the estimated weight is the proper transportation charge, even though the estimated weights may be higher than actual. Estimated weights higher than those set forth in the tables may not be used. The estimated weight must be taken from the tables, in Sections 16 or 17 for the exact type of product ordered. The charge for transportation shall be evened out to the nearest quarter-dollar per MBM, or quarter cent per lineal foot, whichever is applicable.

(2) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier.

(b) *Private truck.* (1) When shipment is by truck owned or controlled by the seller, the maximum permissible addition (on hauls involving any point outside of metropolitan areas) shall be computed as 5 cents per 100 pounds for hauls of not over 10 miles, 7 cents per 100 pounds for hauls of more than 10 but not over 20 miles, 9 cents per 100 pounds for hauls of more than 20 but not over 30 miles, and for each mile over 30 miles, two tenths of a cent per 100 pounds to be added to the 30-mile charge. No addition is allowed for the return trip.

(2) A "metropolitan area" includes all territory within 10 miles of the city limits of any city having a population of 250,000 or more according to the Census of 1940. On shipment by private truck entirely within a metropolitan area, the amount added for transportation may not be more than the published motor carrier rate for such haul times the estimated weight or other unit of measure used. If there is no published rate, then the actual cost of trucking may be added, that is, the seller's out-of-pocket expense in making delivery.

(c) *Averaging-out.* (1) When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more railroad loading-out points to a single destination on varying freight rates, the seller may average out the transportation charges applying from the railroad loading-out point to the destination.

(2) In order that no single invoice shall appear to be false or over the ceiling, the seller must write on each invoice that the particular shipment is part of a larger order. Then, when shipment has been completed, he must render a final invoice which shows the individual prices, loading-out point, the amount shipped from each loading-out point, each destination, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered sale price and also with the maximum price permitted by this regulation.

SEC. 5. *Treatment addition.* (a) The maximum prices for Western railroad ties and mine material preservatively treated by pressure process are established by Maximum Price Regulation 491.

(b) The maximum price for Western railroad ties and mine material preservatively treated by non-pressure methods shall be the maximum price established by the General Maximum Price Regulation for each seller plus or minus an amount to cover any increased or decreased untreated cost resulting from the maximum prices established by this regulation. This amount shall be determined by each seller in the following manner:

Determine the difference between the highest untreated price f. o. b. loading-out point, paid in March 1942 by this seller of treated products and the maxi-

[1] 7 F.R. 9230, 10848; 8 F.R. 1139, 4136, 4720, 7197, 11479; 9 F.R. 5482.

[2] 9 F.R. 1016, 3513, 4227, 7595.

mum price established in this regulation for the same size, and grade of untreated product. If the buying price is increased by this regulation, add the difference to the seller's established price under the General Maximum Price Regulation for the treated product. If the buying price is decreased by this regulation, subtract the difference from the seller's established price under the General Maximum Price Regulation for the treated product. (If the seller of a treated product did not buy in March 1942, he should use his buying price in the first month prior to March 1942 in which he purchased the untreated product.)

SEC. 6. *Tie contractors' addition.* (a) In Table No. 5, a "tie contractors' addition" is provided. It applies to cross ties (not switch ties) produced in the fringe area (as defined in the following section) of Western pine and the associated species listed in Table 5. This may be made by all persons who have registered as tie contractors.

(b) *Registered contractors.* Any person who has been authorized to act as a tie contractor prior to August 1, 1944, must file a request for registration with the Lumber Branch of the Office of Price Administration, Washington 25, D. C., before October 1, 1944.

(c) The Lumber Branch of the Office of Price Administration, Washington, D. C., may by letter or telegram authorize any person not meeting these qualifications to act as a tie contractor upon presentation of proof that the granting of this authorization will supply a service needed by tie users by increasing production and availability of cross ties in the area covered by this regulation.

SEC. 7. *Definitions of territories.* (a) The term "north and west area" means the States of California, Idaho, Montana, and Nevada, and those parts of Oregon and Washington east of the crest of the Cascade Mountains; and Canada.

(b) The term "fringe area" means the States of North Dakota, South Dakota, Utah, Wyoming, Colorado, Arizona, and New Mexico; Cimarron, Texas, and Beaver Counties, Oklahoma; and those counties in Texas west of the east line of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties; and Mexico.

SEC. 8. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

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

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were on April 1, 1942. The cash and credit periods recognized by the seller on April 1, 1942, shall not be reduced.

(2) Refusing to sell on a loading-out point basis and insisting on selling on a delivered basis.

(3) 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.

(4) Making the buyer take something he does not want in order to get what he does want.

SEC. 9. *Purchasing commissions.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring, buying, selling or locating Western railroad ties and mine material products, or for any related service (such as "expediting") which does not involve actual physical handling of those products, if the commission plus the purchase price results in a total payment by the buyer which is higher than the maximum price of the products. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the products in connection with which the service is performed.

SEC. 10. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, 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 shipment. Such authorization may be given when a request for a change in the applicable maximum price is necessary to promote distribution or production and it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 11. *Special pricing.* If a seller wishes to sell a specification of Western Railroad Ties and Wooden Mine Material not specifically priced in this regulation, or wishes to make changes for extras not specifically provided for, he shall apply to the Lumber Branch, Office of Price Administration, Washington 25, D. C., for approval of a maximum price. He must provide the following information.

(a) The requested price;

(b) A complete description of the item for which price approval is desired:

(1) If a specification other than those provided by the regulation, he shall furnish a copy of the specification.

(2) If any other extra is to be priced, he shall furnish a description of the extra for which an addition is requested.

(c) The price differential between the item to be priced and the most comparable item priced in the regulation, which existed in October 1941 or the first month preceding October 1941 in which both items were sold. The differential should be developed from the seller's own records, or if that is not possible, from the experience of other buyers and sellers.

(d) If no price differential exists, a detailed analysis of the comparative costs of supplying the two items shall be furnished.

As soon as the request has been filed quotations and deliveries may be made at the requested price, but final payment may not be made until a price has been approved by the Office of Price Administration. Such approvals may be made by letter or telegram.

SEC. 12. *Applications for adjustment and petitions for amendment.* (a) *Government contracts.* See Procedural Regulation No. 6[3] for adjustment provisions on certain government contracts or sub-contracts.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[4] issued by the Office of Price Administration.

SEC. 13. *Records.* All sellers of Western railroad ties and mine material must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought $400.00 worth of Western railroad ties and mine material. These records must be kept for inspection by the Office of Price Administration for the duration of the Price Control Act or for two years, whichever is the shorter.

SEC. 14. *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by the regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(c) The provisions of Licensing Order No. 1,[5] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

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[3] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12021; 9 F.R. 6256.

[4] 9 F.R. 5791.

[5] 8 F.R. 13240.

SEC. 15. *Exports.* The maximum price for export sales of Western railroad ties and mine material is governed by the Second Revised Maximum Export Price Regulation.[6]

[6] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 5923, 7201.

SEC. 16. *Maximum prices for Western mine materials.* All maximum prices set forth below are f. o. b. the railroad loading-out point nearest the mill or point of production in the normal direction of delivery to the point of destination. These maximum prices do not include treatment.

TABLE 1—WESTERN MINE PIT POSTS AND STULLS

[Area: This table applies in the entire area covered by the regulation]

Diameter at small end	Lengths up to and including 8'. Peeled. (Per linear foot)	Lengths over 8'. Peeled. (Per linear foot)	Estimated weights (Per linear foot)	
			Green	Dry
Up to 6", incl	$0.0525	$0.0625	9.0	7.0
Over 6" to 8", incl	.08	.09	16.5	12.5
Over 8" Up to 10", incl	.11	.12	24.0	18.0
Over 10" Up to 12", incl	.1275	.1375	34.0	25.0
Over 12" Up to 14", incl	.165	.175	46.0	35.0
Over 14" Up to 16", incl	.225	.235	58.0	45.0
Over 16" Up to 18", incl	.285	.295	70.0	54.0
Over 18" Up to 20", incl	.36	.37	86.0	65.0
Over 20" Up to 22", incl	.46	.47	104.0	80.0

Deductions for unpeeled Western mine pit posts and stulls:

	Per lineal ft.
Up to 12", incl	$0.0075
Over 12", Up to 18", incl	.01
Over 18", Up to 22", incl	.0125

TABLE 2—WESTERN MINE TIES

[Area: This table applies in the entire area covered by the regulation except that sawn Redwood produced in California and sawn Douglas Fir and related species produced west of the crest of the Cascade Mountains in Washington, Oregon and Canada are subject to the appropriate lumber regulations]

Up to 6" x 6", 7' and shorter	Mining grade per M'BM	No. 1 Mining grade M'BM	Estimated wts. Per M'BM	
			Green	Dry
North and west area (See section 7 (a))	$23.50	$28.50	3,800	3,200
Fringe area (See section 7 (b))	23.50	33.50	3,800	3,200

TABLE 3—WESTERN MINE TIMBERS, BLOCKS, CROSS BARS AND LAGGING

[Area: This table applies in the entire area covered by the regulation except that sawn Redwood produced in California and sawn Douglas Fir and related species produced west of the crest of the Cascade Mountains in Washington, Oregon, and Canada are subject to the appropriate lumber regulations]

All sizes, up to 20' in length	Mining grade per M'BM	No. 1 Mining grade per M'BM	Estimated weights per M'BM	
			Green	Dry
North and west area (See section 7 (a))	$23.50	$28.50	3,800	3,200
Fringe area (See section 7 (b))	23.50	33.50	3,800	3,200

NOTE: For specified lengths longer than 20', add $2.00 per M'BM.

TABLE 4—WESTERN MINE WEDGES AND CAP PIECES

[Area: This table applies in the entire area covered by the regulation except that sawn Redwood produced in California and sawn Douglas Fir and related species produced west of the crest of the Cascade Mountains in Washington, Oregon, and Canada are subject to the appropriate lumber regulations]

Size	Maximum prices per piece	Estimated weights per M'BM	
		Green	Dry
0" x 2" x 4" x 12" wedge	$0.015	3,800	3,200
0" x 2" x 6" x 20" wedge	.035	3,800	3,200
0" x 3" x 6" x 16" wedge	.04	3,800	3,200
1" x 3" x 6" x 18" wedge	.0625	3,800	3,200
2" x 4" x 6" x 30" wedge	.15	3,800	3,200
2" x 6" x 4" x 30" wedge	.15	3,800	3,200
4" x 6" x 30" cap	.175	3,800	3,200

NOTE: For any size wedge not specifically priced above, a tentative maximum price of $40.00 per M'BM is established. The use of this maximum price is conditional on the filing of copies of the invoices showing a complete description of the odd sized wedge so priced within 15 days of the use of it. This tentative maximum price may be adjusted by the Lumber Branch, Office of Price Administration, by letter or telegram, within 30 days after it is filed with that Branch. If not adjusted within that time, it shall become the maximum price for that seller.

SEC. 17. *Maximum prices for railroad ties.* All maximum prices set forth below except as provided in footnotes to Tables 5 and 8, are f. o. b. cars at the railroad loading-out point nearest the mill or point of production in the normal direction of delivery to the point of destination. These maximum prices do not include treatment.

TABLE 5—WESTERN PINE, ETC., RAILROAD TIES

[Area: This table applies in the entire area covered by the regulation except for the species qualifications set forth below]

[Species: Lodgepole pine, tamarack, Ponderosa pine, larch, Douglas fir, Engelmann spruce and related species, or any combination of these species, except Douglas fir, hemlock and true firs produced in Oregon and Washington west of the crest of the Cascade Mountains; and California and Canada. Specifications: The maximum prices specified below apply to untreated cross ties manufactured in accordance with the specifications of the American Railway Engineering Association]

Area	Cross ties per M'BM	Switch ties per M'BM	Estimated weights per M'BM	
			Green	Dry
North and west area (see section 7 (a))	$23.50	$31.50	3,800	3,200
Fringe area (see section 7 (b))	23.50	33.50	3,800	3,200

1. For 8'6" and 9'0" cross ties, add $2.00 per M'BM.

2. In the fringe area, but not in the north and west area, a tie contractor may add $5.00 per M'BM on Western railroad cross ties. No tie contractor addition is allowed on switch ties. See section 6 for definition of tie contractor.

3. For railroad ties of Western pine and associated species produced in Arizona, New Mexico, or Colorado and sold f. o. b. mill or point of production, the maximum price shall be $22.50 per M'BM. On delivered sales, additions for transportation may be made in accordance with section 4 (a) and (b), the charges to be computed for the entire haul from mill to destination, but in no case to exceed $10.00 per M'BM.

TABLE 6—DOUGLAS FIR, ETC., RAILROAD TIES

[Area: This table applies in California and west of the crest of the Cascade Mountains in Washington, Oregon and Canada]

[Species: Douglas fir and other West Coast species. Graded under A. R. E. A. rules or W. O. L. A. Rules No. 12]

	Cross ties per M' BM	Switch ties per M' BM 8' 6"–17'
A. R. E. A. or select Par. 205	$28.50	$31.50
No. 1, Par. 206	26.00	29.00
No. 2, Par. 207	23.00	26.00

	Green	Dry	Green	Dry
Estimated weights:				
Fir	3,500	3,100	3,300	2,900
Hemlock	4,000	3,200	3,800	3,000

1. No additions for odd or fractional thickness, widths, or lengths, except as provided in footnote 5 below.

2. Hemlock and true firs: Deduct $1.00 per M'BM.

3. F. O. H. C. ties, add $1.50 per M'BM.

4. For switch ties longer than 17' use timber schedule in Maximum Price Regulation 26—Douglas Fir and Other West Coast Lumber.

5. For 8'6" and 9' cross ties, add $2.00 per M'BM.

TABLE 7—WESTERN RED CEDAR RAILROAD CROSS TIES

[Area: This table applies in California and west of the crest of the Cascade Mountains in Washington, Oregon and Canada. Grades as provided in A. R. E. A. or Par. 727, W. O. L. A. Rules No. 12]

	Per M'BM	Estimated weights	
		Green	Dry
A. R. E. A. or select Par. 205	$32.00	3,000	2,800
No. 1, Par. 206	30.00	3,000	2,800
No. 2, Par. 207	25.50	3,000	2,800

1. No additions for odd thicknesses, widths or lengths.

TABLE 8—SPLIT OR HEWN REDWOOD CROSS TIES

[(Area: This table applies in California) Grades as provided in A. R. E. A. or Standard Specifications for Grades of Redwood Lumber, Rev. Dec. 1942]

	Per M' BM	Estimated Weight per M'BM
A. R. E. A. or Par. 172	$38.50	4,000

1. When split redwood ties are delivered by truck from a production or concentration point to any place other than a railroad loading-out point, the maximum price shall be computed on the basis of $32.50 per M'BM f. o. b. the truck loading point, and to this price may be added the trucking charges provided in section 4 (a) or (b), computing the addition for the truck mileage from the truck loading point to destination.

2. When split redwood ties are delivered by truck from the production or concentration point to a railroad loading-out point other than the nearest railroad loading-out point, the maximum price shall be computed on the basis of $32.50 per M'BM f. o. b. the truck loading-out point, and to this price may be added the trucking charges provided in section 4 (a) or (b), computing the addition by multiplying the railroad mileage from the nearest loading point to destination by the applicable trucking rate.

This regulation shall become effective September 11, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13647; Filed, Sept. 5, 1944; 4:15 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A[1], Amdt. 14]

STOVES

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

Ration Order 9A is amended in the following respects:

The undesignated parenthetical paragraph following section 2.3 (b) (2) (iii) is amended to read as follows:

(The emergency oil shortage area includes the entire continental United States. However, the Director of the Fuel Rationing Division may, by the issuance of an order, exclude from the emergency oil shortage area any area in the states outside the area described in Revised Ration Order 11 as the "limitation area", or any area in the states of Georgia, Florida, Oregon, Washington and Idaho.)

This amendment shall become effective on September 9, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13648; Filed, Sept. 5, 1944; 4:11 p. m.]

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

[1] 8 F.R. 11564.

PART 1499—COMMODITIES AND SERVICES

[RMPR 165,[1] Supp. Service Reg. 33]

HAND LAUNDRIES IN WASHINGTON, D. C. AREA

A statement of the considerations involved in the issuance of this Supplementary Service Regulation No. 33 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Orders Nos. 9250 and 9328, Supplementary Service Regulation No. 33 is hereby issued.

§ 1499.2268 *Hand laundries in the Washington, D. C. area*—(a) *Dollars-and-cents maximum prices established for hand laundry services sold by hand laundries in the Washington, D. C. area.* (1) The maximum prices established by Revised Maximum Price Regulation No. 165, for hand laundry services sold by hand laundries in the Washington, D. C. area are hereby modified and henceforth shall be the prices set forth in Appendix A.

(2) *Definitions.* As used in this supplementary service regulation the term:

"Hand laundry" means a retail laundry establishment receiving and distributing laundry, generally finishing wearing apparel by hand ironing done on the premises, giving only limited, if any, delivery service and employing 10 or less employees.

"Washington, D. C. Area" means the District of Columbia, Arlington County, Virginia, and all that portion of Montgomery and Prince Georges Counties in Maryland, lying within a radius of seven miles of the AAA milestone, located at the rear of the White House, Washington, D. C.

"Shirts" as used in Appendix A means all shirts except the following:

Shirts made of silk, wool, rayon and other artificial fibers; gabardine shirts; full dress shirts.

The prices of shirts included within the above exceptions shall be the prices for these items which were filed by the individual laundry with the OPA. If no such prices have been filed, the maximum price to be charged for all shirts shall be the price established for shirts by Appendix A.

[1] 9 F.R. 7439.

(3) *Posting requirements.* Within 30 days after the issuance of this supplementary service regulation, every hand laundry located in the Washington, D. C. area shall post on its premises in a place and manner so that it is plainly visible to the purchasing public, a placard or card setting forth the maximum prices established in Appendix A.

(4) *Elimination of individual adjustments.* On and after the effective date of this Supplementary Service Regulation the provisions of section 16 (a) of Revised Maximum Price Regulation No. 165 shall no longer be available to sellers covered by this regulation. On and after the effective date of this regulation, all surcharges and percentage surcharges made by hand laundries located in the Washington, D. C. area shall cease and all percentage adjustments granted by the Office of Price Administration to hand laundries located in the Washington, D. C. area are hereby revoked.

(5) *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

(6) *Other services supplied by hand laundries.* Laundry services not listed in Appendix A performed by hand laundries shall be governed by Revised Maximum Price Regulation No. 165.

APPENDIX A

Laundry service:	Price
Shirts	.16
Collars	.03
Socks	.05
Undershirts	.10
Shorts	.10
Unionsuits	.17
Pajamas	.23
Overalls	.30
Coveralls	.45
Trousers and slacks	.35
Nurses' Uniforms	.35
Handkerchiefs	.03
Hand Towels	.03
Bath Towels	.05
Kitchen Towels	.03
Sheets	.10
Pillow Slips	.05
Dish and Wash Cloths	.03

This supplementary service regulation shall become effective September 11, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13649; Filed, Sept. 5, 1944; 4:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,[1] Amdt. 169]

MANUFACTURERS' MAXIMUM PRICES FOR WOMEN'S AND CHILDREN'S HANDBAGS, PURSES AND POCKETBOOKS

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.*

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

[1] 9 F.R. 1385, 5169, 6106, 8150.

Section 3.14 is amended in the following respects:

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

(2) A manufacturer's sale is a sale of a handbag (other than to an ultimate consumer) by a person (i) who fabricated the handbag, or (ii) who sold or consigned to the fabricator any of the principal materials from which the handbag was fabricated, or (iii) who is, directly or indirectly, under the same ownership, control or management as a person described in (i) or (ii).

A manufacturer's sale also includes a sale by a person described in (i), (ii) or (iii) above to a department, establishment or business which is directly or indirectly owned or controlled by (or which directly or indirectly owns or controls) such person.

2. In paragraph (b) a new sentence is added following the first sentence to read as follows:

Under this section, a handbag shall be deemed to have been "delivered" only at the time that physical possession was actually transferred to the purchaser or to any carrier (including a carrier owned or controlled by the seller) for delivery to the purchaser.

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

(3) *Invoices.* In connection with every sale of handbags, including sales for cash, you must deliver to the purchaser an invoice showing: (i) the date, (ii) your name and address, (iii) the name and address of the purchaser, (iv) terms of sale, (v) style number or other designation of each different style of handbag sold, (vi) category number or description of covering material of each style sold, (vii) the quantities of each different style of handbag sold, (viii) the price charged by you for each different style of handbag sold.

You must keep available, for inspection by the Office of Price Administration, a duplicate copy of each invoice delivered.

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

(h) *Commodities covered by this section.* This section covers all women's and children's handbags, purses, and pocketbooks, except handbags fabricated according to military specifications for wear with uniforms and distributed under agreements restricting the sale of the handbags to persons authorized to wear such uniforms (such as bags fabricated especially for Waves, Wacs, etc.).

CATEGORY NUMBER

1. Fur. When outside surface of the handbag is made of two principal materials (excluding frame and fittings), value of fur must be greater than value of the other principal component material; when outside surface of the handbag is made of three or more principal component materials, fur must be the material of greater value than any other single component material taken separately.

2. Alligator, crocodile and ostrich.

3. Reptile and aquatic leathers: Snake, lizard, frog, top grain seal, walrus, and shark.

4. All leathers other than those listed in categories 2 and 3, and patent cloth (hand japanned fabric processed exactly as patent leather is processed).

5. Corde, sequins, beads (other than wooden beads), hand embroidery, hand crochet and pure silk fabrics.

(a) "Corde" includes only handbags of which 70% of the outside surface is made of textile strings sewn together on a "Bonnaz" type machine or on a hand loom.

(b) "Sequins", "beads" and "hand embroidery" includes only handbags of which 50% of the outside surface of the handbag is covered with sequins, beads or hand embroidery.

6. 100% wool broadcloth and 100% wool felt.

7. Textiles: Woven and knitted cotton, wool (except wool listed in category 6), rayon and other synthetic fibers.

8. All others: String, cord, cordette, plastic, metal, straw, grass, wood, imitation leather, etc.

Except where the materials listed in a category have been specifically defined, if the outside surface of a handbag is made of two or more principal component materials, the handbag is included in the category listing the material which constitutes 70% or more of the outside surface. If no principal material constitutes 70% or more of the outside surface, the handbag is included in the category listing the principal material or lower unit value. (Value is determined by a comparison of pieces of equal size of the materials involved).

5. In Paragraph (j) (1) the last sentence of the first paragraph is amended to read as follows:

However if a price line shown in the proper group is below the price line allowed under any of the exceptions to Rule 1 you may use the price line limit allowed by the exceptions.

This amendment shall become effective September 11, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13650; Filed, Sept. 5, 1944; 4:13 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[2d Rev. Restaurant MPR 7-1, Amdt. 3]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DENVER REGION

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.*

2d Revised Restaurant Maximum Price Regulation No. 7-1 is amended in the following respects:

1. The second unnumbered paragraph in the preamble is amended to read as follows:

In the judgment of the Regional Administrator of Region VII, the prices of food and beverages sold for immediate consumption in the States of Colorado, Montana, New Mexico, Utah, and Wyoming, and all that portion of the State of Idaho lying south of the southern boundary of Idaho County, and all of

Malheur County in the State of Oregon, and all of Mohave and Coconino Counties in the State of Arizona lying north of the Colorado River, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

2. Section 9 *Rules for new proprietors* is amended to read as follows:

SEC. 9. *Rules for new proprietors.* (a) If you acquire another's business, or if after the seven-day period you did acquire another's business, and if you continue to operate an eating or drinking place at the same location, you are subject to the same ceiling prices and duties as the previous proprietor. If, however, you engage or plan to engage in a different type of operation than that of the previous proprietor, you may apply to your District Office of the Office of Price Administration for permission to price under paragraph (b) of this section. If your operation began before June 24, 1944, your application must be filed on or before July 13, 1944. Otherwise, your application must be filed not less than ten days before nor more than ten days after you commence operation. Your application for permission to price under paragraph (b) shall contain the following information:

(1) Your name and address and the name and address of your eating or drinking place.
(2) The name and address of the previous proprietor.
(3) The date when you acquired the business.
(4) The date when you commenced or plan to commence operation.
(5) A brief description of the type of operation by the previous proprietor.
(6)) A brief description of your type of operation.
(7) A list showing the meals and food items you will serve and the prices you propose to charge.
(8) The names and addresses of the two nearest eating or drinking places of the same type as yours.

If permission to price under paragraph (b) is granted to you, it may be subject to such conditions as the Office of Price Administration deems necessary. You may not price under paragraph (b) until permission is granted to you by your District Office of the Office of Price Administration.

(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.

(c) You are subject to the record requirements of section 11 and the posting requirements of section 12 immediately upon the opening of your place of business.

3. A new section designated 9a is added, to read as follows:

SEC. 9a. *Changing the location of your place of business or type of operation.* If you change the location or the type of operation of your eating or drinking place or if, after the seven-day period, you did make such change or changes, you are subject to the same maximum prices and duties as formerly, irrespective of such change of location or type of operation. You may, however, apply to your District Office of the Office of Price Administration for permission to price in accordance with the method set forth in paragraph (b) of section 9 of this regulation. If you changed the location or changed the type of operation of your eating or drinking place before June 24, 1944, your application must be filed on or before July 13, 1944; otherwise, it must be filed not less than ten days before nor more than twenty days after the change is made. Your application for permission to price under paragraph (b) of section 9 shall contain the following information:

(1) Your name and address and the name and address of your eating or drinking place.
(2) The former name and address of your eating or drinking place if its location has been changed.
(3) A brief description of your former type of operation and of any change in type of operation which you have made or plan to make.
(4) The date when you changed or plan to change the location or type of operation of your eating or drinking place.
(5) A list showing the meals and food items you will serve and the prices you propose to charge.
(6) The names and addresses of the two nearest eating or drinking places of the same type as yours.

If permission to price under paragraph (b) of section 9 is granted to you, it may be subject to such conditions as the Office of Price Administration deems necessary. You may not price under paragraph (b) of section 9 until permission is granted to you by your District Office of the Office of Price Administration.

4. Section 15 *Geographical applicability* is amended to read as follows:

SEC. 15. *Geographical applicability.* This 2d Revised Restaurant Maximum Price Regulation No. 7-1 applies to the States of Colorado, Montana, New Mexico, Utah, and Wyoming, and all that portion of the State of Idaho lying south of the southern boundary of Idaho County, and all of Malheur County in the State of Oregon, and all that part of Mohave and Coconino Counties of the State of Arizona lying north of the Colorado River.

5. This amendment shall become effective June 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; and G.O. 50, 8 F.R. 4808)

Issued this 21st day of June 1944.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 44-13609; Filed, Sept. 5, 1944; 1:49 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1E,[1] Amdt. 11]

MILEAGE RATIONING: TIRE REGULATIONS FOR THE TERRITORY OF HAWAII

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

Ration Order 1E is amended in the following respects:

1. Section 4.1 (a) (4) is added to read as follows:

(4) To replace a lost or stolen tire or tube.

2. Section 5.2 (a) is amended to read as follows:

SEC. 5.2 *Certification by inspector prior to filing application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a tire or tube and no such application shall be considered, until an inspector authorized by the Office of Price Administration has currently inspected the tire or tubes to be replaced, and has executed and signed the "Certification by Inspector" contained in OPA Form R-1: *Provided, however,* That if application is made for a tire to be mounted on a passenger automobile or commercial motor vehicle, all tires mounted on such vehicle shall be inspected and their condition certified to by an authorized inspector.

3. Section 5.6 (a) is amended to read as follows:

SEC. 5.6 *Action by certificate holders*—(a) *Use of certificate.* A certificate may be used at any time within thirty (30) days by the person to whom it was issued for the purpose specified thereon.

4. Section 6.1 is amended to read as follows:

SEC. 6.1 *Prohibitions*—(a) *General prohibition.* Notwithstanding the terms of any contract, agreement, or other obligation, regardless of when made, no person, unless permitted by this order, or by an order, authorization or regulation issued by the War Production Board, shall:

(1) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire or new tube; or
(2) Use, alter or change the physical location of any tire or new tube; or
(3) Mount any tire or new tube upon a wheel or rim.

(b) *Removal of tires by automobile dealer.* (1) No automobile dealer shall remove a tire or new tube mounted on a passenger automobile which he holds for sale, except for repair or recapping or unless it is being removed:

(i) As part of the process of scrapping the vehicle; or

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

[1] 8 F.R. 12434, 13920, 15378, 17566, 17223; 9 F.R. 727.

(ii) Pursuant to a duly issued certificate; or

(iii) From a passenger automobile which he has contracted to sell without tires.

(2) Any tire which an automobile dealer has removed for repair or recapping from a passenger automobile which he holds for resale must be remounted on such vehicle.

This amendment shall become effective October 1, 1944.

Issued this 6th day of September 1944.

MELVIN C. ROBBINS,
Territorial Director,
Territory of Hawaii.

Approved:

GERALD A. BARRETT,
Acting Regional Administrator.

[F. R. Doc. 44-13700; Filed, Sept. 6, 1944; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 2 to Supp. 2]

OATS

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 5 (a) (13) is amended to read as follows:

(13) "Commission merchant" means either of the following:

(i) A person who, with respect to any lot of oats he does not own and which he receives as a carload shipment or in a lot of 60,000 pounds or more on behalf of the owner, negotiates or has negotiated a sale of such oats in his own name to a person other than himself on a recognized grain exchange in any of the following cities:

Buffalo, N. Y.	Louisville, Ky.
Chicago, Ill.	Memphis, Tenn.
Cincinnati, Ohio.	Milwaukee, Wis.
Dallas, Tex.	Minneapolis, Minn.
Denver, Colo.	Omaha, Nebr.
Des Moines, Iowa.	Peoria, Ill.
Duluth, Minn.	St. Joseph, Mo.
Enid, Okla.	St. Louis, Mo.
Fort Worth, Tex.	Salina, Kans.
Hutchinson, Kans.	Sioux City, Iowa.
Indianapolis, Ind.	Toledo, Ohio.
Kansas City, Mo.	

Or, (ii) A person who, with respect to any lot of oats he owns, negotiates or has negotiated a sale of such oats in his own name for his own account to any other person on a recognized grain exchange in any of the cities listed in (i) above. In order to qualify under this provision, the sale of oats for the seller's own account on the grain exchange must presently be and must have been permissible continuously since January 1, 1943 either under the rules of the grain exchange on which the sale is made or by statute of the state in which the grain exchange is located.

Regardless of any of the provisions of this supplement, division of commission charges may be made with and paid to exchange members in accordance with rules of the respective exchanges which were in effect January 1, 1943, and sellers of oats who are members may receive such divisions.

This amendment shall become effective September 11, 1944.

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13706; Filed, Sept. 6, 1944; 11:48 a. m.]

*Copies may be obtained from Office of Price Administration.

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 1 to Supp. 3]

BARLEY

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 5 (b) (13) is amended to read as follows:

(13) "Commission merchant" means either of the following:

(i) A person who, with respect to any lot of barley he does not own and which he receives as a carload shipment or in a lot of 60,000 pounds or more on behalf of the owner, negotiates or has negotiated a sale of such barley in his own name to a person other than himself on a recognized grain exchange in any of the following cities:

Buffalo, N. Y.	Louisville, Ky.
Chicago, Ill.	Memphis, Tenn.
Cincinnati, Ohio	Milwaukee, Wis.
Dallas, Tex.	Minneapolis, Minn.
Denver, Colo.	Omaha, Nebr.
Des Moines, Iowa	Peoria, Ill.
Duluth, Minn.	St. Joseph, Mo.
Enid, Okla.	St. Louis, Mo.
Fort Worth, Tex.	Salina, Kans.
Hutchinson, Kans.	Sioux City, Iowa.
Indianapolis, Ind.	Toledo, Ohio
Kansas City, Mo.	

Or, (ii) A person who, with respect to any lot of barley he owns, negotiates or has negotiated a sale of such barley in his own name for his own account to any other person on a recognized grain exchange in any of the cities listed in (i) above. In order to qualify under this provision the sale of barley for the seller's own account on the grain exchange must presently be and must have been permissible continuously since January 1, 1943 either under the rules of the grain exchange on which the sale is made or by statute of the state in which the grain exchange is located.

Regardless of any of the provisions of this supplement, division of commission charges may be made with and paid to exchange members in accordance with rules of the respective exchanges which were in effect January 1, 1943, and sellers of barley who are members may receive such divisions.

This amendment shall become effective September 11, 1944.

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13707; Filed, Sept. 6, 1944; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 150]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

Revised Maximum Price Regulation 150 is redesignated Second Revised Maximum Price Regulation 150 and is revised and amended to read as set forth herein. In the Judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all the provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders 9250 and 9328.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

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

SECOND REVISED MAXIMUM PRICE REGULATION 150—FINISHED RICE AND RICE MILLING BY-PRODUCTS

Sec.
1. Applicability.
2. Sales at other than maximum prices.
3. Evasion.
4. Enforcement.
5. Licensing.
6. Records and reports.
7. Protests and petitions for amendment.
8. Definitions.
9. Maximum prices for the sale or delivery of finished rice by any person subject to this regulation other than a primary distributor.
10. Maximum prices for the sale or delivery of finished rice by a primary distributor.
11. Contents of invoice covering the sale or delivery of finished rice and rice milling by-products.
12. Maximum price for the sale or delivery of rice milling by-products.
13. Maximum prices for sales not specifically provided for in this regulation.
14. Toll-milling.

AUTHORITY: Secs. 1351.451, 1 to 14, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631.

SECTION 1. *Applicability.* (a) Except as provided in paragraph (b) hereof this regulation shall apply to all sales within the United States and the District of Columbia of domestic and imported finished rice and rice milling by-products, whether for immediate or future delivery.

(b) *Sales excepted.* This regulation shall not apply to:

(1) Sales and deliveries of finished rice by wholesalers which shall be and remain subject to Maximum Price Regulation 421, and sales and deliveries by retailers which shall be and remain subject to Maximum Price Regulations 422 and 423.

(2) Sales and deliveries of bolted rice polish which shall be and remain subject to the General Maximum Price Regulation.

(3) Sales and deliveries of sweet rice which shall be and remain subject to the General Maximum Price Regulation.

(4) Sales and deliveries of wild rice.

(5) Any export sale of any finished rice or rice milling by-products. The maximum price for such sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[1]

(6) Sales and deliveries of finished rice and rice milling by-products, whenever circumstances of emergency make their purchase by the United States, or any of its agencies imperative and it is impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable. Such purchases and deliveries may be made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation, as amended: *Provided, however,* That the Administrator may, by order, waive the reporting of any part of the information required by section 4.3 (f) in connection with a particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances, and he may, in lieu thereof, require the reporting of other information more suited to the circumstances.

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any of the commodities covered by this regulation at a price above the maximum price established by this regulation, nor shall any person agree, solicit, offer, or attempt to do any of the foregoing: *Provided, however,* That this prohibition is subject to the exception provided for in subparagraph (1) of this paragraph.

(1) 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 an order of the Administrator or of 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.

(b) Prices lower than the maximum prices established by this regulation may be charged or paid.

SEC. 3. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to finished rice or rice milling by-products, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or an agreement requiring the buyer to sell any commodity in return, or other trade understanding or by any other means.

SEC. 4. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for damages, and criminal penalties, as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 5. *Licensing.* The provisions of Licensing Order No. 1,[2] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 6. *Records and reports.* (a) Every person shall keep for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect a complete record of each sale or purchase subject hereto showing the date thereof, the names and addresses of the buyer and seller, the price contracted for, paid or received, and the quantity and quality of the finished rice or rice milling by-products sold or purchased.[3]

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.[4]

SEC. 7. *Interpretations, protests and petitions for amendment.* Any person seeking an interpretation or an amendment of, or desiring to file a protest against, any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1, as amended,[5] issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) As used in this regulation, the following terms shall have the following meanings:

(1) "Finished rice" means milled rice, converted milled rice, unpolished rice and brown rice.

(2) "Converted milled rice" is rice which has been processed in the manner described in patent Nos. 2286486 and 2287737 registered in the United States Patent Office.

(3) "Milled rice," "second head milled rice", "screenings milled rice," "brewer's milled rice," "unpolished rice" and "brown rice" mean the rices defined as such in "The United States Standards for Milled Rice" published by the United States Department of Agriculture.

(4) "Rice milling by-products" mean rice hulls (whether whole or ground), rice bran and rice polishings.

(5) "Rice hulls" mean the product consisting of the outer covering of the rice.

(6) "Rice bran" means the pericarp or bran layer of the rice with only such quantity of hull fragments as is unavoidable in the regular milling of rice.

(7) "Rice polishings" mean a by-product of rice obtained in the milling operation of brushing the grain to polish the kernel.

(8) "Bolted rice polish" means rice polishings which have been processed by being passed over a fine mesh screen to remove the bran and coarser particles.

(9) "Transportation cost" means:

(i) Where the carrier is not owned or controlled by the seller, the amount paid such carrier, not exceeding any applicable common or contract carrier rate for a like shipment nor any applicable maximum price for such service.

(ii) Where the carrier is owned or controlled by the seller, the reasonable value of the transportation in question not exceeding, if any, the common or contract carrier rate nor the maximum price for a like service if performed by a person other than the seller.

(10) "Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other Government or any political subdivision or agency of any of the foregoing.

(11) "Processor" means with respect to a particular lot of rice milling by-products a person who produced such lot.

(12) "Jobber" means with respect to a particular lot of rice milling by-products, a person who purchases such lot and resells the same without unloading into a warehouse.

(13) "Wholesaler" means with respect to a particular lot of rice milling by-products, a person who purchases such lot, unloads his purchase into a warehouse, and resells the same other than at retail.

(14) "Retailer" means with respect to a particular lot of rice milling by-products a person who purchases and resells the same to a feeder.

(15) "Importer" means with respect to a particular lot of finished rice or rice

[1] 8 F.R. 4132.

[2] 8 F.R. 13240.

[3] The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[4] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[5] 7 F.R. 9861.

milling by-products, a person who imports rice or rice milling by-products from a foreign country into the United States or who makes the first sale thereof after such importation.

SEC. 9. *Maximum prices for the sale or delivery of finished rice by any person subject to this regulation, other than a primary distributor.* (a) The maximum prices for the sale or delivery of finished rice, f. o. b. the rice mill where processed, per 100 pounds, sacked or packed in containers furnished by the seller, by any person subject to this regulation other than a primary distributor shall be as follows:

(1) For finished rice consisting of not less than 96 percent of whole kernels and not more than 4 percent of broken kernels nor more than 1 percent of a variety other than the predominant variety, the maximum prices shall be as follows:

Variety	Milled rice	Unpolished rice	Brown rice	Converted milled rice (when sold to the U. S. Government or any of its agencies)[6]
Rexoro	$8.25	$7.40	$6.75	$9.05
Nira	8.25	7.40	6.75	8.65
Fortuna	7.50	6.80	6.20	8.15
Edith	7.00	6.50	6.00	8.10
Prelude	7.00	6.50	6.00	8.10
Calady	6.65	6.10	5.85	7.90
Blue Rose	6.50	6.10	5.85	8.15
Ark Rose	6.50	6.10	5.85	8.15
Southern Pearl	6.50	6.10	5.85	8.15
California Pearl	6.50	6.10	5.85	7.75
Lady Wright	6.50	6.10	5.75	8.00
Zenith	6.50	6.10	5.85	8.15
Early Prolific	6.20	5.70	5.40	7.60
Any other variety	6.20	5.70	5.40	7.60

[6] When converted milled rice is sold to any person other than the United States Government or any of its agencies the maximum price shall be the maximum price for milled rice.

(2) For finished rice not covered by subparagraph (1) above, the maximum price shall be as follows:

(i) For any lot of milled rice containing more than 4 percent broken kernels, either:

(*a*)

Class:	Maximum price
Second Heads—Rexoro, Nira and Fortuna	$6.00
Second Heads—any other variety	5.25
Screenings	4.50
Brewers	4.00

or (*b*) The figure obtained:

(*1*) By multiplying the percentage of whole kernel finished rice in the lot by $5.40 (or, at the option of the seller, by multiplying the percentage of each variety and kind of whole kernel rice in the lot by the maximum price for each such variety and kind respectively, as specified in subparagraph (1) above and totaling the results); and/or

(2) By multiplying the percentage of broken kernel finished rice in the lot by $4.00 (or, at the option of the seller, by multiplying the percentage of each class or kind of broken kernels in the lot by the maximum price for each such class or kind of broken kernels respectively, as specified in inferior subdivision (*a*) above and totaling the results); and

(3) By totaling the results of (*1*) and (2) if the lot contains both whole kernel finished rice and broken kernel finished rice.

(ii) For unpolished rice broken kernels, $4.75.

(iii) For brown rice broken kernels, $4.50.

(3) For finished rice which has been granulated the maximum prices shall be:

(i) Where the seller furnishes a certificate of a recognized grading service certifying to the variety or kind of finished rice in the lot before granulation, the maximum price for such variety or kind shall be as above set forth in this section plus an increase at the rate of 10 cents per 100 pounds.

(ii) Where no such certificate is furnished, $4.00 per 100 pounds.

(4) The maximum prices specified in subparagraphs (1) to (3) above, both inclusive, may be increased as indicated below for the sale or delivery of any finished rice which is processed in any one of the following cities or within the railroad switching limits thereof, f. o. b. such places:

City:	*Amount of increase per 100 pounds*
St. Louis, Mo	$0.25
Memphis, Tenn	.08
Baton Rouge, La	.10
New Orleans, La	.10
San Francisco, Calif	.03
Stockton, Calif	.05
Sacramento and West Sacramento, Calif	.03
Woodland and Merritt, Calif	.03
Biggs, Calif	.01
Dos Palos, Calif	.01

(5) The maximum prices specified in subparagraphs (1) to (4) above, both inclusive, shall be decreased at the rate of 15 cents per 100 pounds for the sale or delivery of finished rice in bulk or in 100 pound sacks or other containers furnished by the buyer.

(6) (i) The maximum prices specified in subparagraphs (1) to (4) above, both inclusive, may be increased for the sale or delivery of milled or unpolished rice in containers of less than 100 pounds furnished by the seller at the rate per 100 pounds as set forth in the following table:

Size of containers	Cartons or cellophane bags	Kraft bags or other containers
Up to and including 12 ozs	$1.05	$0.00
Over 12 ozs. up to and including 1 lb	1.00	.00
Over 1 pound up to and including 2 lbs	1.35	.00
Over 2 pounds up to and including 3 lbs	1.20	.00
Over 3 pounds up to and including 5 lbs	.05	.05
Over 5 pounds up to and including 10 lbs	.00	.00
Over 10 pounds up to and including 25 lbs	.15	.15
Over 25 pounds up to and including 50 lbs	.10	.10

Where containers of less than 100 pounds are furnished by the buyer, the seller shall determine the differential to be included in his maximum price by subtracting from the appropriate differential above the cost of the containers furnished by the buyer.

(ii) The maximum prices specified in subparagraph (1) above for the sale or delivery of brown rice containing not more than 4 percent broken kernels may be increased for the sale or delivery thereof in containers furnished by the seller at the following rates per 100 pounds:

Size of containers	Cartons or cellophane bags	Kraft bags or other containers
Up to and including 1 pound	$2.15	$1.55
Over 1 pound up to and including 2 pounds	2.00	1.35

Where such containers are furnished by the buyer, the seller shall determine the differential to be included in his maximum price by subtracting from the appropriate differential above the cost of the containers furnished by the buyer.

(iii) The maximum prices specified in subparagraph (1) above for the sale or delivery of brown rice containing not more than 4 per cent broken kernels may be increased for the sale or delivery thereof for packing and resale by the buyer in containers of 2 pounds or less at the rate of $.65 per 100 pounds: *Provided*, That within 10 days of each such sale the seller delivers to the district office of the district in which the sale is made or the appropriate regional office of the Office of Price Administration a copy of the invoice of the sale showing the quantity sold, the price paid and the name and address of the buyer and seller together with a verified certificate signed by the buyer and stating that he will use the rice in question for packing and resale in containers of 2 pounds or less.

(b) The maximum price for the sale or delivery of finished rice at any point other than the rice mill where processed in the case of domestic finished rice or the port of entry in the case of imported finished rice by any person subject to this regulation other than a primary distributor shall be the appropriate maximum price set forth in paragraph (a), above, plus the transportation cost actually incurred for the transportation of the finished rice from the rice mill where processed, or port of entry, as the case may be, to the buyer's receiving point.

(c) The maximum prices set forth in the foregoing subparagraphs of this section may be increased for storage charges, where storage is furnished by the seller, at the rate of ⅙ of one cent per 100 pounds for each day's delay in shipment beyond 30 days from the date of sale or beyond the delivery date or period specified in the contract of sale, whichever is later, where such delay is occasioned by the buyer's failure to furnish adequate shipping instructions within such time prior thereto as is reasonably sufficient to permit of shipment prior thereto.

SEC. 10. *Maximum prices for the sale or delivery of finished rice by primary distributors.* (a) "primary distributor" means, with respect to a particular lot of finished rice, a person who performs the following functions, and who performed the same prior to April 28, 1942: Receives delivery of finished rice, containing not more than 50 percent broken kernels, at a warehouse in carload quantities, unloads it into space in said warehouse not owned or controlled by his supplier or any of his customers and sells the same for his own account in quantities of 20,000 pounds or less at such point to wholesalers or for delivery to distributing warehouses of retailers: *Provided,* That in any given year, following the effective date of this regulation, his total volume of sales cannot exceed the total volume that he warehoused and sold, other than as a wholesaler, in quantities of 40,000 pounds or less during the period from April 28, 1941 to April 28, 1942; and *Provided, further,* That a miller may be a primary distributor of finished rice only if he unloads such rice at a warehouse located outside any city and the recognized switching limits thereof in which he owns or operates a rice mill.

(b) Any person making any sales as a primary distributor under this regulation must make application in writing within 30 days after the effective date hereof to the regional office of each region of the Office of Price Administration in which he does business as a primary distributor for permission to make sales as such, and he must receive a written approval of his application. Said application shall contain:

(1) The name and address of the applicant.

(2) The length of time he has been in the business of receiving finished rice in carload quantities on his own account and reselling the same in lots of 40,000 pounds or less to wholesalers or for delivery to distributing warehouses of retailers.

(3) The volume of sales made in lots of 40,000 pounds or less on his own account during the period from April 28, 1941 to April 28, 1942.

(4) The name and address of each warehouse from which he customarily distributes finished rice in lots of 40,000 pounds or less. If the seller is also a miller, he must give the name and address of his mill or mills, and the name and address of the warehouse or warehouses from which he will distribute finished rice in lots of 20,000 pounds or less.

Any regional office of the Office of Price Administration is hereby authorized to grant to sellers of finished rice in lots of 20,000 pounds or less, written permission to function as primary distributors upon the receipt of an application provided for in this paragraph.

(c) The maximum price for the sale or delivery of finished rice by a primary distributor shall be the maximum price for the sale or delivery of finished rice as specified in paragraphs (a) and (b) of section 10 plus an addition at the rate of 15 cents per 100 pounds, plus the inbound and outbound transportation costs actually incurred by the primary distributor.

SEC. 11. *Contents of invoice covering the sale or delivery of finished rice and rice milling by-products.* (a) At or prior to the time of delivery, every seller of finished rice subject to this regulation shall furnish the purchaser with an invoice covering the finished rice in question. This invoice must bear the same lot number or other mark of identification as the lot in question. The invoice shall set forth and warrant to the purchaser and every subsequent transferee:

(1) That the finished rice in question, is milled rice, unpolished rice, brown rice or mixed milled rice as the case may be.

(2) Except as otherwise provided in subparagraph (3) of this paragraph;

(i) The minimum percentage of whole kernel finished rice of all varieties in the lot;

(ii) The variety and minimum percentage of whole kernel finished rice of the predominant variety in the lot;

(iii) The variety and the maximum percentage of whole kernel finished rice of every other variety in the lot;

(iv) The variety and the maximum percentage of each variety of second head finished rice in the lot;

(v) The maximum percentage of screenings finished rice in the lot; and

(vi) The maximum percentage of brewers finished rice in the lot.

(3) To the extent that the maximum price is calculated by multiplying the percentage of whole kernel finished rice in the lot by $6.20 and/or by multiplying the percentage of broken kernel finished rice in the lot by $4.00, the invoice need set forth only the percentage of whole kernel finished rice and/or of broken kernel finished rice in the lot.

(b) At or prior to the time of delivery, every seller of rice milling by-products subject to this regulation shall furnish the purchaser with an invoice covering the rice-milling by-products in question. This invoice must bear the same lot number or other mark of identification as the lot in question.

SEC. 12. *Maximum price for the sale or delivery of rice milling by-products.* (a) The maximum price for the sale or delivery by a processor of rice hulls, rice bran or rice polishings, sacked, shall be as follows:

(1) For all sales except sales to a feeder in quantities of 20,000 pounds or less:

(i) $10.00 per ton for rice hulls, plus his transportation cost.

(ii) $30.00 per ton for rice bran plus his transportation cost.

(iii) $38.00 per ton for rice polishings plus his transportation cost.

(2) For sales to a feeder in quantities of 20,000 pounds the maximum prices set forth in subparagraph (1) above may be increased at the rate of $2.00 per ton.

(b) The maximum price of an importer shall be the maximum price of a processor, f. o. b. a mill, as if located at the port of entry, plus transportation cost from the port of entry to the buyer's receiving point.

(c) The maximum price for the sale or delivery of rice milling by-products, sacked, by a jobber shall be the applicable maximum price of the processor or importer from whom the rice milling by-products in question were purchased, plus the applicable markup below:

(1) $1.00 per ton for sales in quantities of 20,000 pounds or less; or

(2) 50 cents per ton for all other sales.

(d) The maximum price for the sale or delivery of rice hulls, sacked, by a wholesaler shall be $2.00 per ton maximum markup over the maximum price of the processor, importer or jobber, as the case may be, from whom the rice hulls in question were purchased plus his transportation cost.

(e) The maximum price for the sale or delivery of rice bran or rice polishings, sacked, by a wholesaler shall be $2.50 per ton maximum markup over the maximum price of the processor, importer or jobber, as the case may be, from whom the rice bran or rice polishings in question were purchased plus his transportation cost.

(f) The maximum price for the sale or delivery of rice hulls, sacked, by a retailer shall be $3.00 per ton maximum markup over the maximum price of the processor, importer, jobber or wholesaler, as the case may be, from whom the rice hulls in question were purchased plus his transportation cost.

(g) The maximum price for the sale or delivery of rice bran or rice polishings, sacked, by a retailer shall be $4.00 per ton maximum markup over the maximum price of the processor, importer, jobber or wholesaler, as the case may be, from whom the rice bran or rice polishings in question were purchased plus his transportation cost.

(h) When a given lot of rice milling by-products is sold by more than one member of the same class, as set forth above, the maximum aggregate markup of all such sellers in the same class shall not exceed the maximum markup of a single handler in such class.

(i) The maximum prices for the sale or delivery of rice hulls, rice bran and rice polishings, unsacked, or in buyer's sacks, shall be the maximum prices hereinbefore in this section set forth less the customary differential, applying to sales unsacked or in buyer's sacks, in relation to sales sacked by a like class of seller during March 1942.

SEC. 13. *Maximum prices for sales not specifically provided for in this regulation.* The maximum price for the sale of finished rice or rice milling by-products by any person not otherwise specifically provided for in this regulation shall be the maximum purchase price which he could lawfully have paid his supplier for the lot in question, plus his transportation cost.

SEC. 14. *Toll-milling.* (a) "Toll-milling" or "custom milling" is the practice by which an owner of rough rice arranges to have his rough rice milled by another and pays a fee for the milling.

(b) Any person who rendered the service of toll-milling during the base period from April 1, 1941 to April 1, 1942, upon presenting evidence of this fact (stating specifically the quantity of rough rice toll-milled by him during the base period) to and registering with the nearest District office of the Office of Price Administration, may (in any given year following the effective date of this regulation) toll-mill the same quantity of rough rice he toll-milled during the base period. All other persons are prohibited from rendering the service of toll-milling after the effective date of this regulation.

This amendment shall become effective September 11, 1944.

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

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13699; Filed, Sept. 6, 1944; 11:50 a. m.]

PART 1377—WOODEN CONTAINERS

[RMPR 320,[1] Amdt. 1]

EASTERN AND CENTRAL WOODEN AGRICULTURAL CONTAINERS

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 320 is amended in the following respects:

1. In section 3, Table IV, the sixth item, "24 qt. square braid lettuce baskets with cover__Dozen__250__1.40," is deleted.

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

[1] 9 F.R. 2521.

2. In section 3, Table V is amended to read as follows:

TABLE V—CRATES, PARTS, MISCELLANEOUS

Freight container Bureau No.	Container description (freight container bureau specifications except as noted)	Units	Minimum truckload	Price
	Unitized: Veneer parts, Lumber and/or Veneer cleats—Stitched and/or Nailed:			
5, 24, 40	1⅛ bu. apple box 11" x 13" x 17"—without covers.	100	1,200	$24.00
18, 22	1 bu. apple box 11" x 12½" x 16"—without covers.	100	1,200	22.00
10, 20	1 bu. apple box 10½" x 11½" x 18"—without covers.	100	1,200	22.00
	1 bu. Dozier Fruit box 11" x 12½" x 16"—⅛" Veneer ½" Rails.	100	1,200	25.00
252	24 pt. American berry crates 9" or 9½" x 9" x 18".	100	1,200	40.00
260	24 pt. Berry crates—Oblong cups	100	1,200	41.00
5615	24 pt. Wired American berry crates	100	1,200	41.00
	16 qt. American berry crates	100	1,000	37.00
	16 qt. Hallock berry crates	100	1,000	38.00
	16 qt. Huckleberry crates	100	1,000	42.00
295	36 qt. berry crates—Oblong cups 9" x 11" x 22".	100	1,000	50.25
253	24 qt. American berry crates 11" x 11" x 21¼" to 22".	100	1,000	51.00
5616	24 qt. Wired American berry crates	100	1,000	52.00
5501	24 qt. Jarrell-type Folding berry crate	100	1,000	59.00
5720	24 qt. Hinged-cover berry crates—made up.	100	200	70.00
	Berry crate dividers	100	--------	2.10
710	⅜ bu. nailed citrus crates—6" x 12" x 12"	100	2,000	13.00
690	⅝ bu. nailed citrus crates—half strap—6" x 12" x 24".	100	1,200	23.25
679	⅝ bu. nailed citrus crates 9½" x 9½" x 19"	100	1,200	21.00
3677	⅝ bu. wirebound citrus crates 9½" x 9½" x 19".	100	1,200	22.75
675	1⅜ bu. nailed citrus crates 12" x 12" x 24"	100	1,000	34.00
705	1⅜ bu. nailed citrus crates—No center head	100	1,000	27.00
650	1⅜ bu. nailed citrus crates 11⅛" center head	100	1,000	32.00
5004	1⅜ bu. wirebound citrus crates	100	1,000	31.00
401	Cauliflower crates 8½" x 18" x 21⅝" to 22"	100	1,000	29.00
485	Celery crates 20" x 11" x 20⅝"	100	1,000	30.25
480	Celery crates 16" x 10" x 22"	100	1,000	23.00
	Celery crates Ransbottom type 20" x 11" x 20⅝".	100	1,000	31.25
3610	Wirebound celery crates 16" x 10" x 22"	100	1,000	29.25
923, 925	Lettuce and vegetable crates 7½" x 15" or 15½" x 18¾".	100	1,200	21.00
3800	Wirebound lettuce and vegetable crates 7½" x 15" or 15½" x 18¾".	100	1,200	24.25
926, 928, 930	Lettuce and vegetable crates 13" x 17½" x 21⅝" to 22".	100	1,000	38.00
950, 952	Lettuce and vegetable crates 9" x 13" x 21⅝" to 22".	100	1,200	24.25
5591	Folding vegetable crates 13" x 17½" x 21⅝" x 22".	100	1,000	44.00
1417	Pepper crates 13⅝" x 11" x 22"	100	1,200	20.25
1235, 1236	1 bu. potato crates 12" x 12" x 15"	100	1,200	21.00
1654	1 bu. sweet potato crates 12" x 12" x 16¾"	100	1,200	21.00
5576	1 bu. folding sweet potato crates	100	1,200	31.00
1700	1 bu. vegetable crates 8" x 12" x 22"	100	1,200	23.25
1550	Radish crates 7½" x 15" x 18¾"	100	1,200	23.25
1601	6 Basket crate skeleton 10" x 11" x 22"	100	1,200	20.25
5040	Wirebound vegetable crate 12" x 12" x 16¾"	100	1,200	37.00
4054	James sweet potato crate 12 7/16" x 12¼" x 15" top 13¼" x 16" bottom.	100	1,200	28.00
	Veneer slats: Solid Lumber or Assembled Ends:			
161	Asparagus crates 10½" x 9" or 9½" top 11" bottom x 17 9/16" or 18". 25/32" ends, ¾" slats.	100	1,200	27.00
157	Asparagus crates 11" x 9¼" top 12" bottom x 19¼", 25/32" ends, ¾" slats.	100	1,200	$29.00
163	Asparagus crates 12⅞" x 9½" top 19½" bottom x 17¾", 25/32", ends, ¾" slats.	100	1,200	30.00
1450	Pineapple crates 19½" x 12" x 33" ¾" x 4" slats.	100	--------	34.50
	Pineapple crates 19½" x 12" x 33" ¾" x 4½" slats.	100	--------	38.75
	Sawn Slats: Assembled ends:			
1150	Pony cantaloupe crate 11" x 11" x 22"	100	1,000	27.75
1151	Standard cantaloupe crate 12" x 12" x 22"	100	1,000	29.00
1152	Jumbo cantaloupe crate 15" x 15" x 22"	100	1,000	30.00
	Unitized: Veneer sides, top and bottoms, Lumber ends:			
203	Avocado boxes 4½" x 13½" x 16"—3/16" Veneer, 11/16" ends.	100	2,000	15.50
1025	Tomato lugs 6 5/16" x 13½" x 16":			
	End cleats attached	100	1,500	19.00
	End cleats not attached	100	1,500	18.00
1040	Tomato lugs 6 5/16" x 13½" x 16":			
	¼" Veneer: End cleats attached	100	1,500	23.25
	End cleats not attached	100	1,500	22.25
	Made up	100	500	23.25
1035	Tomato lugs 4¼" x 13½" x 16":			
	End cleats attached	100	1,500	14.75
	End cleats not attached	100	1,500	13.75
	Miscellaneous special containers:			
	¼ barrel cranberry box, 9¼" x 19½" x 15" or 9½" x 11" x 13 9/16".	100	1,200	31.50
	1 bu. market box, 17½" x 17½" x 7 7/16" without tops, ends ¾", sides and bottom ¾".	100	1,200	20.00
	½ bu. market box 12⅝" x 12⅝" x 7 7/16", without tops, ends ¾", sides and bottoms ¾".	100	1,500	13.00
	Field crates:			
	Citrus field crates:			
	Cypress 12" x 15" x 33"	100	1,000	108.00
	Gum 12" x 15" x 33"	100	1,000	70.00
	Pine 12" x 15" x 33"	100	1,000	67.00
	Tomato field crates:			
	Cypress 11" x 11" x 24"	100	1,000	67.50
	Gum 11" x 11" x 24"	100	1,000	47.50
	Pine 11" x 11" x 24"	100	1,000	42.00
	Tomato field crates:			
	Cypress 11" x 12" x 24"	100	1,000	69.50
	Gum 11" x 12" x 24"	100	1,000	49.00
	Pine 11" x 12" x 24"	100	1,000	43.50
	Field crates, 11" x 14" x 17" (¾" ends, ¾" sides and bottom, 1¼" x 1¼" cleats).	100	1,000	31.50
	Field crates, 11" x 14" x 17" (¾" ends, ¾" sides and bottom, 1¼" x 1¼" cleats).	100	1,000	40.00
	Crate parts:			
	Citrus rind sticks—straight—Tangerine	100	--------	.65
	Citrus rind sticks—straight—Orange	100	--------	.95
	Citrus rind sticks—straight—Grapefruit	100	--------	1.25
	Citrus rind sticks—beveled—Tangerine	100	--------	.90
	Citrus rind sticks—beveled—Orange	100	--------	1.20
	Citrus rind sticks—beveled—Grapefruit	100	--------	1.45
	1 bu. and 1⅛ bu. apple box covers—Unitized, 4 slats ⅞" x 5".	100	--------	4.00
	Apple box top slats ¾" x 2¼" or 7/16" x 1½"	1,000	--------	7.50
252	24 pt. American berry crate parts:			
	Ends	100	--------	2.55
	Sides	100	--------	2.20
	Tops	100	--------	2.11
	Bottoms	100	--------	1.74

TABLE V—CRATES, PARTS, MISCELLANEOUS—continued

Freight container Bureau No.	Container description (freight container bureau specifications except as noted)	Units	Minimum truckload	Price
	Crate parts—Continued.			
253	24 qt. American berry crate parts:			
	Ends	100		$5.46
	Sides	100		3.05
	Tops	100		3.52
	Bottoms	100		2.66
401	Cauliflower crate parts—8½" x 18" x 22":			
	Ends	100		7.15
	Sides	100		2.85
	Tops	100		5.00
	Bottoms	100		5.50
480	Celery crate parts—16" x 10" x 22":			
	Ends	100		5.83
	Sides	100		4.67
	Tops or bottoms	100		3.50
485	Celery crate parts—20" x 11" x 20⅝":			
	Ends	100		7.50
	Sides	100		5.20
	Tops	100		1.70
	Bottoms	100		3.15
	Celery crate parts—Ransbottom type 20" x 11" x 20⅝":			
	Ends	100		7.50
	Sides	100		5.80
	Tops	100		1.70
	Bottoms	100		2.95
675	1⅜ bu. nailed citrus crate parts:			
	Ends	100		5.30
	Centers	100		6.50
	Sides	100		4.35
	Tops	100		4.30
	Bottoms	100		3.90
705	1⅜ bu. nailed citrus crate parts:			
	Ends	100		5.30
	Sides	100		4.22
	Tops	100		4.17
	Bottoms	100		3.79
679	⅘ bu. nailed citrus crate parts:			
	Ends	100		3.45
	Centers	100		4.05
	Sides	100		2.70
	Tops	100		2.70
	Bottoms	100		2.45
923,925	Lettuce and vegetable crate parts—7½" x 15" or 15½" x 18¾":			
	Ends	100		4.83
	Sides	100		2.41
	Tops	100		3.27
	Bottoms	100		3.27
926, 929, 930	Lettuce and vegetable crate parts 13" x 17½" x 21⅝" to 22":			
	Ends	100		8.70
	Sides	100		4.05
	Tops	100		5.00
	Bottoms	100		5.50
950, 952	Lettuce and vegetable crate parts 9" x 13" x 21⅝" to 22":			
	Ends	100		$6.00
	Sides	100		2.50
	Tops	100		3.50
	Bottoms	100		3.75
1235, 1236	1 bu. potato crate parts 12" x 12" x 15":			
	Ends	100		5.30
	Sides	100		2.72
	Tops	100		2.72
	Bottoms	100		2.72
1417	Pepper crate parts 13⅜" x 11" x 22":			
	Ends	100		5.55
	Sides	100		4.43
	Tops	100		3.15
	Bottoms	100		3.15
1550	Radish crate parts 7½" x 15" x 18¾":			
	Ends	100		4.83
	Sides	100		2.73
	Tops	100		4.07
	Bottoms	100		4.07
1654	1 bu. sweetpotato crate parts 12" x 12" x 16¾":			
	Ends	100		5.30
	Sides	100		2.72
	Tops	100		2.72
	Bottoms	100		2.72
1700	1 bu. vegetable crate parts 8" x 12" x 22":			
	Ends	100		5.50
	Sides	100		2.50
	Tops	100		3.50
	Bottoms	100		3.75
1450	Pineapple crate parts 10¼" x 12" x 33":			
	Ends	100		5.15
	Centers	100		6.35
	¼" x 4" slats	100		2.23
	¼" x 4½" slats	100		2.51
1025	Tomato lug parts 6⅞" x 13½" x 16":			
	Ends—cleats attached	100		5.45
	Ends—cleats not attached	100		4.95
	Sides	100		1.10
	Tops	100		3.60
	Bottoms	100		2.30
1040	Tomato lug parts 6⅞" x 13½" x 16":			
	Ends—cleats attached	100		5.70
	Ends—cleats not attached	100		5.20
	¼" sides	100		1.80
	⅛" or ⅙" tops with 2 5/32" x 1⅜" cleats	100		4.30
	¼" bottoms	100		3.95
5, 24, 40	⅜" bu. apple box parts:			
	Ends	100		5.82
	Sides	100		3.67
	Bottom	100		5.52
	Cleats (per M'BM Net Leaver measure)			60.00

NOTES

1. All crates are priced unitized but knocked down, unless otherwise specified.
2. All dimensions on crates are inside, unless otherwise specified.
3. For all stock and customers printing add ¼¢ per impression; die charge extra for customer's account.
4. All berry crates are priced complete with cups and dividers.
5. All berry crates sold without cups or dividers, deduct 4¢ per crate and ceiling price of cups.
6. For dyed cleats add ½¢ per crate.
7. For curved sides on 1⅜ bushel nail type citrus crates, add 1½¢ per crate.
8. For curved sides on ⅘ bushel nail type citrus crates, and lugs, add 1¢ per crate.
9. For all nail type celery crates with 22" x 10" head frames, add 2¢ per crate.
10. For making up crates (except those priced made up) add 2¢ per crate.
11. All parts are complete or unitized, not sets.
12. In 1⅜ bu. wirebound citrus boxes when 4 solid fiber slats are substituted for 4 veneer slats in the blank only an addition of $3.50 per hundred may be made to the basic maximum price.
13. In 1⅜ bu. wirebound citrus boxes when 4 solid fiber slats in the blank and 1 in each end panel are substituted for veneer slats, an addition of $4.50 per hundred may be made to the basic maximum price.
14. In 1⅜ bu. wirebound citrus boxes when 4 corrugated slats are substituted for 4 veneer slats in the blank only an addition of $2.00 per hundred may be made to the basic maximum price.
15. In 1⅜ bu. wirebound citrus boxes when 4 corrugated slats in the blank and 1 in each end panel are substituted for veneer slats an addition of $2.50 per hundred may be made to the basic maximum price.

3. Section 4 (b) is amended to read as follows:

(b) *Overtime operations.* Any manufacturer whose operations during any one week exceed 40 hours may reflect the increased cost of such operations on deliveries during the succeeding week by adding to the basic maximum f. o. b. factory price as follows: (1) 2% of the basic maximum f. o. b. factory price for the first full 4 hour period of overtime operations; (2) 1% of the basic maximum f. o. b. factory price for each full 2 hour period of overtime operations in excess of 44 hours per week.

The amount of the overtime addition is to be calculated in the following manner:

(1) Divide the total number of regular man hours worked during the week in the entire agricultural package production operation into the number of overtime hours worked during the same week in the entire agricultural package operation to establish a percentage.

(2) Apply the percentage obtained as outlined above to 40 hours to determine the number of overtime hours for which addition may be made.

Examples. A mill operated a total of 4200 man hours on regular time and 200 man hours on overtime. Dividing 4200 into 200, the result is 4.8%. (Step (1) above). Applying 4.8% to 40 hours, the result is 1.92 hours overtime. (Step (2) above). Since the overtime was not a full 4 hours no addition may be made. If, however, the regular man hours were 4200 and the overtime man hours were 960, the percentage would be 22.9. Applied to 40 hours, the result is 9.2 hours or a full 4 hour and two full 2 hour periods for which overtime addition may be made. The permissible addition in this case is 4% of the basic maximum f. o. b. factory price.

4. Section 5 (b) is amended to read as follows:

(b) The seller's average percentage mark-up weighted by volume, over the f. o. b. factory price on all sales of Eastern and Central wooden agricultural containers during 1941.

5. In section 6 (c) the first sentence is amended to read as follows:

(c) The seller's average percentage mark-up, weighted by volume, over the f. o. b. factory price on all sales of Eastern and Central wooden agricultural containers during 1941.

6. Section 10 is amended to read as follows:

SEC. 10. *Prohibited practices.* Any practice which is a device to get the effect of a higher than ceiling price without actually raising the dollars and cents price is as much a violation of this

regulation as an outright over ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, typing agreements, trade understandings, changes in discount practices and the like.

This amendment shall become effective September 11, 1944.

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13698; Filed, Sept. 6, 1944; 11:49 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395,[1] Amdt. 33]

MAXIMUM PRICES IN THE VIRGIN ISLANDS

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

Section 9a is added to read as follows:

SEC. 9a. *Inability to determine maximum price.* If the maximum price at retail or wholesale cannot be determined by the seller in accordance with the applicable pricing method established in Article IV of this Maximum Price Regulation 395 for his commodity, such seller shall apply to the Territorial Director for the Virgin Islands for the authorization of a maximum price. The Territorial Director may authorize and establish a maximum price for such commodity in line with the maximum prices of other similar sellers of the same or similar commodity.

This amendment shall become effective as of August 19, 1944.

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13697; Filed, Sept. 6, 1944; 11:48 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

Paragraph (a) of § 2.4 *Fishing,* is amended by deleting "Olympic,".

The amendment to § 2.14 *Mountain summit climbing,* issued on May 19, 1943 (7 F.R. 2906, 8 F.R. 7283), is changed by deleting "(a)" and "(b)", and substituting therefor "(d)" and "(e)".

Paragraph (b) of § 2.17 *Pack trains and saddle horse parties* is amended by inserting "Rocky Mountain", immediately following "Kings Canyon,".

Paragraph (e) of § 2.32 *Private lands,* is amended by inserting "Olympic," immediately following "Glacier,".

Paragraph (e) of § 2.40 *Permits,* is rescinded.

Paragraph (b) of § 20.11 is amended to read as follows:

§ 20.11 *Lassen Volcanic National Park* * * *

(b) *Fishing; limit of catch and in possession.* The limit of catch and in possession per person per day shall be 10 fish, or 10 pounds of fish and 1 fish, in all waters except Mazanita Lake and Reflection Lake, where the daily limit of catch shall be 5 fish, or 5 pounds of fish and 1 fish. All fish caught, regardless of size, shall be retained.

Section 20.30 is amended to read as follows:

§ 20.30 *Fort Jefferson National Monument, fishing.* (a) No coral, shells, sea fans, or other forms of marine life found in the water, whether alive or dead, except fish, crayfish, and the common species of conch known as giant stromb (*Strombus gigas*), shall be taken or disturbed. Dead shells found above the low tide line on Loggerhead Key and Garden Key may be taken by visitors. Dead shells found above the low tide line on other keys shall not be taken without a permit from the Custodian. Dead shells occupied by hermit crabs shall not be taken or disturbed.

(b) Sea turtles, or the eggs thereof, whether on land or in the water, shall not be taken or disturbed.

(c) (1) Salt water crayfish (*Panulirus argus*), known locally as "crawfish", "Florida Lobster", or "Caribbean Spiny Lobster", shall not be caught or taken between March 21 and July 21, inclusive.

(2) Salt water crayfish caught or taken measuring less than 12 inches from tip of head to tip of tail, exclusive of "feelers", shall be immediately returned to the water alive unless seriously injured. Those retained because seriously injured shall be counted in the day's catch and shall be surrendered to the Custodian or his representative.

(d) The limit per person per day is 2 crayfish, including those retained because seriously injured, except that the total for any vessel having more than 12 persons aboard shall not exceed twenty-five.

(e) The taking or catching of crayfish for commercial purposes is prohibited.

(f) No conchs known as the giant stromb (*Strombus gigas*) shall be caught or taken except for food or for bait. The shells of conchs caught or taken for such purposes may be retained for non-commercial purposes.

(g) The limit per person per day is 2 conchs, except that the total for any vessel having more than 12 persons aboard shall not exceed twenty-five.

(h) Commercial fishing is permitted with drop lines, except within one-half mile of Garden Key, Bush Key, or Long Key, in conformity with the laws and regulations of the State of Florida.

(i) Nets may be used for collecting bait for commercial or sport fishing. Possession at any time of more than one day's supply of bait so taken is prohibited. No bait shall be taken for the purpose of sale.

(j) No underwater marine life shall be disturbed or taken from the moat or from the shoal waters surrounding Garden Key and Bush Key, or from the shoal waters of Long Key north of the 5-foot channel, where depths of water at mean low tide are less than 15 feet. The possession of fishing tackle, nets, spears, or gigs within such areas shall be prima facie evidence that the person or persons possessing the same are guilty of unlawful fishing in such waters: *Provided,* That the provisions of this paragraph shall not be construed to prohibit sport fishing in the deep water channels or from any pier within the area. (39 Stat. 535; 16 U. S. C. 3)

Issued this 28th day of August 1944.

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

[F. R. Doc. 44-13664; Filed, Sept. 6, 1944; 9:38 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

READJUSTMENT ALLOWANCES FOR FORMER MEMBERS OF ARMED FORCES WHO ARE UNEMPLOYED

The following regulations govern the operations of State Cooperating Agencies and others concerned with the Administration of Title V of the Servicemen's Readjustment Act of 1944:

Sec.
36.501 Definitions.
36.502 Starting date of readjustment allowance payment.
36.503 Applications for allowances.
36.504 Determination of entitlement.
36.505 Registration for work and reporting unemployment.
36.506 Use of agency's type of week.
36.507 Time and frequency of allowance payments.
36.508 Required content of agency records.
36.509 Required content of claims for total unemployment.
36.510 Allowance checks—repayments, etc.
36.511 Partial unemployment claims.
36.512 Transfer of claims between agencies.
36.513 Allowances during periods of illness or of disability.
36.514 Allowances to the self-employed.
36.515 Payment of claim after death.
36.516 Agency application of disqualifications.
36.517 Additional disqualification.
36.518 Determinations and appeals with respect to unemployment.
36.519 Prosecutions and penalties.
36.520 Force of instructions on forms.
36.521 Statistical reports.
36.522 Individual reports.

AUTHORITY: §§ 36.501 to 36.522, inclusive, issued under 58 Stat. 248.

§ 36.501 *Definitions.* (a) "Act" means the Servicemen's Readjustment Act of 1944, Public No. 346, 78th Congress.

(b) "Administrator" means the Administrator of Veterans' Affairs.

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

[1] 8 F.R. 6621, 8873, 9996, 11438, 12661, 13345, 14144, 15865, 17052, 16298, 16793; 9 F.R. 1398.

(c) "Agency" means any agency administering a State Unemployment Compensation Law or the Railroad Unemployment Insurance Act, which has entered into an agreement with the Administrator to assist him in the payment of allowances.

(d) "Allowance" means the readjustment allowance payable under the act.

(e) "Employment office" means a public employment office which is utilized by the agency in administering its unemployment compensation law, and also means any facility designated as an employment office for the purposes of the Act by the Railroad Retirement Board.

(f) "Agent" means the readjustment allowance agent appointed by the Administrator under section 1100 (a) of the act, as his representative assigned to a given agency.

(g) "Value of remuneration other than cash," as used in this act, shall be determined by the agency pursuant to its rules and regulations as to such valuation under its unemployment compensation law.

§ 36.502 *Starting date of readjustment allowance payment.* (a) With respect to agencies paying benefits on a flexible week basis, allowances for unemployment are first payable for the week starting Monday, September 4, 1944. With respect to agencies then paying benefits on a calendar week basis, (i. e. the week beginning Sunday) the first week for which allowances may be paid starts September 10, 1944.

(b) Allowances for the self-employed are first payable for the month of October 1944.

(c) The allowances will be in the amount authorized in Chapter IX of the act.

§ 36.503 *Applications for allowances.* (a) The veteran's initial application shall be made through local offices or facilities of any agency for a form supplied by the Administrator. Applications may be made by mail pursuant to agency regulations and procedures.

(b) The veteran shall present his discharge or separation paper at the time of making his application whether such application is made in person or by mail.

(c) The agency may require any veteran who files an application and has no social security account number to secure such a number.

§ 36.504 *Determination of entitlement.* (a) When a veteran's discharge or separation paper specifies that the discharge or separation was "honorable" or "dishonorable", the agency shall immediately determine his entitlement and enter its determination on the application form. A veteran's discharge or separation paper may have one of the following titles:

Honorable discharge.
Certificate of active service.
Certificate of service.
Certificate of discharge.
Discharge.
Certificate of unfavorable discharge.
Bad conduct discharge.
Dishonorable discharge.

When the veteran asserts that he has lost his paper; when the paper does not specify whether his discharge or separation was honorable or dishonorable; or when the facts stated in the paper are inconclusive, incomplete or in dispute; his application shall be cleared with the Veterans' Administration through the agent.

(b) The agency shall determine the maximum number of weekly allowances to which the veteran is entitled.

(c) In determining the maximum number of weekly allowances potentially payable to the veteran, the agency shall, under section 900 (b), count "each calendar month or major fraction thereof of active service." For the purpose of such determination the term "calendar month" means the month starting with the date of the veteran's entry upon active service, and each such corresponding month ensuing consecutively thereafter: (i. e.; the first "calendar month" starts on the beginning date of active service and ends on the day preceding the same date in the succeeding month; *Provided however,* That if the succeeding month does not include enough days to have a corresponding date, his first "calendar month" will end at the close of such succeeding month. The second "calendar month" starts immediately after the end of the first "calendar month" and its termination is likewise determined, and so on with beginning and ending dates similarly determined.) When a fraction of such a month had elapsed on the veteran's discharge date, any balance of days remaining after the determination of calendar months as herein above described shall be treated as a "major fraction" if it includes 16 days or more.

(d) The period of active service is stated on some types of discharge or separation papers. All of the period between the veteran's entry upon active service and his discharge is active service. When the discharge does not show the date of entry into active service but does show the date of induction (or date of enlistment) the latter shall be accepted as date of entry into active service except as modified by other remarks on the reverse of the discharge paper.

(e) When a veteran files his first application for allowances the back of the veteran's discharge or separation paper shall be stamped or endorsed in ink with the following: "Application for Readjustment Allowances made through (name of agency) on (date)."

§ 36.505 *Registration for work and reporting unemployment.* (a) Unemployed veterans shall be registered for work in accordance with the employment office regulations, policies and procedures applicable to claimants under the Unemployment Compensation Law of the agency.

(b) Unemployed veterans shall report their unemployment at such times and in such manner as is required by the agency for claimants under its Unemployment Compensation Law.

(c) No unemployed veteran shall be eligible to receive an allowance for any week in which he was not so registered or with respect to which he did not so report: *Provided,* That such failure to be registered or to report may be waived by the agency on the same basis as would justify such a waiver as to its unemployment compensation claimants. Registration may be waived in case of illness as provided in § 36.513.

§ 36.506 *Use of agency's type of week.* Claims for allowances filed by unemployed veterans with a given agency shall be based on the weekly time unit which currently applies to claimants under the agency's Unemployment Compensation Law: *Provided,* That any agency which applies other than a weekly time unit to unemployment compensation claimants shall adopt suitable procedures to provide for a weekly basis for allowances to unemployed veterans.

§ 36.507 *Time and frequency of allowance payments.* Allowances shall be paid at the intervals prescribed for unemployment compensation payments by the law or regulations of the agency.

§ 36.508 *Required content of agency records.* (a) Each agency shall maintain files containing all correspondence and other papers relating to individual veteran's claims, and such files shall be readily accessible to the agent, or other authorized representative of the Administrator.

(b) Each agency shall maintain a separate record for each veteran whose application is allowed. This record shall be maintained in such manner as will facilitate a prompt compilation of required statistical data and shall contain at least the following information:

(1) The veteran's name.
(2) His last service serial number, and branch of service.
(3) The date and place of the veteran's birth.
(4) The maximum number of weekly allowances to which the veteran was originally entitled.
(5) Number of weekly allowances paid, and total amount of weekly allowances paid during each consecutive period of unemployment.
(6) Number of monthly payments made to the self-employed and allowances weeks charged.
(7) Disqualifications imposed (current or past) and weeks involved.
(8) Record of transfer to or from another agency.

§ 36.509 *Required content of claims for total unemployment.* (a) The initial, or additional first claim (i. e. the first claim taken after an intervening period of employment) filed by a veteran during any period of total unemployment shall contain a signed statement covering at least the following information:

(1) Residence.
(2) Ability and availability for work.
(3) Registration for work.
(4) Name of last employer.
(5) Reason for separation from last employer.

(6) Recent refusal of job offer to job referral.
(7) Recent failure to attend a free training course.

(b) Continued claims shall contain a signed statement covering at least the following information with respect to the week for which allowance is claimed:

(1) Ability and availability for work.
(2) Registration for work.
(3) Refusal of job offer or referral.
(4) Failure to attend free training courses.
(5) Wages earned.
(6) Benefits, received or accrued under other programs, which are deductible from allowances.

§ 36.510 *Allowance checks; repayments, etc.* (a) Each agency shall supply its checks or other forms for payment of allowances in such form as is best suited to its own procedures and equipment: *Provided,* That the face of each such check (or order for payment) shall bear the following statement: "In payment for readjustment allowances under the Servicemen's Readjustment Act of 1944."

(b) Repayment to the agency of the amount of readjustment allowances paid veterans will be made promptly following receipt of certified voucher (Standard Form 1034) by the agent. Form 1034 will show the designation of the fund to be credited, the total amount to be repaid, the period covered, etc., and will be supported by a schedule or list of the individual items totaling the amount of the repayment claimed. This supporting schedule or list will contain the name of each veteran paid, his service serial number and the amount paid, and may be in the form of a copy of the check (or warrant) register or some similar product of the agency's accounting system.

(c) The amount of canceled checks and collections on account of items for which repayment had been made to the agency will be shown as a deduction from the amount stated on a subsequent Form 1034 and there will be attached a list of the checks canceled and the collections made.

(d) The agency will establish and maintain a separate depositary (banking) account for benefit payments under Title V of the act and following each reconciliation of the account will furnish the agent a summary statement showing the balance at the beginning and end of the period, the total charges and total credits during the period, and the total of the checks outstanding at the end of the period.

§ 36.511 *Partial unemployment claims.* (a) Each agency whose law provides for partial unemployment benefits shall take and pay veteran's claims for weeks of partial unemployment in a manner consistent with its methods under its unemployment compensation law.

(b) Any agency whose unemployment compensation law does not provide for the payment of partial unemployment benefits, shall provide for payment of veteran's partial unemployment benefits by adopting and putting into effect procedures which are insofar as practicable consistent with those of other agencies.

(c) Each agency's claim-form for veterans' claims for weeks of partial unemployment shall contain a signed statement by the veteran covering the following information with respect to the week covered by the claim:

(1) Items 1, 2, 3, 4, 6 and 7 listed in § 36.509 (a).
(2) Wages payable (i. e. earned).
(3) That work was for less than a full work week.
(4) Reason for less than a full work week.

§ 36.512 *Transfer of claims between agencies.* (a) When a veteran, who has been receiving allowances through a given agency, transfers to the jurisdiction of another agency, he may continue his claims against the original agency under the interstate benefit payment plan (or, by direct mail with the consent of the original agency), or, at his option, he may request the new agency to have his allowance record transferred so that the new agency may pay his allowances.

(b) The form used by each agency for transferring a veteran's allowance record under paragraph (a) of this section shall contain the same minimum information specified under § 36.508 (b).

§ 36.513 *Allowances during periods of illness or of disability.* (a) Under the provisions of section 700 (b) (4) of the act, a period of continuous unemployment will be deemed to start on the effective date of the veteran's first claim for allowances during the period of continuous unemployment.

(b) Each agency shall initially, if practicable, secure evidence of the veteran's illness or disability through a certificate of his attending physician. The veteran's signed statement or other suitable evidence shall be obtained.

(c) So far as practicable, the agency shall assist the veteran in reporting weekly his continued unemployment, due to his illness or disability, by mail or through his designated representative.

(d) The first claim for allowance filed by a veteran for a period of illness or disability shall bear a signed statement by the veteran that he is unable to work and shall specify the nature of his illness or disability. Such claims shall also provide space for a physician's certification to the same effect, or for an explanation as to why such a certification could not practicably be secured.

(e) Continued claims for allowances filed by a veteran for a period of illness or disability under this regulation shall bear a signed statement by the veteran that he was unable to work throughout the week or weeks in question.

§ 36.514 *Allowances to the self-employed.* (a) Each agency shall determine whether a veteran is engaged in self-employment, consistently with the definition of the employment relationship provided in its unemployment compensation law.

(b) A veteran shall be treated as having been fully engaged in self-employment during a given calendar month only if, throughout that month, he was engaged in his self-employment to the exclusion of any services in an employment relationship. For the purposes of this paragraph calendar month means one of the given twelve months of the calendar year.

(c) A veteran's net earnings from his self-employment include total income from self-employment less expenses incurred in securing such income. Personal or family expenditures shall not be deductible as expenses.

(d) Each self-employed individual shall maintain such records as are necessary for a determination of his net earnings. Such records shall reflect income received and expenses paid, and shall be open to inspection or audit by an authorized agency representative, or of the Veterans Administration.

(e) Veterans' claims for allowances for months of self-employment shall be filed at a local office of the agency, or by mail on forms prescribed by the Administrator.

(f) Such claims shall be cleared through agency records, and the agency shall enter from the veteran's record, the maximum number of weeks of allowance which may be paid for the month in question. At the time of making such entry on the claim, the agency shall charge the claimant's record with payment of a monthly allowance (which shall be charged as the equivalent of 5 weekly allowances), subject to reversal of the charge, if the claim is subsequently disallowed.

(g) The agency shall deliver the claim, thus endorsed as to entitlement, to the agent, who shall examine the claim and either, disallow it, request further specified facts from the agency, or allow it and determine the veteran's net earnings and allowance payable for the month in question.

(h) If the agent disallows the claim, he shall so inform the agency. If he allows the claim, he shall secure payment thereof by appropriate notification to the nearest Treasury Disbursing Office.

(i) The agent's determination as to such claim shall be subject to review within the time set by the agency's law and regulations for the filing of appeals from initial determinations. The agent shall, when an application for review has been filed, conduct a recorded hearing and based upon the record, issue his decision in accordance with the provisions of § 36.518 (c).

§ 36.515 *Payment of claim after death.* (a) In case a veteran dies, and at the time of his death there is due and payable to his readjustment allowances, the amount thereof shall, upon claim therefor, be certified to the agent. The agent shall forward such certification to the Dependents Claims Service, Veterans' Administration, Washington, D. C., for adjudication. The amount of such allowances shall be awarded under the provisions of § 5.2660 (a) and (c) of this chapter to the surviving spouse, or if there be no surviving spouse, to the child, or children, dependent mother or father, in the order named. In all other cases only so much of the unpaid allowances may be paid as may be necessary to reimburse a person who bore the expense of last illness and burial: *Provided,* That

no part of the allowances due the deceased veteran shall be used to reimburse any political subdivision of the United States, or of any State, for expenses incurred in the veteran's last sickness or burial.

§ 35.516 *Agency application of disqualifications.* Each agency shall take appropriate steps consistent with its established administrative policies, procedures, and precedent (disregarding the provision "attributable to the employer"), to enforce and apply the disqualifications provided in the act. Each agency shall interpret and apply such disqualifications so far as practicable consistently with decisions of the agent on second appeal, and with decisions of the Administrator on final review.

§ 36.517 *Additional disqualifications.* Pursuant to section 800 (c) (2) of the act, the Administrator hereby prescribes that each agency may apply the following additional disqualifications. In the case of successive (consecutive) disqualifications and the assessing of additional disqualifications (except as determined by the Administrator upon referral by the agency) the aggregate number of weeks to be assessed by the agency shall not exceed thirteen (13).

§ 36.518 *Determinations and appeals with respect to unemployment.* (a) Each determination of the agency with respect to a veteran's application or claim shall be in writing and shall bear a clear statement of his right to appeal.

(b) Such determination shall be final unless within the time set by the agency's law and regulations for the filing of appeals from initial determinations an appeal is taken therefrom. Except as provided in §§ 36.501 to 36.522, inclusive, such appeal shall be heard and decided by the same referee or tribunal which would hear and decide the appeal if it had arisen under the law of the agency. The hearing shall be conducted in accordance with the agency's law and regulations, in the same manner as are appeals from the agency's unemployment compensation benefit determinations.

(c) Each decision of such referee or tribunal shall contain: the name of the agency whose determination is appealed; the name, most recent serial number, and last known address of the claimant; a complete statement of the case; findings of fact; conclusions of law; and the decision. Such decision shall be signed and dated.

(d) Unless an appeal is heard and decided by the referee or tribunal within thirty days after the date upon which the appeal was filed with the agency the claimant may make written application to the agent to have such appeal transferred to, and heard and decided by the agent. Upon receiving such application the agent may, if after consultation with the agency, he finds that such delay was unreasonable, order the appeal transferred to him for hearing and decision.

(e) The claimant shall be promptly notified of the referee's or tribunal's decision and such decision shall be final unless within thirty days after the date of mailing of notice to the claimant's last known address or in the absence of such mailing within thirty days after the delivery of such notice a written appeal pursuant to section 1102 of the Act is filed with the agency, the referee or tribunal, or the agent.

(f) When such appeal is filed the record shall be transmitted to the agent. Upon such agent's request he shall be furnished with a transcript of the hearing on appeal.

(g) Interstate appeal proceedings shall be conducted in accordance with the law and regulations of the agency conducting the hearing and appeal.

(h) The phrase in section 1103 of the act, "the appellate procedures being subject to final appeal to the Administrator" is hereby construed to mean "the appellate proceeding and the decision being subject to final appeal to the Administrator".

(i) For the purpose of §§ 36.501 to 36.522, inclusive, the veteran shall be deemed to be the only interested party, other than the United States, except that in cases involving a strike, lock-out or other labor dispute the employer shall be deemed to be an interested party.

(j) Any appeal to the Administrator from the decision of the agent must be made in writing within sixty (60) days from the date of mailing of notice of decision to last known address of the veteran.

§ 36.519 *Prosecutions and penalties.* In case an agency discovers an apparent violation of the act, subject to penalty under section 1300 or 1301, the agency shall report the relevant facts to the agent, who will be responsible for further proceedings.

§ 36.520 *Force of instructions on forms.* The Administrator's instructions appearing on forms supplied by him under §§ 36.501 to 36.522, inclusive, shall have the same force and effect as if they were set out in full in this instruction.

§ 36.521 *Statistical reports.* Each agency shall report to the agent promptly after the close of each calendar week the number of veterans who, during that week, were paid allowances by the agency on account of unemployment, the total amount so paid, and the number of veterans whose entitlement expired during the week. The agency shall furnish such other reports or information which the Administrator finds necessary. It will be the policy of the Administrator, where feasible, to consult with the agencies before requiring additional statistical reports.

§ 36.522 *Individual reports.* (a) Each agency shall with respect to each veteran whose right to benefits has been exhausted or has expired, or whose record has been transferred to another agency, or at intervals as prescribed by the Administrator, report the following information on forms supplied by the Administrator:

(1) The name of the veteran.
(2) His serial number and branch of service.
(3) Total number of weekly allowances and amount paid during each consecutive period of unemployment and the beginning and ending dates thereof.

FRANK T. HINES,
Administrator.

SEPTEMBER 1, 1944.

[F. R. Doc. 44-13680; Filed, Sept. 6, 1944; 11:29 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circ. 1581]

PART 216—PAYMENTS

REDUCING TESTIMONY TO WRITING

Section 216.18 of Title 43 is hereby amended by adding thereto a paragraph reading as follows:

§ 216.18 *Reducing testimony to writing.* * * *

Where a register finds that his employees, for any reason, are unable to transcribe the testimony in contest cases which are set before him, and that he cannot obtain a competent clerk to do the work at the rates hereinabove specified, he may authorize the procurement of a qualified stenographer, following the regular contract procedure. The costs will be apportioned by the register in accordance with the rules of practice (43 CFR 221.53–221.60).

FRED W. JOHNSON,
Commissioner.

Approved: August 25, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary

[F. R. Doc. 44-13663; Filed, Sept. 6, 1944; 9:37 a. m.]

[Public Land Order 242 [1]]

NEW MEXICO

WITHDRAWAL OF PUBLIC LANDS FOR USE IN CONNECTION WITH PROSECUTION OF WAR

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 N., R. 4 E.,
Sec. 1, lots 5 to 12, inclusive;
Sec. 3, lots 5 to 16, inclusive;
Sec. 4, lots 5 to 16, inclusive;
Sec. 5, lots 5 to 16, inclusive;
Sec. 6, lots 6 to 17, inclusive.
T. 9 N., R. 4 E.,
Sec. 33, N½N½.

[1] Appendix to Chapter I.

T. 8 N., R. 5 E.,
Sec. 6, lots 1 to 8, inclusive, S½N½.
The areas described aggregate 2,548.11 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

ABE FORTAS,
Acting Secretary of the Interior.

AUGUST 23, 1944.

[F. R. Doc. 44-13666; Filed, Sept. 6, 1944; 9:38 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Small Tract Classification No. 57]

CALIFORNIA

LEASING OF PUBLIC LANDS FOR HOME SITES, ETC.

On July 17, 1944, the Secretary of the Interior classified, under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. sec. 682a), for leasing as home, cabin, health, convalescent, and recreational sites, the following-described public land in the Sacramento, California, land district:

CALIFORNIA No. 21

MOUNT DIABLO MERIDIAN

T. 4 N., R. 14 E., sec. 27, lot 7 (SW¼NE¼), lot 10 (NW¼SE¼), 78.19 acres.

This land is located approximately 3½ miles northeast of Murphys in Calaveras County. It is in a mountainous area, at an elevation of about 3,000 feet. The Big Tree State Highway is near the south boundary of the land. The Stanislaus National Forest lies about 2 miles to the east. San Domingo Creek, a perennial stream, is adjacent to the tract on the west and north.

This land was classified by the Secretary of the Interior on his own motion. Accordingly, no preference right to a lease will be granted based on an application under the act of June 1, 1938, filed on or after July 17, 1944.

This order shall not become effective to permit the leasing of such land under the Act of June 1, 1938, until 10:00 o'clock a. m. of the 63d day from the date on which it is signed, whereupon the land shall, subject to valid existing rights and withdrawals, become subject to such leasing. Applications under the act filed on or after July 17 and prior to such 63d day, with those received at 10:00 o'clock a. m. on that day, will be held and treated as simultaneously filed. Applications filed after 10:00 o'clock a. m. of such 63d day will be received and noted in the order of their filing. The applications will be acted upon and disposed of in accordance with the provisions of 43 CFR 295.8, to the extent that it is applicable.

Lessees will be required to construct, within a reasonable time after execution of the lease, substantial improvements having a value of not less than $500. Leases will be for a period of 5 years, at an annual rental of $5, payable in advance yearly. Leases will provide for ingress and egress. Any applications filed for small tracts in the classified area should describe the land applied for according to the rectangular system of surveys as far as possible.

The Register of the district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 44-13665; Filed, Sept. 6, 1944; 9:38 a. m.]

Office of the Secretary.

[Order 1935]

HEISLEY COAL CO., ET AL.

ORDER TAKING POSSESSION

Pursuant to the provisions of Executive Order No. 9476 (9 F.R. 10317) issued by the President of the United States on September 3, 1944, Government possession is hereby taken, effective forthwith, of each and all of the mines, collieries and facilities of Heisley Coal Company, Philadelphia, Pennsylvania, Imperial Coal Corporation, Johnstown, Pennsylvania, Monroe Coal Mining Company, Philadelphia, Pennsylvania, and Springfield Coal Company, New York, New York, and of any and all real and personal property and other assets used in connection with the operation thereof.

The regulations for the operation of coal mines under government control, as amended (8 F.R. 6655, 10712, 11344, 17339) heretofore issued by the Secretary of the Interior shall be applicable to the properties possession of which is taken by this order, except as may be otherwise directed.

L. G. Ball is hereby designated operating manager for the United States for each and all of the mines, collieries and facilities of Heisley Coal Company and Monroe Coal Mining Company; Charles A. Owen is hereby designated as operating manager for the United States for each and all of the mines, collieries and facilities of Imperial Coal Corporation, and Rembrandt Peale, Jr., is hereby designated as operating manager for the United States for each and all of the mines, collieries and facilities of Springfield Coal Company. As operating manager for the United States, each is authorized and directed to operate any and all such respective properties in accordance with the aforementioned regulations for the operation of coal mines under government control and such further directions as may from time to time be issued, and to do all things necessary and appropriate for the operation of such mines, collieries and facilities, and for the production, distribution and sale of their products.

The operating manager for the United States shall forthwith fly the flag of the United States at each such mine, colliery and facility, and shall display conspicuously thereat copies of a poster, reading as follows:

NOTICE: In accordance with the proclamation of the President of the United States, Government possession of the mines, collieries and preparation facilities of this mining company has been taken by order of the Secretary of the Interior.

HAROLD L. ICKES,
Secretary of the Interior.

Dated: September 4, 1944.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 44-13662; Filed, Sept. 6, 1944; 9:37 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5913]

CONNECTICUT POWER CO.

ORDER FIXING DATE OF HEARING AND SUSPENDING PROPOSED INCREASED RATES

SEPTEMBER 1, 1944.

It appears to the Commission that:

(a) The Connecticut Power Company (Connecticut) has on file with the Commission a rate schedule, designated as The Connecticut Power Company Rate Schedule FPC No. 6, providing for the sale of electric energy to The Torrington Electric Light Company (Torrington) for resale by the latter in Torrington, Connecticut, and vicinity.

(b) By letter dated May 29, 1944, Connecticut advised the Commission of certain proposed rates to Torrington to supersede the rates provided in the aforesaid Rate Schedule FPC No. 6. Connecticut, however, did not submit with such letter the information required by the Commission's rules of practice and regulations to be filed with any proposed changes in rates. By letters of June 8, 1944, June 23, 1944, and July 31, 1944, the Commission requested such information, and advised Connecticut that no filing date would be assigned to the proposed rates until receipt of the required information. On August 4, 1944, Connecticut filed its new agreement with Torrington providing for the proposed changes in rates, together with information required under the Commission's rules of practice and regulations. Such new agreement is dated June 30, 1944, and is designated as The Connecticut Power Company Rate Schedule FPC No. 8.

(c) The information submitted on August 4, 1944, by Connecticut shows that the proposed rates provided in the aforesaid Rate Schedule FPC No. 8 would result in an estimated increase over the rates provided in Connecticut's Rate Schedule FPC No. 6 for the sale of electric energy at wholesale to Torrington of approximately $104,000 for the 12-month period beyond July 1, 1944.

(d) In response to an inquiry by the Commission with respect to the effect of Connecticut's proposed increased rates upon Torrington's rates, Torrington stated in a letter dated July 5, 1944, "That an increased cost of $104,000 in our operations would be a serious bur-

den unless increased income could follow."

(e) Unless suspended by Commission order, Connecticut's Rate Schedule FPC No. 8 would become effective as of September 3, 1944, pursuant to the provisions of the Federal Power Act and the rules of practice and regulations thereunder.

(f) The proposed increased rates provided for in Connecticut's Rate Schedule FPC No. 8 may result in excessive rates or charges to Torrington and may place an undue burden upon ultimate consumers of electric energy; may be discriminatory; and will result in increased rates or charges which have not been shown to be justified.

The Commission finds that: It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon.

The Commission orders that: (a) A public hearing be held commencing on December 5, 1944, at 10 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the lawfulness of the proposed increased rates provided for in The Connecticut Power Company Rate Schedule FPC No. 8, subject to the jurisdiction of the Commission, for the sale and delivery of electric energy to The Torrington Electric Light Company for resale.

(b) Pending such hearing and decision thereon, the operation of the schedule of increased rates or charges for the sale of electric energy for resale provided for in The Connecticut Power Company Rate Schedule FPC No. 8 be and the same is hereby suspended until February 3, 1945, or such time thereafter as it shall be satisfactorily shown to the Commission that Connecticut will keep accurate account in detail of all amounts received by reason of the proposed increase in rates and will specify by whom and in whose behalf such amounts are paid.

(c) During the aforesaid suspension period, Connecticut's rates to Torrington contained in The Connecticut Power Company Rate Schedule FPC No. 6 shall remain and continue in effect, in so far as they apply to the sale of electric energy for resale.

(d) At the hearing in this matter, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon The Connecticut Power Company, as provided in section 205 (e) of the Federal Power Act.

(e) Interested State commissions may participate in said hearing as provided in section 39.4 of the rules of practice and regulations under the Federal Power Act.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 44-13659; Filed, Sept. 6, 1944; 9:37 a. m.]

[Docket No. IT-5914]

SAFE HARBOR WATER POWER CORP.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

SEPTEMBER 1, 1944.

Upon consideration of the petition filed on August 31, 1944, by the Maryland Public Service Commission requesting this Commission to institute an investigation of the interstate wholesale rates of Safe Harbor Water Power Corporation and Pennsylvania Water & Power Company, and the joint petition filed on August 14, 1944, by counsel for the Mayor and City Council of Baltimore, Maryland, counsel for the County Commissioners of Baltimore County, Maryland, counsel for Bethlehem-Fairfield Shipyard, Inc., and counsel for Rustless Iron & Steel Corporation, also requesting this Commission to institute such investigation; and

It appearing to the Commission that: (a) Safe Harbor Water Power Corporation owns and operates facilities, among others, used for the transmission and sale at wholesale of electric energy which is generated in Pennsylvania and transmitted therefrom to Maryland and the District of Columbia, and consumed at points outside of Pennsylvania. Such facilities are facilities for the transmission and sale at wholesale of electric energy in interstate commerce. Safe Harbor Water Power Corporation is a public utility within the meaning of that term as used in the Federal Power Act, and is also the licensee under license for Project No. 1025 (Pennsylvania) issued by this Commission.

(b) Safe Harbor Water Power Corporation and Pennsylvania Water & Power Company are both parties to certain agreements involving the transmission and sale of electric energy subject to the jurisdiction of the Commission, which said agreements include those designated in the files of the Commission as follows: Safe Harbor Water Power Corporation Rate Schedule FPC No. 1 (also designated as Pennsylvania Water & Power Company Rate Schedule FPC No. 8), and Supplements Nos. 1 and 2 thereto; Safe Harbor Water Power Corporation Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2 thereto, and Supplement No. 1 to Supplement No. 2 thereto; Safe Harbor Water Power Corporation Rate Schedule FPC No. 4 and Supplements Nos. 1 and 2 thereto; Safe Harbor Water Power Corporation Rate Schedule FPC No. 5.

(c) By order of September 1, 1944, the Commission has instituted an investigation of the interstate wholesale rates of Pennsylvania Water & Power Company.

The Commission finds that: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that an investigation be instituted by the Commission into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Safe Harbor Water Power Corporation for or in connection with any transmission or sale of electric energy subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications.

The Commission orders that: (a) An investigation be and the same hereby is instituted for the purpose of enabling the Commission:

(i) To determine whether, in connection with any transmission or sale of electric energy subject to the jurisdiction of this Commission under the Federal Power Act, by Safe Harbor Water Power Corporation any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges or classifications, are unjust, unreasonable, unduly discriminatory or preferential; and

(ii) If, after hearing, it shall find that any of such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(b) A public hearing be held, commencing on October 30, 1944, at 10 a. m. (e. w. t.), in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(c) Interested State Commissions may participate in this proceeding as provided for in section 39.4 of the rules of practice and regulations under the Federal Power Act.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 44-13660; Filed, Sept. 6, 1944; 9:37 a. m.]

[Project No. 346]

MINNESOTA POWER & LIGHT CO.

ORDER POSTPONING HEARING

SEPTEMBER 4, 1944.

It appearing to the Commission that: (a) On July 28, 1944, the Commission entered an order for hearing in the above-entitled matter, to commence September 8, 1944.

(b) On August 16 and 17, 1944, a conference was held between representatives of Minnesota Power & Light Company and members of the staff of the Commission with respect to the charges of Electric Bond and Share Company and fees of Phoenix Utility Company claimed by Minnesota Power & Light Company as part of the actual legitimate original cost of said project, as of May 31, 1927, wherein agreement was reached as to such cost, subject to the approval of the Commission, evidenced by a stipulation executed by members of the staff of the Commission, August 24, 1944, and by representatives of Minnesota Power & Light Company, August 30, 1944:

The Commission finds that: Good cause exists for the postponement of said hearing; and

The Commission orders that: The hearing heretofore set for September 8, 1944, in the above-entitled matter, be and the same hereby is postponed subject to the further order of the Commission.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 44-13675; Filed, Sept. 6, 1944; 11:21 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 200, Amdt. 5]

REFRIGERATION OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of September A. D. 1944.

Upon further consideration of the provisions of Service Order No. 200 (9 F.R. 4402) of April 22, 1944, as amended (9 F.R. 5960, 9 F.R. 9622, 9 F.R. 9916, 9 F.R. 10051), and good cause appearing therefor:

It is ordered, That Service Order No. 200 (9 F.R. 4402) of April 22, 1944, as amended (9 F.R. 5960, 9 F.R. 9622, 9 F.R. 9916, 9 F.R. 10051), be, and it is hereby, further amended by substituting the following paragraph (a) (2) in lieu of paragraph (a) (2) of § 95.337 thereof:

(a) (2) *Cars of potatoes originating in certain states not to be initially iced or reiced.* No common carrier by railroad subject to the Interstate Commerce Act shall initially ice or reice any refrigerator car or cars loaded with potatoes originating in the States of North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey or New York (Long Island only); or any refrigerator car or cars loaded with potatoes originating at any point on the Northern Pacific Railway Company or the Union Pacific Railroad Company located in the State of Washington when consigned to any destination located in the States of Oregon or Washington.

It is further ordered, That this order shall become effective 12:01 a. m., September 6, 1944; that a copy of this order and direction shall be served upon the State Commission of each state specified in paragraph (a) (2) herein; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44-13671; Filed, Sept. 6, 1944; 10:47 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4063]

MARION BENTINCK-SMITH

In re: Estate of Marion Bentinck-Smith, deceased; File No. D-28-7382; E. T. sec. 7572.

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

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Romney Spring, Executor, acting under the judicial supervision of the Probate Court, County of Norfolk, Commonwealth of Massachusetts;

(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

Elsie Pfeiffer, Germany.
Anna B. Eckstein, 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 Elsie Pfeiffer and Anna B. Eckstein, and each of them, in and to the estate of Marion Bentinck-Smith, 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: August 25, 1944.

[SEAL] JAMES E. MARKHAM, *Alien Property Custodian.*

[F. R. Doc. 44-13682; Filed, Sept. 6, 1944; 11:32 a. m.]

[Vesting Order 4064]

REGINE S. BERLA

In re: Estate of Regine S. Berla, deceased; File D-28-8739; E. T. sec. 10617.

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;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Emilia Meyer, Thea Goldschmidt and Walter Goldschmidt, and each of them, in and to the Estate of Regine S. Berla, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emilia Meyer, Germany.
Thea Goldschmidt, Germany.
Walter Goldschmidt, Germany.

That such property is in the process of administration by Max Goldenberg, Executor, acting under the judicial supervision of the Essex County Orphans' Court, Essex County, State of New Jersey;

And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13683; Filed, Sept. 6, 1944; 11:32 a. m.]

[Vesting Order 4065]

BOND AND MORTGAGE GUARANTEE CO.

In re: Mortgage Participation certificate No. 152707, issued by Bond and Mortgage Guarantee Company under Guarantee No. 215,698 to City of Biedenkopf; File F-28-1314; E. T. sec. 879.

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:

That the property described as follows:
All right, title, interest and claim of any kind or character whatsoever of the City of Biedenkopf in and to the mortgage participation certificate No. 152707, in the face amount of $3,000, issued by the Bond and Mortgage Guarantee Company under guarantee No. 215,698,

is property payable or deliverable to, or claimed by, a political subdivision of a designated enemy country, Germany, namely,
City of Biedenkopf, Germany.
That such property is in the process of administration by Bernard L. Touroff, as Trustee, acting under the judicial supervision of the Supreme Court of the State of New York, New York County, New York;
And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13684; Filed, Sept. 6, 1944; 11:32 a. m.]

[Vesting Order 4066]

OTTO EHMANN

In re: Estate of Otto Ehmann, deceased; File No. F-28-3764; E. T. sec. 1810.

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;

That the property described as follows:
All right, title, interest and claim of any kind or character whatsoever of Albert Ehmann, Herman Rehfuss and Fritz Rehfuss, and each of them, in and to the Estate of Otto Ehmann, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Albert Ehmann, Germany.
Herman Rehfuss, Germany.
Fritz Rehfuss, Germany.

That such property is in the process of administration by William Ehmann, as administrator of the Estate of Otto Ehmann, acting under the judicial supervision of the Surrogate's Court of Rockland County, New York;
And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13685; Filed, Sept. 6, 1944; 11:33 a. m.]

[Vesting Order 4067]

AIMEE F. C. ELLIS

In re: Trust under the will of Aimee F. C. Ellis, deceased; File No. F-28-12543; E. T. sec. 7717.

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:

That the property described as follows:
All right, title, interest and claim of any kind or character whatsoever of Baronin Aimee von Hoyningen Huene (formerly Aimee Ellis) and the lawful issue of Baronin Aimee von Hoyningen Huene (formerly Aimee Ellis) whose names are unknown, and each of them, in and to the Trust under the will of Aimee F. C. Ellis, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Baronin Aimee von Hoyningen Huene (formerly Aimee Ellis), Germany.
The lawful issue of Baronin Aimee von Hoyningen Huene (formerly Aimee Ellis) whose names are unknown, Germany.

That such property is in the process of administration by the Hartford National Bank and Trust Company, as trustee under the will of Aimee F. C. Ellis, deceased, acting under the judicial supervision of the Court of Probate, District of Hartford, State of Connecticut;
And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or

in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13686; Filed, Sept. 6, 1944; 11:33 a. m.]

[Vesting Order 4068]

MARIA HEYM

In re: Estate of Maria Heym, deceased; File D-6-1099; E. T. Sec. 9169.

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 invetsigation, finding;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Frau Theresia Girsch and Frau Frances Kvorda, and each of them, in and to the Estate of Maria Heym, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Frau Theresia Girsch, Germany.
Frau Frances Kvorda, Czechoslovakia.

That such property is in the process of administration by Anita Stange, Executrix of the Estate of Maria Heym, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

Determining that Frau Frances Kvorda, a citizen or subject of a designated enemy country, Germany, and within an enemy occupied area, Czechoslovakia, is a national of a designated enemy country, Germany;

And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13687; Filed, Sept. 6, 1944; 11:33 a. m.]

[Vesting Order 4069]

CHARLES HOFFMANN

In re: Estate of Charles Hoffmann, deceased; File No. D-28-8744; E. T. sec. 10603.

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:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Marie Mayer, Theodor Hoffmann and the Issue of Jakob Hoffmann, late of Germany, whose names are unknown, and each of them, in and to the estate of Charles Hoffmann, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely.

Nationals and Last Known Address

Marie Mayer, Germany.
Theodor Hoffmann, Germany.
Issue of Jakob Hoffmann, late of Germany, whose names are unknown, Germany.

That such property is in the process of administration by The New Britain Trust Company, as executor of the estate of Charles Hoffmann, deceased, acting under the judicial supervision of the Court of Probate, District of Berlin, State of Connecticut;

And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13688; Filed, Sept. 6, 1944; 11:33 a. m.]

[Vesting Order 4070]

ANNA HOLICS

In re: Estate of Anna Holics, deceased; File No. D-34-703; E. T. sec. 8839.

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:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of John Holics in and to the Estate of Anna Holics, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

John Holics, Hungary.

That such property is in the process of administration by George Rozsa, as Executor of the Estate of Anna Holics, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13689; Filed, Sept. 6, 1944; 11:33 a. m.]

[Vesting Order 4071]

LEROY HORST, ET AL.

In re: LeRoy Horst, et al. vs. Henry Hellberg, et al.; File D-28-7936; E. T. sec. 8783 (B).

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;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Catharine Dammann, Anna Hadenfeldt, Katherine Arp, Helene Arp, Maria Reimers, Sophia Arp, Katharina Arp, Margaretha Arp, Joachim Arp, Claus Delfs, Hinrich Delfs and Mrs. Markus Ruge, and each of them, in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "LeRoy Horst, et al. vs. Henry Hellberg, et al.," in the District Court of Scott County, Iowa,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Catharine Dammann, Germany.
Anna Hadenfeldt, Germany.
Katherine Arp, Germany.
Helene Arp, Germany.
Maria Reimers, Germany.
Sophia Arp, Germany.
Katharina Arp, Germany.
Margaretha Arp, Germany.
Joachim Arp, Germany.
Claus Delfs, Germany.
Hinrich Delfs, Germany.
Mrs. Markus Ruge, Germany.

That such property is in the process of administration by Arthur Wagner, 526 Lane Building, Davenport, Iowa, as Referee, and the Clerk of the District Court of Scott County, Iowa, as Depositary, acting under the judicial supervision of the District Court of Scott County, Iowa;

And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13690; Filed, Sept. 6, 1944; 11:34 a. m.]

[Vesting Order 4072]

JULIA KISS

In re: Estate of Julia Kiss, deceased; File D-34-585; E. T. sec. 6770.

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;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Ferencz Boda in and to the estate of Julia Kiss, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely,

National and Last Known Address

Ferencz Boda, Hungary.

That such property is in the process of administration by Vera Faller and Nicholas Faller, as Executrix and Executor of the Estate of Julia Kiss, acting under the judicial supervision of the Surrogate's Court, County of Queens, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13691; Filed, Sept. 6, 1944; 11.34 a. m.]

[Vesting Order 4073]

THERESA MAISCH

In re: Estate of Theresa Maisch, deceased; File No. D-28-7435; E. T. sec. 7668.

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 Danbury National Bank, as administrator, acting under the judicial supervision of the Court of Probate, District of Bethel, State of Connecticut;

(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

Bernhardt Hoffarth, Bahnbeamter, Heidelberg Baden, Ronerstrasse 62, 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 certification, required by said Executive order all action, after appropriate consultation and 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 Bernhardt Hoffarth in and to the estate of Theresa Maisch, 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: August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13692; Filed, Sept. 6, 1944; 11:34 a. m.]

[Vesting Order 4074]

WILLIAM L. PRESSLER

In re: Estate of William L. Pressler, deceased; File No. D-28-8475; E. T. sec. 9866.

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;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Louis Remde and Paul Wenzel, and each of them, in and to the Estate of William L. Pressler, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Louis Remde, Germany.
Paul Wenzel, Germany.

That such property is in the process of administration by William E. Pressler, as Executor of the Estate of William L. Pressler, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of thre Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13693; Filed, Sept. 6, 1944; 11:34 a. m.]

[Vesting Order 4075]

LOUISE REINHARDT

In re: Estate of Louise Reinhardt, deceased; File F-28-3383; E. T. sec. 864.

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;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Louise Reinhardt (Jenft) Schneider in and to the estate of Louise Reinhardt, deceased.

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Louise Reinhardt (Jenft) Schneider, France.

That such property is in the process of administration by Carlos A. Hepp, as Ancillary Administrator, c. t. a., of the Estate of Louise Reinhardt, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

Determining that Louise Reinhardt (Jenft) Schneider, a citizen or subject of a designated enemy country, Germany, and within an enemy occupied area, France, is a national of a designated enemy country, Germany;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form AFC-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 meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13694; Filed Sept. 6, 1944; 11:35 a. m.]

[Vesting Order 4076]

CHARLES P. SATTELMAYER

In re: Estate of Charles P. Sattelmayer, deceased; File D-28-4395; E. T. sec. 7423.

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;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Mathilde Wohlbold and Emma Hakner, and each of them, in and to the Estate of Charles P. Sattelmayer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mathilde Wohlbold, Germany.
Emma Hakner, Germany.

That such property is in the process of administration by John Kiefer and John Doerr, as Executors of the Estate of Charles P. Sattelmayer, acting under the judicial supervision of the Essex County Orphans' Court, Essex County, State of New Jersey;

And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13695; Filed, Sept. 6, 1944; 11:35 a. m.]

[Vesting Order 4077]

LEO ZENKER

In re: Estate of Leo Zenker, deceased; File D-28-8497; E. T. sec. 9959.

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;

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Franz Zenker, Alfred Zenker, Helena Zenker, Franz Zenker, Elizabeth Zenker, Hildegard Zenker Hubertina, Maria Zenker and Emil Zenker, and each of them, in and to the estate of Leo Zenker, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Franz Zenker, Germany.
Alfred Zenker, Germany.
Helena Zenker, Germany.
Franz Zenker, Germany.
Elizabeth Zenker, Germany.
Hildegard Zenker Hubertina, Germany.
Maria Zenker, Germany.
Emil Zenker, Germany.

That such property is in the process of administration by Max Pelka, as Administrator c. t. a. of the Estate of Leo Zenker, acting under the judicial supervision of the Essex County Orphans' Court, County of Essex, State of New Jersey;

And 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 25, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-13696; Filed, Sept. 6, 1944; 11:35 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 528, Order 14]

STANDARD OIL CO. (INDIANA)

ADJUSTMENT OF MAXIMUM PRICES

Order No. 14 under Maximum Price Regulation 528. Tires and tubes, recapping and repairing. Authorization of maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for the following sizes and brands of new natural rubber passenger car tubes purchased from the Standard Oil Company, (Indiana), Chicago, Illinois, shall be:

Brand and size:	*Maximum price, each*
Atlas junior tube:	
4.75-19	$1.86
7.50-16	3.48
Atlas triple base tube:	
5.25-18	2.38
Atlas red & black tube (old style):	
Group 24—4.50-20	1.97
40—5.00-20	2.32
60—5.50-18	2.15
70—5.50-19	2.15
80—5.50-20	2.32
85—6.50-17	2.90
Atlas reinforced and red & black tube:	
C-20—6.00-20	3.03

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective September 6, 1944.

Issued this 5th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13633; Filed, Sept. 5, 1944; 4:12 p. m.]

[MPR 164, Order 147]

BROWN STOVE WORKS, INC.

ADJUSTMENT OF MAXIMUM PRICES

NOTE: A correction to the opinion accompanying Order No. 147 (9 F.R. 7619) under Maximum Price Regulation No. 64 was filed with the Division of the Federal Register, September 5, 1944, 4:10 p. m., as F.R. Doc. N. P. 44-10681.

[RMPR 436, Order 18]

CRUDE PETROLEUM

ADJUSTMENT OF MAXIMUM PRICES

Order revising maximum price of crude petroleum from:

Pool, County or Parish and State

Alford, Pike, Ind.
Barrett Mitchell, Gibson, Ind.
Monroe City, Knox, Ind.
Oakland City, Pike, Ind.
Princeton East, Gibson, Ind.
Dodd's Bridge (Old Shallow), Sullivan, Ind.
Sullivan, Sullivan, Ind.
Tri-County, Gibson and Pike, Ind.
Santa Claus, Spencer, Ind.
Vernon Heights, Vanderburgh, Ind.
All pools, Bourbon, Kans.
Climax, Greenwood, Kans.
Fankhauser, Lyon and Greenwood, Kans.
Lost Springs East, Marion, Kans.
New Albany, Elk, Kans.
Quincy, Greenwood, Kans.
Wintershied, Coffey and Woodson, Kans.
Georgetown, Grant, La.
Tullos-Urania, La Salle and Winn, La.
Boston Northeast, Osage, Okla.
Cole, Payne, Okla.
Penn Creek, Osage, Okla.
Chico Martinez, Kern, Calif.
West Salt Creek (Shale), Natrona, Wyo.

For the reasons set forth in the accompanying opinion and pursuant to section 12 (c) of Revised Maximum Price Regulation No. 436, *It is hereby ordered:*

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after August 1, 1944, and produced in any of the pools set out below to an applicant under the Stripper Well Compensatory Regulation of Defense Supplies Corporation or to any person purchasing prior to such applicant shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436 and the amount of the increase designated below:

State, County or Parish, Pool	*Amount of increase (dollars per 42-gallon barrel)*
Indiana, Pike, Alford	0.35
Indiana, Gibson, Barrett Mitchell	.35
Indiana, Knox, Monroe City	.35
Indiana, Pike, Oakland City	.35
Indiana, Gibson, Princeton East	.35
Indiana, Sullivan, Dodd's Bridge (Old Shallow)	.35
Indiana, Sullivan, Sullivan	.35
Indiana, Gibson and Pike, Tri-County	.35
Indiana, Spencer, Santa Claus	.35
Indiana, Vanderburgh, Vernon Heights	.25
Kansas, Bourbon, All pools	.35
Kansas, Greenwood, Climax	.35
Kansas, Lyon and Greenwood, Fankhauser	.35
Kansas, Marion, Lost Springs East	.35
Kansas, Elk, New Albany	.35
Kansas, Greenwood, Quincy	.35
Kansas, Coffey and Woodson, Wintershied	.35
Louisiana, Grant, Georgetown	.20
Louisiana, La Salle and Winn, Tullos-Urania	.20
Oklahoma, Osage, Boston Northeast	.35
Oklahoma, Payne, Cole	.35
Oklahoma, Osage, Penn Creek	.25
California, Kern, Chico Martinez	0.20
Wyoming, Natrona, West Salt Creek (Shale)	.35

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective as of August 1, 1944.

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13704; Filed, Sept. 6, 1944; 11:48 a. m.]

[MPR 436, Order 19]

CRUDE PETROLEUM

ADJUSTMENT OF MAXIMUM PRICES

Order revising maximum price of crude petroleum from:

Caddo (Pine Island) Pool, Caddo Parish, La.

For the reasons set forth in the accompanying opinion and pursuant to section 12 (c) of Revised Maximum Price Regulation No. 436 *It is hereby ordered:*

(a) That notwithstanding the provisions of section 12 of Revised Maximum Price Regulation No. 436, the maximum price of crude petroleum run from the receiving tank on or after August 1, 1944 and produced in any of the pools set out below to an applicant under the Stripper Well Compensatory Regulation of Defense Supplies Corporation or to any person purchasing prior to such applicant shall be the maximum price as determined under section 10 or 11 of Revised Maximum Price Regulation No. 436 and the amount of the increase designated below:

State, County or Parish, Pool	*Amount of increase (Dollars per 42-gallon barrel)*
Louisiana State, Caddo Parish, Caddo (Pine Island) Pool	.35

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective as of August 1, 1944.

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13705; Filed, Sept. 6, 1944; 11:48 a. m.]

[MPR 120, Order 971]

BROWN AND BROWN, ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 971 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 17. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.228 and all other provisions of Maximum Price Regulation No. 120.

BROWN & BROWN, TRINIDAD, COLO., BROWNIE MINE, GREY CREEK SEAM, MINE INDEX NO. 1003, LAS ANIMAS COUNTY, COLO., SUB-DISTRICT 7, RAIL SHIPPING POINT: TRINIDAD, COLO., DEEP MINE, LOCOMOTIVE FUEL USE

	Size Group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Rail shipment	470	490	490	490	390	390	390	------	395	395	------
Truck shipment	660	660	660	660	445	445	445	450	450	450	320

	Size Group Nos.										
	12	13	14	15	16	17-18	19	10	13	17-18	19
Rail shipment	------	225	240	245	295	375	340	370	290	395	320
Truck shipment	320	225	225	225	105	410	------	------	------	------	------

Note: The Last Four Columns of Prices Listed are prices for the sizes specified when shipped for Railroad Locomotive Fuel Use: All other prices listed for rail shipments are for all uses, including all railroad fuel uses.

LEO MONTOYA, P. O. BOX 407, TRINIDAD, COLO., MONTOYA MINE, NO. 1 BOTTOM SEAM, MINE INDEX NO. 1004, LAS ANIMAS COUNTY, COLO., SUB-DISTRICT 7, STRIP MINE

	Size Group Nos.																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17-18
Truck shipment	500	500	500	500	445	445	445	400	400	400	330	330	295	295	295	195	410

The Maximum prices established by this order include all adjustments authorized by Amendment No. 110 to Maximum Price Regulation No. 120, issued July 26, 1944, Effective July 31, 1944.

This order shall become effective September 7, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13702; Filed, Sept. 6, 1944; 11:50 a. m.]

[MPR 120, Order 969]

DUNLO COAL CO., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 969 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of §1340.212 and all other provisions of Maximum Price Regulation No. 120.

DUNLO COAL CO., 1300 GRAHAM AVE., WINDBER, PA., TROY NO. 3 MINE, B SEAM, MINE INDEX NO. 4078, SOMERSET COUNTY, PA., SUB-DISTRICT 38, RAIL SHIPPING POINT: CAIRNBROOK, PA. STRIP MINE

	Size Group Nos.				
	1	2	3	4	5
Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

LEWIS HARPER, 434 SPRUCE ST., CLEARFIELD, PA., LEWIS HARPER NO. 4 MINE, D SEAM, MINE INDEX NO. 4061, CLEARFIELD COUNTY, PA., SUB-DISTRICT 7, RAIL SHIPPING POINT: GRAMPIAN, PA., DEEP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

O. VIRGIL HUGHES, COMMERCIAL TRUST BLDG., PHILADELPHIA, PA., LELAND NO. 2 MINE, E SEAM, MINE INDEX NO. 4072, CLEARFIELD COUNTY, PA., SUB-DISTRICT 19, RAIL SHIPPING POINT: BECCARIA, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

WM. T. MAHAFFEY & HARRY KITCHEN, 313 E. HIGH ST., EBENSBURG, PA., MAHAFFEY NO. 1 MINE, C SEAM, MINE INDEX NO. 4050, CLEARFIELD COUNTY, PA., SUB-DISTRICT 18, RAIL SHIPPING POINT: LA JOSE, PA., DEEP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

RALPH W. NEAL, R. D. NO. 1, ROSSITER, PA., MEANEAR MINE, E SEAM, MINE INDEX NO. 4060, CLEARFIELD COUNTY, PA., SUB-DISTRICT 12, RAIL SHIPPING POINT: HOOVERHURST, PA., DEEP MINE

Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

N. B. ROUGEUX, KARTHAUS, PA., N. B. ROUGEUX MINE, C SEAM, MINE INDEX NO. 4055, CLEARFIELD COUNTY, PA., SUB-DISTRICT 9, RAIL SHIPPING POINT: KARTHAUS, PA., DEEP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

GODIN & SARICKS, CLEARFIELD, PA., G & S STRIP MINE, D SEAM, MINE INDEX NO. 4090, CLEARFIELD COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT: LUMBER, PA., STRIP MINE

	Size Group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

TONY SPERANZA, R. D. NO. 1 EDRL, PA., SPERANZA MINE, PITTSBURGH SEAM, MINE INDEX NO. 4099, INDIANA COUNTY, PA., SUBDISTRICT 22, DEEP MINE

Truck shipment	360	335	335	325	315

This order shall become effective September 7, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O 9328, 8 F.R. 4681)

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13701; Filed, Sept. 6, 1944; 11:51 a. m.]

[MPR 120, Order 972]

CALABRO & FRELFALL, ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 972 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reason set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

CALABRO & FRELFALL, 1101 GREENTREE ROAD, PITTSBURGH 20, PA., WAGNER MINE, PITTSBURGH SEAM, MINE INDEX NO. 4123, WASHINGTON COUNTY, PA., SUB-DISTRICT 7, RAIL SHIPPING POINT: RACCOON, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 2, MAXIMUM TRUCK PRICE GROUP NO. 6

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification	A	A	C	C	F	F	H	H	H	-------	-------
Rail shipment	330	330	310	310	275	285	235	235	225	-------	-------
Railroad fuel	330	330	310	310	290	275	235	235	225	225	-------
Truck shipment	425	425	425	385	375	375	375	325	290	290	275

BORTZ & BORTZ COAL CO., STONEBORO, PA., BORTZ NO. 1 MINE, KITTANNING SEAM, MINE INDEX NO. 4173, BUTLER COUNTY, PA., SUB-DISTRICT 1, RAIL SHIPPING POINT: FORESTVILLE, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 15, MAXIMUM TRUCK PRICE GROUP NO. 2

Price classification	E	E	D	D	C	C	D	D	D	-------	-------
Rail shipment	310	310	300	300	310	300	270	270	245	-------	-------
Railroad fuel	310	310	300	300	310	300	270	270	245	245	-------
Truck shipment	435	435	435	415	405	405	405	320	290	290	270

J. E. BOYER, FINDLEYVILLE, PA., PERUN MINE, PITTSBURGH SEAM, MINE INDEX NO. 4170, WASHINGTON COUNTY, PA., SUB-DISTRICT 7, RAIL SHIPPING POINT: LIBRARY, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 1, MAXIMUM TRUCK PRICE GROUP NO. 6

Price classification	A	A	C	C	C	C	C	C	C	C	-------
Rail Shipment	330	330	310	310	310	300	275	275	225	225	-------
Railroad Fuel	330	330	310	310	310	300	275	275	225	225	-------
Truck Shipment	425	425	425	385	375	375	375	325	290	290	275

ARTHUR J. BOYLE, CALUMET, PA., MARGARET MINE, PITTSBURGH SEAM, MINE INDEX NO. 2730, WESTMORELAND COUNTY, PA., SUB-DISTRICT 4, RAIL SHIPPING POINT: SOUTHWEST GREENSBURG, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 18

Price Classification	F	F	D	D	D	D	D	D	D	-------	-------
Rail Shipment	310	310	325	325	325	315	295	295	270	-------	-------
Railroad Fuel	315	315	325	325	325	315	295	295	270	270	-------
Truck Shipment*	415	415	415	395	395	395	395	395	295	295	295

*Previously established.

BRADENVILLE FUEL COMPANY, INC., LATROBE, PA., SMITH DEEP MINE, PITTSBURGH SEAM, MINE INDEX NO. 1277, WESTMORELAND COUNTY, PA., SUB-DISTRICT 5, RAIL SHIPPING POINT: SIDING 5333, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 18

Price classification	G	G	G	G	H	H	G	G	G	-------	-------
Rail shipment	310	310	300	300	295	285	270	270	225	-------	-------
Railroad fuel	310	310	310	310	310	295	270	270	290	290	-------
Truck shipment*	415	415	415	395	395	395	395	395	295	295	295

*Previously established.

EVAN L. BROWN, 600 LOCUST ST., MCKEESPORT, PA., ALICE NO. 2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 4209, ALLEGHENY COUNTY, PA., SUB-DISTRICT 7, RAIL SHIPPING POINT: LARGE, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 2, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	C	C	C	C	F	F	F	F	F	-------	-------
Rail shipment	325	325	310	310	275	265	250	250	235	-------	-------
Railroad fuel	325	325	310	310	290	275	250	250	235	235	-------
Truck shipment	425	425	425	390	390	390	390	325	235	235	270

PETE COFCHIN, BOX 537 CARMICHAELS, PA., COFCHIN MINE, SEWICKLEY SEAM, MINE INDEX NO. 4198, GREENE COUNTY, PA., SUB-DIST. 3, RAIL SHIPPING POINT: POLAND, PA., STRIP MINE, R. R. FUEL PRICE GROUP 8, MAXIMUM TRUCK PRICE GROUP NO. 11

Price classification	J	J	H	H	H	H	J	J	J	-------	-------
Rail shipment	285	285	270	270	270	290	235	235	225	-------	-------
Railroad fuel	285	285	270	270	270	290	235	235	290	290	-------
Truck shipment	380	380	380	360	340	340	340	290	290	290	275

SIX STATES COAL CORP., 601 PLAZA BLDG., PITTSBURGH, PA., BERTHA MINE, PITTSBURGH SEAM, MINE INDEX NO. 4172, WASHINGTON COUNTY, PA., SUB-DIST. 7, RAIL SHIPPING POINT: BERTHA, PA., STRIP MINE, R. R. FUEL PRICE GROUP 2., MAXIMUM TRUCK PRICE GROUP NO. 6.

Price classification	J	J	H	H	H	H	J	J	J	-------	-------
Rail shipment	285	285	270	270	270	290	235	235	225	-------	-------
Railroad fuel	290	290	290	290	290	275	235	235	235	235	-------
Truck shipment	425	425	425	385	375	375	375	325	290	290	275

This order shall become effective September 7, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of September 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-13703; Filed, Sept. 6, 1944; 11:51 a. m.]

Regional and District Office Orders.

[Louisville Order 1 Under Restaurant MPR 2]

POSTING REQUIREMENTS IN LOUISVILLE, KY., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Louisville District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in Appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

SEC. 2. *Filing of lists of posted prices.* When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment, with the name and address of the establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

SEC. 3. *Replacement of posters.* If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly

like the old one. Large establishments may receive extra posters.

SEC. 4. *Geographical applicability.* The provisions of this order extend to all eating and drinking establishments located within the Louisville District of the Office of Price Administration.

SEC. 5. *Exemptions.* All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions 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, E.O. 9328, 8 F.R. 4681)

Issued this 31st day of July 1944.

GEO. H. GOODMAN,
District Director.

APPENDIX A—40 BASIC FOOD ITEMS

Vegetable soup.
Cream of tomato soup.
Meat loaf.
Roast beef.
Pork chop.
Baked ham.
Fried chicken.
Beef stew.
Fish.
Steak.
Potatoes.
Green beans.
Corn.
Peas.
Combination or chef's salad.
Slaw.
Potato salad.
Tomatoes (sliced).
Ham sandwich.
Cheese sandwich.
Hamburger sandwich.
Hot beef sandwich.
Pie.
Ice cream.
Cake.
Coffee.
Tea.
Milk.
Orange juice.
Cereal.
Eggs.
Bacon and eggs.
Ham and eggs.
Rolls and toast.
Griddle cakes.
Steak dinner.
Chicken dinner.
Roast meat dinner (beef, veal, pork or lamb).
Fish dinner.
Vegetable dinner.

[F. R. Doc. 44-13607; Filed, Sept. 5, 1944; 1:47 p. m.]

[Region III Order G-1 Under Gen. Order 50, Revocation]

MALT BEVERAGES IN CLEVELAND REGION

Revocation of Order No. G-1 under General Order No. 50. Maximum prices for malt beverages in designated areas in Region III.

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 General Order No. 50 issued by the Administrator of the Office of Price Administration, *It is hereby ordered:*

1. Order No. G-1 under General Order No. 50, (Maximum prices for malt beverages in designated areas in Region III) be, and the same is hereby revoked.

This order of revocation shall become effective August 19, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued August 19, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-13608; Filed, Sept. 5, 1944; 1:50 p. m.]

[Region III, Order G-1 Under RMPR 269, Amdt. 2]

LIVE POULTRY IN CLEVELAND REGION

Amendment No. 2 to Order No. G-1 under Revised Maximum Price Regulation No. 269. Poultry. Uniform maximum base prices for certain live poultry items.

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 § 1429.14 (d) of Revised Maximum Price Regulation No. 269, *It is hereby ordered:*

1. That Appendix A of said Order No. G-1 under Revised Maximum Price Regulation No. 269 be, and the same is, hereby amended to read as follows:

APPENDIX A—GRADE "I" LIVE POULTRY ITEMS [1]

	Broilers, fryers, roasters, and light capons	Heavy capons	Fowl	Stags and old roosters	Young turkeys	Old turkeys	Geese
Zone I	27.8	31.3	24.3	20.3	34.6	32.6	25.3
Zone II	27.9	31.4	24.4	20.4	34.7	32.7	25.4
Zone III	28.0	31.5	24.5	20.5	34.8	32.8	25.5
Zone IV	28.1	31.6	24.6	20.6	34.9	32.9	25.6
Zone V	28.2	31.7	24.7	20.7	35.0	33.0	25.7
Zone VI	28.3	31.8	24.8	20.8	35.1	33.1	25.8
Zone VII	28.4	31.9	24.9	20.9	35.2	33.2	25.9

[1] Grades for Live Poultry Items shall be determined under the provisions of Revised Maximum Price Regulation No. 269.

(1) The above prices for live poultry items shall be in force for the months of July, August, September, October, November, and December. For from April 21, 1944, to the end of June, 1944, and for the months of January through June of succeeding years, the following additions shall be made to each of the above prices for live poultry items:

Month:	*Cents per pound*
January	0.5
February	1.0
March	1.4
April	1.8
May	2.2
June	1.0

For the months of July, August, September and October, the following additions shall be made to the maximum base prices of live turkey items only:

Month:	*Cents per pound*
July	1.0
August	1.0
September	1.0
October	0.5

These additions shall not be added cumulatively, but rather, each addition establishes the total amount which may be added for sales and deliveries during the month indicated.

This amendment shall become effective August 24, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued August 24, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-13610; Filed, Sept. 5, 1944; 1:58 p. m.]

[Region III 2d Rev. Order G-18 Under 18 (c)]

FLUID MILK IN KENTUCKY

Second Revised Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Kentucky.

For the reasons set forth in an opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280, it is hereby ordered that:

(a) *Sales of approved fluid milk.* (1) The maximum price at which any person may sell or deliver approved fluid milk at retail or wholesale in the following counties of: Adair, Breathitt, Casey, Clinton, Cumberland, Estill, Garrard, Green, Jackson, Larue, Lee, Lincoln, Magoffin, Marion, Menifee, Metcalfe, Monroe, Morgan, Owsley, Powell, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, and Wolfe, in the State of Kentucky shall be: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	49¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	25¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	13¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	44¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	22½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	11¢ per quart.
Wholesale	Glass or paper	One pint	6¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per half-pint.

(2) The maximum price at which any person may sell or deliver approved fluid milk at retail or wholesale in the counties of Allen, Anderson, Ballard, Barren, Bath, Bell, Boyle, Bracken, Breckenridge, Bullit, Butler, Caldwell, Calloway, Carlisle, Carroll, Christian, Crittenden, Daviess, Edmonson, Elliott, Franklin, Fleming, Fulton, Gallatin, Graves, Grant, Grayson, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jessamine, Lawrence, Lewis, Livingston, Logan, Lyon, Marshall, McClean, Meade, Mercer, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, Webster, and Woodford in the State of Kentucky, shall be; (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	27¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	14¢ per quart.
Retail	Glass or paper	One pint	8¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	46¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	24½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	12¢ per quart.
Wholesale	Glass or paper	One pint	7¢ per pint.
Wholesale	Glass or paper	One-half pint	3¾¢ per half-pint.

(3) The maximum price at which any person may sell or deliver approved fluid milk at retail or wholesale in the counties of Bourbon, Clark, Fayette, Madison and McCracken in the State of Kentucky shall be: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) The maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) The prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	52¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	28¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	14½¢ per quart.
Retail	Glass or paper	One pint	8½¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	47¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	25½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	13½¢ per quart.
Wholesale	Glass or paper	One pint	7½¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per half-pint.

(4) The maximum price at which any person may sell or deliver approved fluid milk at retail or wholesale in the following counties of Boone, Campbell, Carter, Clay, Kenton, Knox, Laurel, Leslie, McCreary, Martin, Mason and Whitley in the State of Kentucky, shall be: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	53¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	29¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	15¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per half pint.
Wholesale	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	26½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	13¢ per quart.
Wholesale	Glass or paper	One pint	8¢ per pint.
Wholesale	Glass or paper	One-half pint	4½¢ per half-pint.

(5) The maximum price at which any person may sell or deliver approved fluid milk at retail or wholesale in the following counties of Greenup and Boyd in the State of Kentucky, shall be: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	54¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	30¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	15½¢ per quart.
Retail	Glass or paper	One pint	10¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	49¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	27½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	13½¢ per quart.
Wholesale	Glass or paper	One pint	8½¢ per pint.
Wholesale	Glass or paper	One-half pint	4½¢ per half-pint.

(6) The maximum price at which any person may sell or deliver approved fluid milk at retail or wholesale in the County of Jefferson in the State of Kentucky, shall be: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	55¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	31¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	16¢ per quart.
Retail	Glass or paper	One pint	10½¢ per pint.
Retail	Glass or paper	One-half pint	8¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	50¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	28½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	14¢ per quart.
Wholesale	Glass or paper	One pint	9¢ per pint.
Wholesale	Glass or paper	One-half pint	4¾¢ per half-pint.

(7) The maximum price at which any person may sell or deliver approved fluid milk at retail or wholesale in the following county of Johnson, in the State of Kentucky, shall be: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	56¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	32¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	16½¢ per quart.
Retail	Glass or paper	One pint	11¢ per pint.
Retail	Glass or paper	One-half pint	8¢ per half-pint
Wholesale	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	29½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	14½¢ per quart.
Wholesale	Glass or paper	One pint	9½¢ per pint.
Wholesale	Glass or paper	One-half pint	5¢ per half-pint.

(8) The maximum price at which any person may sell or deliver approved fluid milk at retail or wholesale in the following counties of Floyd, Harlan, Knott, Letcher, Perry and Pike in the State of Kentucky, shall be: (1) The maximum prices established for him under § 1499.2 of the General Maximum Price Regulation, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the prices set forth in the following schedule, whichever are greater:

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	57¢ per gallon.
Retail	Glass or paper	One-half gallon or mulples thereof	33¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	17¢ per quart.
Retail	Glass or paper	One pint	11½¢ per pint.
Retail	Glass or paper	One-half pint	9¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	52¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	30½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	15¢ per quart.
Wholesale	Glass or paper	One pint	10¢ per pint.
Wholesale	Glass or paper	One-half pint	5¼¢ per half-pint.

(b) *Sales of special milk.* (1) Except as hereinafter provided in paragraph (2) of this section (b), any person selling special milk, as hereinafter defined, at retail or wholesale in any County in the State of Kentucky, who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the price of approved fluid milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase and/or the sum of such increases to the retail and wholesale prices of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or under the provisions of any previous order issued by the Regional Administrator of Region III.

(2) The adjusted maximum price of plain homogenized milk, chocolate drink, buttermilk and skim milk as established under the preceding paragraph (1) shall in no event exceed the adjusted maximum price of approved fluid milk (raw or pasteurized regular, standard milk) established under the applicable provisions of this order.

(3) If any person selling special milk at retail or wholesale in any County in the State of Kentucky cannot determine his maximum prices for such special milk under the provisions of (1) or (2) of this section (b), he may apply by letter to the Regional Office, Office of Price Administration, Union Commerce Building, Cleveland, Ohio, for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butterfat content of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraph (1) and (2) hereof.

(c) *Fractional sales.* (1) Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc.

(2) Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units in such sale; for example, the maximum price for 24 pints of fluid milk at a per unit cost of 5½¢ would be $1.32.

(d) *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each such person shall, in addition to the above, file with the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio such reports as may hereafter be required by said Regional Office.

(e) *Discounts.* Any person selling approved fluid milk and/or special milk at retail or wholesale in the State of Kentucky may discontinue the granting of discounts.

(f) *Notification of retail stores.* Each distributor selling approved fluid milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted by this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

(g) The provisions of this order supersede the provisions of General Order No. 1 pertaining to certain trade practices in Region III. Said Order No. 1 is therefore revoked as to all counties in the State of Kentucky.

(h) The provisions of this order supersede the provisions of Order No. G-22 under § 1499.18 (c) of the General Maximum Price Regulation insofar as the provisions of said Order No. G-22 are applicable to Jefferson County in the State of Kentucky. Therefore, Order No. G-22 is revoked in its applicability to Jefferson County in the State of Kentucky.

(i) *Definitions.* (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foreging.

(2) "Approved fluid milk and special milk." (i) Approved fluid milk is defined to mean fluid cows' milk, whether raw or pasteurized, meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the army or navy purchasing officer making purchases for the armed forces of the United States.

(ii) Special milk is defined to mean plain homogenized milk, softcurd milk, buttermilk, regular or standard milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than regular or standard milk, and (b) it must have sold during the month of March, 1942, at a price higher than regular or standard milk.

(3) "Sale or delivery at retail" means a sale or sales of approved fluid milk in glass or paper containers to an ultimate consumer, other than an industrial or commercial user.

(4) "Sale or delivery at wholesale" refers to a sale of approved fluid milk or special milk in glass, paper or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the pur-

poses of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions, and any branch of the Armed Forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by a cooling station to a distributor.

(j) This order shall remain in effect until modified or revoked by the Regional Administrator.

This order shall become effective August 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued July 28, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-13611; Filed, Sept. 5, 1944; 1:54 p. m.]

[Region III 2d Rev. Order G-18 Under 18 (c), Amdt. 1]

FLUID MILK IN KENTUCKY

Amendment No. 1 to Second Revised Order No. G-18 under § 1499.18 (c) of General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Kentucky.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280, *It is hereby ordered,* That:

1. Section (a) (2) of Second Revised Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation, (Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Kentucky) be, and the same is hereby amended by deleting from the list of counties set forth therein, the counties of Henderson and Scott in the State of Kentucky.

2. Section (a) (3) of Second Revised Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation, (Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Kentucky) be, and the same is hereby amended by adding to the list of counties set forth therein, the counties of Henderson and Scott in the State of Kentucky.

3. Section (i) (2) (ii) of Second Revised Order No. G-18 under § 1499.18 (c) of the General Maximum Price Regulation, (Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Kentucky) be, and the same is hereby amended to read as follows:

(i) (2) (ii) Special milk is defined to mean Vitamin D homogenized milk, plain homogenized milk, softcurd milk, buttermilk, approved fluid milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than approved fluid milk and, (b) it must have sold during the month of March, 1942 at a price higher than approved fluid milk.

This amendment shall become effective August 21, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued August 21, 1944.

CLIFFORD J. HOUSER,
Acting Regional Administrator.

[F. R. Doc. 44-13612; Filed, Sept. 5, 1944; 1:53 p. m.]

[Region III Order G-20 Under 18 (c), Amdt. 7]

FLUID MILK IN MICHIGAN

Amendment No. 7 to Order No. G-20 under § 1499.18 (c) of the General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280, *It is hereby ordered,* That:

1. Schedule A of Order No. G-20 under § 1499.18 (c) of the General Maximum Price Regulation, as amended (Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan), be and the same is hereby amended to read as follows:

SCHEDULE A

(1) Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Alcona, Alger, Alpena, Arenac, Baraga, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Gladwin, Gogebic, Gratiot, Houghton, Huron, Iosco, Iron, Isabella, Keweenaw, Luce, Mackinac, Marquette, Menominee, Montmorency, Ogemaw, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Sanilac, Schoolcraft, and Tuscola in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	42¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	22¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	12¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	44¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	23½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	11¢ per quart.
Wholesale	Glass or paper	One pint	6¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per half-pint.

(2) Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Allegan, Antrim, Barry, Benzie, Cass, Charlevoix, Clinton, Eaton, Emmet, Grand Traverse, Ionia, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saint Joseph, Van Buren, Wexford, Lapeer and Midland in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	40¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	22¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	13½¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	42¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	23½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	11½¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per half-pint.

(3) Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Bay, Berrien, Branch, Calhoun, Hillsdale, Ingham, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Saginaw and Shiawassee in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	27¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	14¢ per quart.
Retail	Glass or paper	One pint	8¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	43¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	24½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	12¢ per quart.
Wholesale	Glass or paper	One pint	7¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per half-pint.

(4) Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Genesee, Monroe, St. Clair and Washtenaw in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	52¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	28¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	14½¢ per quart.
Retail	Glass or paper	One pint	8½¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	47¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	25½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	12½¢ per quart.
Wholesale	Glass or paper	One pint	7½¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per half-pint.

(5) Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Macomb, Oakland, and Wayne in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	53¢ per gallon.
Retail	Glass or paper	One-half gallon or multiples thereof	29¢ per half-gallon.
Retail	Glass or paper	One quart or multiples thereof	15¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per half-pint.
Wholesale	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Wholesale	Glass or paper	One-half gallon or multiples thereof	26½¢ per half-gallon.
Wholesale	Glass or paper	One quart or multiples thereof	13¢ per quart.
Wholesale	Glass or paper	One pint	8¢ per pint.
Wholesale	Glass or paper	One-half pint	4¼¢ per half-pint.

This amendment No. 7 shall become effective August 24, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued August 24, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-13613; Filed, Sept. 5, 1944; 1:58 p. m.]

[Boise Special Order 1 Under Restaurant MPR 7-1, Gen. Order 50, and Rev. Delegation Order 15, Amdt. 4]

MALT BEVERAGES IN BOISE, IDAHO, DISTRICT

Amendment No. 4 to Special Order No. 1, including Amendments 1 to 3, under Restaurant MPR 7-1, General Order 50 and Region VII Revised Delegation Order No. 15. Filing of prices by restaurants and similar establishments: delegation of authority to fix maximum prices. Maximum prices for malt beverages sold by eating or drinking places.

Pursuant to section 2 of the Emergency Price Control Act of 1942, as amended, and section 20 of Second Revised Restaurant MPR 7-1 and to the authority delegated to the District Director of the Boise, Idaho District Office by Region VII Revised Delegation Order No. 15 dated September 20, 1943 and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered,* That the above described order be amended in the following respects:

Section 3 (a) is amended by an addition to the sub-title, "Brand or Trade Name", and to the "ounce" content as follows:

Brand or Trade Name	11 and 12 ounce	32 ounce
"Nortena" (Imported Mexican beer)	$0.30	None

Right to revoke, amend, modify or correct. This Amendment No. 4 to Special Order No. 1, including Amendments 1 to 3, may be revoked, amended, modified or corrected by the Price Administrator, Regional Administrator or District Director at any time.

This Amendment No. 4 to Special Order No. 1, including Amendments 1 to 3 shall become effective June 10th, 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808; Region VII Revised Delegation Order No. 15)

Issued at Boise, Idaho this 10th day of June 1944.

WM. S. HILL,
Acting District Director.

[F. R. Doc. 44-13630; Filed, Sept. 5, 1944; 1:48 p. m.]

[New Mexico Order G-1 Under Gen. Order 50, Amdt. 3]

BEER AND ALE IN NEW MEXICO DISTRICT

Amendment 3 to Order No. G-1 under General Order No. 50. Maximum Prices for sales of beer and ale by dispensers.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the New Mexico District Office of Price Administration by General Order No. 50, 2d Revised Restaurant Maximum Price Regulation 7-1, and Region VII Revised Delegation Order No. 15, *It is hereby ordered,* That Order No. G-1 under General Order No. 50 be amended in the following respects:

1. Subsection (d) of section 4 is amended to read as follows:

(d) The prices listed above include all taxes, local, State, and Federal, in effect up to and including March 31st, 1944, and no additional charge may be made on account of such taxes.

2. A new subsection, to be numbered (e) to section 4, be added as follows:

(e) In addition to the prices permitted in this order, a night club may, during the hours between 8 p. m. and closing time, if operating as a night club and subject to the 30 percent amusement tax imposed by the Federal Revenue Act of 1943, add the exact amount of said 30 percent amusement tax or the additional 25 percent increase if the night club was adding the 5 percent amusement tax already in force at the time the Federal Revenue Act of 1943 became effective: *Provided, however,* That this tax can be added only in the event that it is shown separately from the selling price of the beer and/or ale on the seller's invoice.

3. This Amendment No. 3 shall become effective April 1st, 1944.

(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, 2d Revised Restaurant Maximum Price Regulation 7-1, 8 F.R. 11948)

Issued this 1st day of April 1944.

JOHN D. BINGAMAN,
District Director.

[F. R. Doc. 44-13631; Filed, Sept. 5, 1944; 1:50 p. m.]

[New Mexico Order G-1 Under Gen. Order 50, Amdt. 4]

BEER AND ALE IN NEW MEXICO DISTRICT

Amendment 4 to Order No. G-1 under General Order No. 50. Maximum prices for sales of beer and ale by dispensers.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the New Mexico District Office of the Office of Price Administration by General Order No. 50, 2nd Revised Restaurant Maximum Price Regulation 7-1, and Region VII Revised Delegation Order No. 15, *It is hereby ordered* That Order No. G-1 under General Order No. 50 be amended in the following respects:

1. That section 3 be and is hereby amended to read as follows:

SEC. 3. *Exceptions.* (a) Maximum prices for beer and ale items not listed in section 4 hereof which are controlled by other price regulations must not exceed the prices established thereby.

(b) The maximum prices established by this order shall not apply to sales made at any place of business which is in operation for a period of less than ten days during the calendar year, nor shall it apply to sales made on railroad trains. Maximum prices for such sales remain subject to other applicable price regulations.

2. That section 4 be and is hereby amended to read as follows:

SEC. 4. *Maximum prices established by this order.* (a) The maximum prices for sales of the beer and ale items listed below by sellers located in Colfax, San Miguel, Santa Fe, Bernalillo, Valencia, McKinley, Dona Ana, and Chavez Counties, New Mexico are as follows:

Brand	Size	Price	Size	Price
Bottled Beer:	*Oz.*		*Oz.*	
Blatz, Old Heidelberg	12	$0.21	32	$0.50
Budweiser	12	.21	32	.50
Canadian Ace	12	.21	32	.50
Country Club	12	.21		
Koenig Brau	12	.21		
Marshals	12	.21	32	.50
Pabst	12	.21	32	.50
Schlitz	12	.21	32	.50
Van Morritt	12	.25		
Acme	11	.16	32	.40
Coors	12	.17	32	.40
Falstaff	12	.16		
Grand Prize	12	.16		
Harry Mitchell	12	.16		
Manhattan	12	.16		
Rosebud	12	.16		
Rosebud	8	.13		
Tivoli	12	.16		
Walters	12	.16	32	.40
Carta Blanca	12	.35		
Carta Blanca	7	.21		
Corona	12	.35		
Cruz Blanca	12	.35		
Cruz Blanca	7	.21		
Dorans	12	.35		
Victoria	12	.35		
Bottled ale:				
Acme	12	.21		
Ballantine	12	.25		
Draught beer: All brands	8	.10		

All other sizes must be priced at the rate of 1¼ cents per ounce. The foam head of each glass must be limited to one half inch.

(b) The maximum prices for sales of the beer and ale items listed below by sellers located in Union, Taos, Rio Arriba, San Juan, Sandoval, Mora, Harding, Quay, Guadalupe, Torrance, Socorro, Catron, Lincoln, De Baca, Curry, Roosevelt, Lea, Otero, Sierra, Luna, Hidalgo, Grant, and Eddy counties, New Mexico, are as follows:

Brand	Size	Price	Size	Price
Bottled beer:	*Oz.*		*Oz.*	
Blatz, Old Heidelberg	12	$0.23	32	$0.55
Budweiser	12	.23	32	.55
Canadian Ace	12	.23	32	.55
Country Club	12	.23		
Koenig Brau	12	.23		
Marshals	12	.23	32	.55
Pabst	12	.23	32	.55
Schlitz	12	.23	32	.55
Acme	11	.18	32	.45
Coors	12	.18	32	.45
Falstaff	12	.18		
Grand Prize	12	.18		
Harry Mitchell	12	.18		
Manhattan	12	.18		
Rosebud	12	.18		
Tivoli	12	.18		
Walters	12	.18	32	.45
Carta Blanca	12	.35		
Carta Blanca	7	.23		
Bottled ale: Ballantine	12	.30		
Draught beer: All Brands	8	.10		

All other sizes must be priced at the rate of 1¼ cents per ounce. The foam head must be limited to one half inch.

(c) A night club employing a band of 3 or more musicians may, between the hours of 8 p. m. and closing time, charge 5 cents per bottle more than the appropriate maximum price listed above for the area in which such night club is located. This additional charge may be made only during such time as said band is on duty. No addition may be made to the prices listed above for draught beer. Persons selling beer or ale items at state or county fairs, may, for sales of beer or ale made on the fairgrounds, charge five cents per bottle more than the prices listed above for the area in which such fair is held.

(d) The prices listed above include all taxes, local, state, and federal, in effect up to and including April 1, 1944 and no additional charge may be made on account of any such taxes.

(e) In addition to the prices permitted in this order, a person may, during the hours when he is subject to the 20% amusement tax imposed by the Federal Revenue Act of 1943, add the exact amount of said 20% amusement tax, or the additional 15% increase if the person was adding the 5% amusement tax already in force at the time the Federal Revenue Act of 1943 became effective; *Provided, however,* That this tax may be added only in the event that it is shown separately from the selling price of the beer and/or ale on the seller's sales slip, or in cases where sales slips are not used, a price chart showing the prices of all brands of bottled beer and draught beer is posted in a conspicuous place above the bar; *Provided further,* That a sign showing the hours during which the 20% federal tax will be collected be posted in a conspicuous place visible to anyone entering the establishment.

This amendment shall become effective July 25, 1944.

(Pub Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4803, 2d Revised Restaurant Maximum Price Regulation 7-1, 8 F.R. 11948)

Issued this 25th day of July 1944.

JOHN D. BINGAMAN,
District Director.

[F. R. Doc. 44-13632; Filed, Sept. 5, 1944; 1:43 p. m.]

[Atlanta Order G-1 Under Gen. Order 50, Amdt. 1]

MALT AND CEREAL BEVERAGES IN ATLANTA, GA., DISTRICT

Amendment No. 1 to Order No. G-1 under General Order No. 50. Maximum prices for malt and cereal beverages in certain areas.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Atlanta District Office of Region IV of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, and pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328, the following amendment is hereby issued:

1. Appendix A, Part I, of Order No. G-1 under General Order No. 50, is amended as follows:

(1) Under Group 1 B, in alphabetical order, the following brands or trade names of beer and ale and the maximum price per bottle thereof are added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Dorquest	25	60
Hi-Brau	25	60
Namar Premium	25	60
Brand or trade name of ale:		
Spearman's English	25	60

(2) Under Group 2 B, in alphabetical order, the following brands or trade names of beer and ale and the maximum price per bottle thereof are added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Dorquest	20	50
Hi-Brau	20	50
Namar Premium	20	50
Brand or trade name of ale:		
Spearman's English	20	50

(3) Under Group 3 B, in alphabetical order, the following brands or trade names of beer and ale and the maximum price per bottle thereof are added:

Brand or trade name of beer	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Dorquest	18	45
Hi-Brau	18	45
Namar Premium	18	45
Brand or trade name of ale:		
Spearman's English	18	45

This Amendment No. 1 to Order No. G-1 under General Order No. 50 shall become effective on and after August 10, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, General Order No. 50, 8 F.R. 4808)

Issued August 10, 1944.

E. A. THORNWELL,
District Director.

[F. R. Doc. 44-13614; Filed, Sept. 5, 1944; 1:51 p. m.]

[Birmingham Order G-1 Under Gen. Order 50, Amdt. 1]

MALT AND CEREAL BEVERAGES IN JEFFERSON COUNTY, ALA.

Amendment No. 1 to Order No. G-1 under General Order No. 50. Maximum prices for malt and cereal beverages in Jefferson County, Alabama.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, Revised General Order No. 50 and Region IV Revised Delegation Order No. 17, and for the reasons set forth in the accompanying opinion, sub-paragraphs (1), (2) and (3) of paragraph (b) of section 4 of Order No. G-1 under General Order No. 50, are amended, respectively, to read as follows:

(1) *Group 1B.* Your establishment belongs to Group 1B, if during the base period of April 4-10, 1943, inclusive your legally established ceiling prices for beverages subject to this order and sold in 12-ounce bottles were 23¢ or more for the named higher priced beverages and 18¢ or more for the popular priced beverages.

(2) *Group 2B.* Your establishment belongs to Group 2B, if during the base period of April 4-10, 1943, inclusive your

legally established ceiling prices for beverages subject to this order and sold in 12-ounce bottles were not less than 18¢ or more than 22¢ for the named higher priced beverages and not less than 13¢ nor more than 17¢ for the popular priced beverages.

(3) *Group 3B.* Your establishment belongs to Group 3B, if during the base period of April 4–10, 1943, your legally established ceiling prices for beverages subject to this order and sold in 12-ounce bottles were less than 18¢ for the named higher priced beverages and less than 13¢ for the popular priced beverages. All establishments not engaged in the business of selling malt beverages during the base period of April 4–10, 1943, inclusive, also belong to Group 3B.

This amendment shall become effective August 11, 1944.

Issued at Birmingham, Alabama, this August 9, 1944.

JOSEPH A. SHORT,
District Director.

[F. R. Doc. 44-13618; Filed, Sept. 5, 1944; 1:51 p. m.]

[Jackson Order G-1 Under Gen. Order 50, Amdt. 4]

MALT AND CEREAL BEVERAGES IN MISSISSIPPI

Amendment 4 to Order No. G-1 under General Order No. 50. Maximum prices for malt and cereal beverages in the State of Mississippi.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Jackson (Mississippi) District Office of Region IV of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, this Amendment 4 to Order No. G-1, issued by the Jackson (Mississippi) District Office of the Office of Price Administration under General Order No. 50, is hereby issued.

1. Appendix A, as amended, is hereby amended so as to add thereto under Group 1-B the following brands, trade names, or classifications and maximum prices to-wit:

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Old Brew Beer, Garden City Brewery, Chicago, Ill.	25	51
Spearman English Type Ale, Spearman Brewing Co., Pensacola, Fla.	25	51
All brands imported Mexican beer	35	----------

2. Appendix A, as amended, is hereby amended so as to add thereto under Group 2-B the following brands, trade names, or classifications and maximum prices to-wit:

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Old Brew Beer, Garden City Brewery, Chicago, Ill.	21	47
Spearman English Type Ale, Spearman Brewing Co., Pensacola, Fla.	21	47
All brands imported Mexican beer	32	----------

3. Appendix A, as amended, is hereby amended so as to add thereto under Group 3-B the following brands, trade names, or classifications and maximum prices to-wit:

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Old Brew Beer, Garden City Brewery, Chicago, Ill.	20	42
Spearman English Type Ale, Spearman Brewing Co., Pensacola, Fla.	20	42
All brands imported Mexican beer	30	----------

Effective date. This amendment becomes effective on and after August 19, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; E.O. 50, 8 F.R. 4808)

Issued this the 19th day of August 1944.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 44-13616; Filed, Sept. 5, 1944; 1:51 p.m.]

[Roanoke Order G-1 Under MPR 426, Revocation]

ICEBERG LETTUCE IN ROANOKE, VA., DISTRICT

Order No. G-1 under Maximum Price Regulation No. 426, as amended. Fresh fruits and vegetables for table use, sales except at retail. Adjustment of maximum prices for certain sales of iceberg lettuce in less than carlot or less than trucklot quantities. Revocation.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, and under the authority vested in the District Director of the Roanoke District Office of the Office of Price Administration by section 2 (b) of Maximum Price Regulation No. 426, as amended, and Regional Delegation Order No. 16, and for the reasons set forth in the accompanying opinion, *It is hereby ordered,* That Roanoke (Virginia) District Order No. G-1 under Maximum Price Regulation No. 426, as amended (Fresh fruits and vegetables for table use, sales except at retail), adjustment of maximum prices for certain sales of iceberg lettuce in less than carlot or less than trucklot quantities, issued October 8, 1943, be, and it is hereby, revoked, subject to the provisions of Supplementary Order No. 40, issued April 2, 1943, 8 F.R. 4325.

This order shall become effective August 19, 1944.

Issued at Roanoke, Virginia, this the 19th day of August.

BERNARD C. GOODWIN,
District Director.

[F. R. Doc. 44-13623; Filed, Sept. 5, 1944; 1:49 p.m.]

[Nashville Order G-1 Under Gen. Order 50, Amdt. 3]

MALT AND CEREAL BEVERAGES IN NASHVILLE, TENN., DISTRICT

Amendment No. 3 to District Order No. G-1 under General Order No. 50. Maximum prices for malt and cereal beverages.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Nashville District Office of Region IV of the Office of Price Administration by General Order No. 50 issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, Amendment 3 to District Order No. G-1 under General Order No. 50 is hereby issued.

In Appendix of District Order No. G-1, the items set forth below are amended to read as follows:

APPENDIX A

GROUP 1B (AS AMENDED)

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Carta Blanca—Mexican Beer	35	65
Doran's Export Beer and Ale	35	65
Arf & Arf Brew	25	50
Ballentine Ale	25	50
Barbarossa Beer	25	50
Brucks Pale Ale	25	50
Buckingham Ale	25	50
Budweiser Beer	25	50
Burger Brau	25	50
Embassy Club Beer	25	50
Esslinger Beer	25	50
Dorquest Beer	25	50
Little Man Ale	25	50
Millers Hi-Life Beer	25	50
Old Gold Beer	25	50
Pabst Blue Ribbon Beer	25	50
Red Top Ale	25	50
Ruby Beer	25	50
Schlitz Beer	25	50
All other brands not listed above	20	40
Draught beer: *Cents*		
6-ounce glass 08		
8-ounce glass 10		
10-ounce glass 12		
12-ounce glass 14		
14-ounce glass 16		
16-ounce glass 18		

Any other ounce than listed shall be .01⅓ per ounce, except Michelob Beer, which shall have a maximum price of 1.6¢ per ounce for any size.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected.

GROUP 2B

Brand or trade name	Maximum prices per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Carta Blanca—Mexican Beer	30	50
Doran's Export Beer and Ale	30	45
Arf & Arf Brew	20	45
Ballentine Ale	20	45
Barbarossa Beer	20	45
Brucks Pale Ale	20	45
Buckingham Ale	20	45
Budweiser Beer	20	45
Burger Brau	20	45
Embassy Club Beer	20	45
Esslinger Beer	20	45
Dorquest Beer	20	45
Little Man Ale	20	45
Millers Hi-Life Beer	20	45
Old Gold Beer	20	45
Pabst Blue Ribbon Beer	20	45
Red Top Ale	20	45
Ruby Beer	20	45
Schlitz Beer	20	35
All other brands not listed above	15	
Draught beer: *Cents*		
6-ounce glass 06		
8-ounce glass 8		
10-ounce glass 10		
12-ounce glass 12		
14-ounce glass 14		
16-ounce glass 16		

Any other ounce than listed shall be 1¢ per ounce, except Micheloh Beer, which shall have a maximum price of 1.4¢ per ounce for any size.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected.

GROUP 3B

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Carta Blanca—Mexican Beer	27	45
Doran's Export Beer and Ale	27	45
Arf & Arf Brew	17	40
Ballentine Ale	17	40
Barbarossa Beer	17	40
Brucks Pale Ale	17	40
Buckingham Ale	17	40
Budweiser Beer	17	40
Burger Brau	17	40
Embassy Club Beer	17	40
Esslinger Beer	17	40
Dorquest Beer	17	40
Little Man Ale	17	40
Miller's Hi-Life Beer	17	40
Old Gold Beer	17	40
Pabst Blue Ribbon Beer	17	40
Red Top Ale	17	40
Ruby Beer	17	40
Schlitz Beer	17	40
All other brands not listed above	12	30
Draught beer: *Cents*		
6-ounce glass 6		
8-ounce glass 8		
10-ounce glass 10		
12-ounce glass 12		
14-ounce glass 14		
16-ounce glass 16		

Any other ounce than listed shall be 1¢ per ounce for any size.

Sellers who are required to pay a Federal Excise Tax on cabarets may add same to above price if such tax is separately stated and collected.

This amendment shall become effective August 19, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, G.O. 50, 8 F.R. 4808)

Issued at Nashville, Tennessee this 17th day of August 1944.

SAM M. BONEY,
District Director.

[F. R. Doc. 44-13620; Filed, Sept. 5, 1944; 1:50 p. m.]

[Memphis Order G-1 Under MPR 426, Revocation]

ICEBERG LETTUCE IN MEMPHIS, TENN., DISTRICT

Revocation of Order No. G-1 under Maximum Price Regulation No. 426, as amended. Fresh fruits and vegetables for table use, sales except at retail. Adjustment of maximum prices for certain sales of iceberg lettuce in less than carlot or less than trucklot quantities.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Memphis District Office, Region IV, Office of Price Administration, by section 2 (b) of Maximum Price Regulation No. 426, as amended, and Regional Delegation Order No. 16, issued by said Region IV on September 7, 1943, *It is hereby ordered:*

That Order No. G-1 under Maximum Price Regulation No. 426, issued by the District Director of the Memphis District Office of the Office of Price Administration on October 2, 1943, effective October 4, 1943, be, and the same is hereby, revoked.

This order of revocation shall become effective on the 31st day of August 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, R.G.O. 51, 9 F.R. 408)

Issued this 26th day of August 1944.

W. C. MANLEY, Jr.,
District Director.

[F. R. Doc. 44-13619; Filed, Sept. 5, 1944; 1:50 p. m.]

[Montgomery Order G-1 Under Gen. Order 50, Amdt. 2]

MALT AND CEREAL BEVERAGES IN DESIGNATED COUNTIES IN ALABAMA

Amendment No. 2 to Order G-1 under General Order No. 50. Maximum prices for malt and cereal beverages in the Counties of Baldwin, Barbour, Bullock, Covington, Dallas, Escambia, Greene, Henry, Houston, Lee, Lowndes, Mobile, Montgomery, Perry, Pike and Russell in the State of Alabama.

An accompanying opinion has been filed with the Division of the Federal Register. Appendix A to Order G-1 is amended as follows:

1. The following brands or trade names and maximum prices for 12 ounce and 32 ounce bottles thereof are added to Group 1-B under the appropriate columns:

GROUP 1-B

Brand or Trade Name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Golden Glow	25	45
Goebel's	25	45

2. The maximum prices for the brands of imported beer that are specifically listed under Group 1-B in appendix are amended to read as follows:

	Cents
Carta Blanca	35
Corona	35
Monterey	35

3. The following brands or trade names and maximum prices for 12 ounce and 32 ounce bottles thereof are added to Group 2-B under the appropriate columns.

Group 2-B brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Goebel's	20	40
Golden Glow	20	40

4. The maximum prices for the brands of imported beer that are specifically listed under Group 2-B in Appendix A are amended to read as follows:

	Cents
Carta Blanca	32
Corona	32
Monterey	32

5. The maximum prices for all brands of beer in Group 3-B are amended so that the same shall read as follows:

GROUP 3-B

Brand or trade name	Maximum prices per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Barbarossa	18	35
Blatz Pilsner	18	35
Budweiser	18	35
Burger Brau	18	35
Carling's Red Cap Ale	18	35
Down's Arf and Arf	18	35
Goebel's	18	35
Golden Glow	18	35
Heirloom Gold Medal	18	35
Pabst Blue Ribbon	18	35
Red Top Ale	18	35
Schlitz	18	35
Spearman's English Ale	18	35
Victory	18	35

Imported Beer:	*Cents*
Carta Blanca	30
Corona	30
Monterey	30
All other brands not listed above	13

This amendment shall be effective August 4th, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued this the 4th day of August 1944.

A. H. COLLINS,
District Director.

[F. R. Doc. 44-13622; Filed, Sept. 5, 1944; 1:53 p. m.]

[Montgomery Rev. Order G-1 Under Gen. Order 50]

MALT AND CEREAL BEVERAGES IN DESIGNATED COUNTIES IN ALABAMA

Revised Order No. G-1 under General Order No. 50. Maximum prices for malt and cereal beverages in the Counties of Baldwin, Barbour, Bullock, Covington, Dallas, Escambia, Greene, Henry, Houston, Lee, Lowndes, Mobile, Mont-

gomery, Perry, Pike, and Russell, in the State of Alabama.

Order G-1 under General Order 50 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Montgomery District Office of Region IV of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Revised Delegation Order No. 17, issued May 5, 1944, it is hereby ordered:

SECTION 1. *Purpose of order.* It is the purpose of this order to establish specific maximum prices for malt and cereal beverages, including those commonly known as ale, beer and near-beer, in containers when sold or offered for sale at retail by any eating or drinking establishment, either for consumption on the premises or when carried away.

SEC. 2. *Geographical applicability.* The provisions of this order extend to all eating and drinking places or establisments located within the limits of the following named counties in the State of Alabama: Baldwin, Barbour, Bullock, Covington, Dallas, Escambia, Greene, Henry, Houston, Lee, Lowndes, Mobile, Montgomery, Perry, Pike and Russell.

SEC. 3. *Ceiling prices.* (a) On and after July 29, 1944, if you operate an eating or drinking establishment, you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed in the appendices hereof. You may, of course, charge lower prices at any time.

(b) If you sell any beverage subject to this order which is not specifically listed herein, and if you believe that the maximum price specified herein for such beverage is not appropriate to such beverage, you may make application to the Montgomery District Office of the Office of Price Administration requesting that such beverage be specifically included in the appendices hereof. With or without such application, the Montgomery District Office of the Office of Price Administration may, at any time, and from time to time, add new or unlisted beverages, brands, types or sizes together with maximum prices for same to the lists set forth in the appendices hereof.

(c) You may not add any taxes to your ceiling prices set forth in the appendices hereof except those specifically provided therein, as all other taxes were taken into consideration in establishing the ceiling prices for each group of sellers.

SEC. 4. *How to figure your ceiling prices.* (a) This order divides eating and drinking establishments into three different groups and gives each group a different ceiling price. The group to which you belong depends on your legal ceiling prices in effect during the base period of April 4-10, 1943. You must figure the group to which you belong on the basis of your correct legal ceiling prices for that period.

(b) The group to which you belong depends on your legal ceiling prices for the beverages subject to this order in effect during the base period of April 4-10, 1943. If your legal ceiling prices for various brands and types of beverages subject to this order vary so that your ceiling prices on some brands or types seem to place you in one particular group and ceiling prices on others seem to classify you into a different group, you must classify yourself into the particular group representative of the prices at which the greater number of your sales were made. For the purpose of determining your classification as herein provided, no consideration may be given to sales of beverages listed in appendices other than Appendix A hereof. You must figure the group to which you belong as follows:

(1) *Group 1-B.* Your establishment belongs to Group 1-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than the prices listed in Appendix A hereof for Group 1-B establishments.

(2) *Group 2-B.* Your establishment belongs to Group 2-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were the same as, or more than, the prices listed in Appendix A hereof for Group 2-B establishments, but were less than those provided in Appendix A for Group 1-B establishments.

(3) *Group 3-B.* Your establishment belongs to Group 3-B if, during the base period of April 4-10, 1943, your legally established ceiling prices for beverages subject to this order were less than the prices listed in Appendix A hereof for Group 2-B establishments. All establishments not in operation during the base period of April 4-10, 1943, and all establishments which began operating after the effective date of this order also belong to Group 3-B.

(c) If your eating or drinking establishment was not in operation during the base period of April 4-10, 1943, but was in operation prior to the effective date of this order, and, if the nearest similar eating or drinking establishment of the same type is one which is properly classified in Group 1-B or Group 2-B, you may, but not later than the first day of October, 1944, file an application with the Montgomery District Office of the Office of Price Administration, requesting that your establishment be reclassified into the same group to which its nearest similar eating or drinking establishment of the same type belongs. Until your application is acted upon, and unless your establishment is reclassified, it must retain the classification of a Group 3-B seller, and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the following information:

(1) Name and address of the establishment and of its owner or owners.

(2) A description of the establishment showing its type (such as night club, hotel, restaurant, tavern) and the date it began operating.

(3) The selling prices by brand name of all beverages sold since the beginning of its operation.

(4) The names of the three nearest eating and drinking establishments of the same type, and their group number as determined under this order.

(5) Any other information pertinent to such application or which may be requested by the Office of Price Administration.

(d) If your eating and drinking establishment begins operation after the effective date of this order, you are classified as a Group 3 seller and may not sell or offer for sale beverages subject to this order at prices higher than those set forth for Group 3-B sellers in the appendices hereof. However, if your nearest eating and drinking establishment of the same type is one which is properly classified as a Group 1-B or Group 2-B seller, you may, within and not later than 30 days from the time you begin operating, file an application with the Montgomery District Office, requesting that your establishment be reclassified into the same group in which its nearest eating and drinking establishment of the same type belongs. Until your application is acted upon and unless your establishment is reclassified, it must retain the classification of Group 3-B and must observe the ceiling prices as provided for that group in the appendices hereof. All such applications for reclassification must contain the same information required by paragraph (c) of this section.

(e) After you have figured your proper group number under this section and have filed the required statement with your War Price and Rationing Board as provided in section 5, you may not change your group classification except as otherwise provided by this order.

SEC. 5. *Filing with War Price and Rationing Board.* (a) When you have figured your proper group under section 4 above, you must, on or before August 10, 1944, file with your War Price and Rationing Board a signed statement with the name and address of your establishment, its type (such as night club, hotel, restaurant, tavern) and the group to which it belongs. Thereupon the War Price and Rationing Board will send you a card bearing your group number. If you begin operating your establishment after the effective date of this order, you must likewise file said signed statement in this manner as soon as you begin operating.

(b) If you are now in operation and have not filed the signed statement showing the group number to which you belong as provided in paragraph (a) above, you must do so immediately. If you have failed to file said signed document as herein required, you are hereby classified as a Group 3-B seller and you may not sell or offer for sale any beverage subject to this order at prices higher than the applicable ceiling prices listed for Group 3-B sellers in the appendices hereof. Failure to file said signed statement as herein provided is a violation of this order and also subjects you to the other penalties herein provided.

SEC. 6. *Modification of prices.* After you have determined your group and have put into effect the ceiling prices provided in this order for that group, the Office of Price Administration District Director for the District in which your establishment is located may direct you to charge lower ceiling prices:

(a) If, on the basis of your April 4–10, 1943 legal ceiling prices, this order, properly applied, requires you to be placed into a group with lower ceiling prices.

(b) If, as a result of speculative, unwarranted, or abnormal increases, contrary to the purpose of the Emergency Price Control Act, as amended, your legal ceiling prices on April 4–10, 1943 were excessive in relation to the legal ceiling prices of other comparable establishments in the District.

SEC. 7. *Exempt sales.* The following sales are exempt from the operation of this order. However, unless they are otherwise exempt from price control, they shall remain subject to the appropriate maximum price regulation or order:

(a) Sales by persons on board common carriers (when operated as such), including railroad dining cars, club cars, bar cars, and buffet cars, or sales otherwise governed by Restaurant Maximum Price Regulation 1 (Dining Car Regulation).

(b) Sales by public and private hospitals insofar as they serve to patients.

(c) Sales by eating cooperatives formed by members of 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 members of the Armed Forces who are members of the cooperative.

(d) Sales where the beverages subject to this order are included in, and sold as part of, a meal and where the price of such beverage is included in the price of the meal. (Such sales remain under Restaurant Maximum Price Regulation 2.)

(e) Sales by the War Department or the Department of Navy of the United States through such Departments' sales stores, including commissaries, ships' stores ashore, and by stores operated as army canteens, post exchanges, or ships' activities.

(f) Bona fide private clubs insofar as such clubs sell only to members or bona fide guests of members. Whenever 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 establishment and subject to this order. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless such club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue and 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 unless it is otherwise operated as a private club.

No club organized after the effective date of this order shall be exempt unless and until it has filed a request for exemption with the District Office of the Office of Price Administration of the area in which it is located, furnishing such information as may be required, and has received a communication from such office authorizing exemption as a private club.

SEC. 8. *Evasion.* If you are an operator of an eating or drinking establishment you must not evade the ceiling prices established by this order by any type of scheme or device; among other things (this is not an attempt to list all evasive practices) you must not:

(a) Institute any cover, minimum, bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did not have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(b) Increase any cover, minimum, bread and butter, service, corkage, entertainment, checkroom, parking or other special charges which you did have in effect on any corresponding day during the seven-day period from April 4–10, 1943, or

(c) Require as a condition of sale of a beverage the purchase of other items or meals, except that during the hours from 11:30 a. m. to 1:30 p. m. and the hours from 6:00 p. m. to 8:00 p. m., any eating or drinking establishment which derives not less than 70% of its gross revenue from the sales of prepared food items (not including beverage items) sold for consumption on the premises may refuse to sell beverages subject to this order for consumption on the premises during those hours to persons who do not also purchase food items.

SEC. 9. *Records and menus.* If you are an operator of an eating or drinking establishment subject to this order you must observe the requirements of General Order 50, as well as Restaurant Maximum Price Regulation No. 2, either as revised and amended or as may be revised and amended, with reference to the filing and keeping of menus and the preservation and keeping of customary and future records. Among other provisions of General Order 50, are the following:

(a) Preserve all existing records relating to prices, cost and sales of food items, meals and beverages;

(b) Continue to prepare and maintain such records as have been ordinarily kept;

(c) Keep for examination by the Office of Price Administration two copies of each menu used by the establishment each day, or a daily record in duplicate of the prices charged for food items, beverages and meals. If the establishment has customarily used menus, it must continue to do so.

SEC. 10. *Posting of prices.* If you are an operator of an eating or drinking establishment you must post and keep posted, the ceiling prices of the beverages subject to this order sold by your establishment, either by:

(a) Supplying the customers menus or bills of fare showing the beverages subject to this order which are sold by the establishment; and showing the brand name, quantity and ceiling price of each kind and type of bottled beverage, and the quantity and ceiling price of all beverages sold on draught, or

(b) Posting a sign giving the same information as required on menus or bills of fare by sub-paragraph (a) above. Such a sign must be posted in the establishment at a place where it can easily be read by the customers. If you prefer you may use a similar sign furnished by the Office of Price Administration.

(c) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3–B sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

SEC. 11. *Posting of group number.* (a) If you operate an eating or drinking establishment selling at retail beverages subject to this order you must post, and keep posted, in the premises a card or cards clearly visible to all purchasers showing the group number of your establishment as classified under this order. The card must read "OPA 1–B", "OPA 2–B", or "OPA 3–B", whichever is applicable. You may use the card or cards furnished you for this purpose by the War Price and Rationing Board.

(b) No establishment which fails to comply with the posting requirements of this section may sell any beverage subject to this order at a higher price than provided for Group 3 sellers in the appendices hereof during such time as such establishment is not in compliance with this section.

SEC. 12. *Receipts and sales slips.* Regardless of whether or not receipts have customarily been issued, upon request by any customer at the time of payment, a receipt containing a full description of the beverage sold and the price of same must be issued. Such receipts must show the date of issue and bear the signature of the person issuing same. If you have customarily issued receipts or sales slips, you may not now discontinue the practice.

SEC. 13. *Operation of several places.* If you own or operate more than one place selling beverages subject to this order, you must do everything required by this regulation for each place separately.

SEC. 14. *Enforcement.* If you violate any provision of this regulation you are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspensions of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *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 order. If you are a seller subject to this

order your license is suspended for violation of the license or of the order. If your license is suspended you may not, during the period of suspension, make any sale for which your license has been suspended.

SEC. 16. *Relation to other maximum price regulations.* This order supersedes the provisions of Maximum Price Regulation No. 259 and the General Maximum Price Regulation insofar as such provisions were applicable to sales at retail by eating and drinking establishments of beverages subject to this order. Sales of beverages subject to this order when sold as part of a meal and when the price of same is included in the price of the meal remain subject to the provisions of Restaurant Maximum Price Regulation 2.

SEC. 17. *Definitions.* (a) "Malt beverage" is any malt beverage produced either within or without the continental United States, and includes those commonly designated as beer, lager beer, ale, porter and stout.

(b) "Cereal beverage" is any beverage produced from cereals either within or without the Continental United States and commonly known as "near-beer".

(c) "On draught" means dispensed by a seller at retail from any container of ⅓ barrel or larger size.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Sales at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user.

(f) "Eating or drinking establishment" shall include any place, establishment or location, whether temporary or permanent, in which any prepared food item or meal, or any beverage is sold for immediate consumption on the premises or to be carried away without substantial change in form or substance. However, grocery and other stores that do not sell food items or meals, or beverage for immediate consumption on the premises are specifically excluded from this definition.

(g) "Other definitions". Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the other terms used herein.

SEC. 18. *Transfers of business on stock in trade.* If the business assets, or stock in trade of any establishment are hereafter sold or otherwise transferred, or have been sold or transferred subsequent to April 10, 1943, and the transferee carries on the business or continues to sell malt beverages covered by this order in the same location, the maximum prices of the transferee shall be the same as those to which its transferor would have been subject if no such transfer had taken place, and its obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the recording-keeping requirements of this order. If there is a lapse of business operations in connection with such a transfer for a period of sixty days, selling prices shall be determined as provided in section 4 for a new seller.

SEC. 19. *Changes in location.* If any establishment is hereafter moved to a new location, the establishment shall be considered a new seller under this order and shall determine its ceiling prices under the provisions of section 4.

SEC. 20. *Petitions for amendment.* Any person dissatisfied with any of the provisions of this order may request the Office of Price Administration to amend the order. Such petition for amendment must be filed in pursuance of the provisions of Revised Procedural Regulation No. 1, except that the petition for amendment shall be directed to, filed with, and acted upon, by the District Director of the Montgomery District Office.

SEC. 21. *Revocation and amendment.* This order may be revoked, amended, or corrected at any time.

SEC. 22. *Effective date.* This revised Order G-1 shall become effective September 1, 1944.

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

(56 Stat. 23, 765; 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; G.O. 50, 8 F.R. 4808)

Issued at Montgomery, Alabama this 25th day of August 1944.

A. H. COLLINS,
District Director.

APPENDIX A

GROUP 1-B

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Barbarossa	25	45
Blatz Pilsner	25	45
Budweizer	25	45
Burger-Brau	25	45
Carling's Red Cap Ale	25	45
Canadian Ace	25	45
Down's Arf and Arf	25	45
Fell's	25	45
Goebel's	25	45
Golden Glow	25	45
Heirloom Gold Medal	25	45
Hollands' Koenig's Premium Special	25	45
Lemp's Black Label	25	45
Pabst	25	45
Red Top Ale	25	45
Schlitz	25	45
Spearman's English Ale	25	45
Victory	25	45
Imported beer:		
Carta Blanca	35	----------
Corona	35	----------
Monterey	35	----------
All other brands not listed above (including unlabeled beer and ale)	20	40

Those sellers who have qualified with the proper state authorities to operate as cabarets and who are required to pay a Federal Excise Tax as cabarets may add same to above prices if such tax is separately stated and collected.

No other tax applicable to the area covered by this Order may be added to the above prices.

GROUP 2-B

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Barbarossa	20	40
Blatz Pilsner	20	40
Budweizer	20	40
Burger-Brau	20	40
Carling's Red Cap Ale	20	40
Canadian Ace	20	40
Down's Arf and Arf	20	40
Fell's	20	40
Goebel's	20	40
Golden Glow	20	40
Heirloom Gold Medal	20	40
Hollands'	20	40
Koenig's Premium Special	20	40
Lemp's Black Label	20	40
Pabst	20	40
Red Top Ale	20	40
Schlitz	20	40
Spearman's English Ale	20	40
Victory	20	40
Imported beer:		
Carta Blanca	32	----------
Corona	32	----------
Monterey	32	----------
All other brands not listed above (including unlabeled beer and ale)	15	35

Those sellers who have qualified with the proper state authorities to operate as cabarets and who are required to pay a Federal Excise Tax as cabarets may add same to above prices if such tax is separately stated and collected.

No other tax applicable to the area covered by this Order may be added to the above prices.

GROUP 3-B

Brand or trade name	Maximum price per bottle	
	12-ounce	32-ounce
	Cents	*Cents*
Barbarossa	18	35
Blatz Pilsner	18	35
Budweizer	18	35
Burger-Brau	18	35
Carling's Red Cap Ale	18	35
Canadian Ace	18	35
Down's Arf and Arf	18	35
Fell's	18	35
Goebel's	18	35
Golden Glow	18	35
Heirloom Gold Medal	18	35
Hollands' Koenig's Premium Special	18	35
Lemp's Black Label	18	35
Pabst	18	35
Red Top Ale	18	35
Schlitz	18	35
Spearman's English Ale	18	35
Victory	18	35
Imported beer:		
Carta Blanca	30	----------
Corona	30	----------
Monterey	30	----------
All other brands not listed above (including unlabeled beer and ale)	13	30

Those sellers who have qualified with the proper state authorities to operate as cabarets and who are required to pay a Federal Excise Tax as cabarets may add same to above prices if such tax is separately stated and collected.

No other tax applicable to the area covered by this Order may be added to the above prices.

[F. R. Doc. 44-13621; Filed, Sept. 5, 1944; 1:47 p. m.]

[Jackson Order G-1 Under MPR 426, Revocation]

FRUITS AND VEGETABLES IN JACKSON, MISS., DISTRICT

Order revoking Order No. G-1 issued under Maximum Price Regulation 426. Fresh fruits and vegetables for table use.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Jackson (Mississippi) District Office of the Office of Price Administration by section 2 (b) of Maximum Price Regulation 426 and by Regional Delegation Order No. 16 issued by Region IV of the Office of Price Administration and which is dated September 7, 1943, *It is hereby ordered:*

1. That Order No. G-1 issued under Maximum Price Regulation 426 by the Jackson (Mississippi) District Office of the Office of Price Administration on November 25, 1943, be and the same is hereby revoked.

2. This revocation is subject to all of the provisions of Supplementary Order No. 40 issued April 2, 1943, and shall not release or extinguish any penalty or liability which may have been incurred prior to the effective date of this order of revocation.

3. This order shall become effective the 26th day of August, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this the 26th day of August 1944.

WILLIAM E. HOLCOMB,
District Director.

[F. R. Doc. 44-13617; Filed, Sept. 5, 1944; 1:57 p. m.]

[Region IV Order G-23 Under RMPR 122]

SOLID FUELS IN MEMPHIS, TENN.

Order No. G-23 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Memphis, Tennessee.

For the reasons set forth in an Opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point in the area set out in paragraph (c) hereinafter.

(2) Paragraph (c) of this order contains a price schedule applicable to sales of the solid fuels named therein. Special charges and discounts applicable to such sales are likewise found in that paragraph.

(b) *What this order prohibits.* Regardless of any contract, agreement, or other obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this order, but less than maximum prices may, at any time, be charged, paid or offered; or

(2) Obtain a higher than maximum price by:

(i) Charging for a service which is not expressly requested by the buyer or which is not specifically authorized by this order;

(ii) Using any tying agreement by making any requirement that anything other than the fuel requested by the buyer be purchased by him; or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule; consumer sales.* (1) This price schedule sets forth maximum prices for sales of specified solid fuels when delivery is made within the corporate limits of the City of Memphis, Tennessee. Extra charges are specified for deliveries beyond the corporate limits of said city.

(i) "Direct delivery or domestic" basis:

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)
Lump or Block	$9.05	$5.23
Stoker	8.45	4.48
Yard Screenings	6.75	3.63

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 9

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)
Lump	$7.45	$3.93
Sentry Lump	7.80	4.15
No. 11 Vein Egg	7.20	3.85
6" x 3" Egg	7.50	4.00
Nut	7.35	3.93
Stoker	7.15	3.83
No. 6 Vein Stoker	7.25	4.03
Pea and Slack Screenings	5.00	3.05

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 10

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)
Lump or Egg from Mines in Price Group 8	$9.00	$4.75
Nut	8.15	4.33

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 13

Size	Per ton (2,000 lbs.)	Per ½ ton (1,000 lbs.)
Block or Lump:		
(a) Coals from mines in the Jagger or Mary Lee Seams and which are identified by Mine Index Numbers 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 53, or 54, or from mines in the above seams producing coal having the same maximum price, as of the date of this Order, at the mine	$3.75	$4.03
(b) Coals from mines in the Black Creek or Clark seams and which are identified by Mine Index Numbers 1, 2, 7, 9, 10, 11, 12, 14, 15, or 17, or from mines in the above seams producing coal having the same maximum price, as of the date of this Order, at the mine	10.05	5.23
(c) Coals from mines in the Black Creek seam and which are identified by Mine Index Numbers 16, 18, 20, 21, 22, 23, or 1266 or from mines in the above seams producing coal having the same maximum price, as of the date of this Order, at the mine	10.70	5.60
(d) Coals from mines in the Montevallo or Thompson seams and which are identified by Mine Index Numbers 3, 4, 6, or 8 or from mines in the above seams producing coal having the same maximum price, as of the date of this Order, at the mine	11.05	6.03
Stoker	8.45	4.48

(2) *Maximum authorized service charges and required deductions*—(i) *Trimming.* If buyer requests such service the dealer may not charge more than 30¢ per ton therefor.

(ii) *Carry or wheel from curb.* If buyer requests such service, the dealer may not charge more than 50¢ per ton therefor.

(iii) *Carry up or down stairs.* If buyer requests such service, the dealer may not charge more than $1.00 per ton therefor.

(iv) *Sacking.* If buyer requests such service, the dealer may not charge more than $2.00 per ton for the labor of sacking coal.

(v) *Sacked coal at the yard.* Dealer may charge not more than 60¢ for 85 lbs. of sacked coal from District No. 8, East Kentucky and Tennessee, and not more than 50¢ for 85 lbs. of sacked coal from District No. 9, West Kentucky, when sold at the yard. No deliveries are made in these quantities. The prices specified do not include sack, for which no charge in excess of the applicable maximum price may be made.

(vi) *Yard sales.* When buyer picks up coal at the dealer's yard, the domestic price must be reduced at least $1.00 per ton.

(vii) *Quantity discounts.* When a buyer purchases coal in quantities of thirty (30) tons or more, the dealer must reduce the domestic price at least

75¢ per ton. This discount is not applicable to stoker or slack coals.

(viii) *Treated coals.* If a dealer's supplier has subjected the coal to oil or calcium chloride treatment to allay dust or to prevent freezing and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order the amount of such charge, not to exceed 10¢ per net ton on coals from District Nos. 8, 9, and 10, and not to exceed 15¢ per net ton on coals from District No. 13. Any such treatment charge shall be stated separately from all other items on the invoice.

(ix) *Delivery zone.* The dealer may make no extra charge for delivery within the corporate limits of Memphis, Tennessee. For deliveries beyond the free delivery zone thus described, the dealer may add not more than 10¢ per ton per mile and may make a minimum charge of 50¢ for such delivery. Such delivery charge, if added, must be stated separately from all other charges on the invoice.

(x) *Terms for credit.* The prices set out in the price list are for cash sales, and if the buyer does not make payment in full for all purchases of solid fuels covered by this order within three days from the date of delivery, the dealer may add a credit charge, not to exceed 50¢ per ton.

(d) *Ex Parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December, 1941; therefore, no dealer may increase any price specified herein on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected, in addition to the maximum prices set by this order. It may be collected only if the dealer states such tax separately from the price of the coal on the invoice. (The tax need not be stated separately on sales to the United States or any agency thereof—see amendment 12 to Revised Maximum Price Regulation No. 122.) No part of this tax may be collected in addition to the maximum prices specified on sales of one-quarter ton or lesser amount of coal, or on sales of any quantity of bagged coal.

(e) *Addition of increases in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in his purchase cost or in his supplier's maximum prices occurring after the effective date hereof, but increases in the maximum prices set hereby, to reflect such increases are within the discretion of the Administrator or of the Regional Administrator of Region IV.

(f) *Power to amend or revoke.* This order, or any provision thereof, may be revoked, amended, or corrected at any time by the Administrator or by the Regional Administrator of Region IV.

(g) *Petitions for amendment.* Any person seeking an amendment of this order may file a petition for amendment with the Administrator in accordance with the provisions of Revised Procedural Regulation No. 1, or in the alternative, may file such petition with the Regional Administrator, Region IV, Office of Price Administration, Candler Building, Atlanta, 3, Georgia. If such petition is filed with the Regional Administrator, action thereon shall be taken by him. When such a petition is filed with the Regional Administrator, all requirements of Revised Procedural Regulation No. 1, relative to the filing of such petitions, are applicable except the place of filing specified therein.

(h) *Applicability of other regulations*—(1) *Licensing and registration.* Every dealer subject to this order is subject to the licensing and registration provisions of sections 15 and 16 of the General Maximum Price Regulation. These sections provide, in brief, that a license is required of all persons selling, at retail, commodities for which maximum prices are established. A license is automatically granted. It is not necessary to apply for a license, but a dealer may later be required to register. A license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(2) *Effect of this order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede the provisions of Revised Maximum Price Regulation No. 122.

(i) *Records and reports.* Every person making sales of solid fuels for which maximum prices are established by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. This record shall also separately state each service rendered and the charge made therefor.

(1) It is not necessary that these records or your maximum prices be filed with the War Price and Rationing Board.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set hereby for all of his types of sales. He shall post his prices in his place of business in a manner plainly visible to, and understandable by, the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuels.

(2) Every dealer selling solid fuels for the sale of which a maximum price is set by this order shall, within 30 days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged, and separately stating any item which is required to be separately stated by this order. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size, and quantity of the solid fuel sold to him, or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Enforcement.* (1) Persons violating any provisions of this order are subject to the civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the nearest District Office of the Office of Price Administration.

(l) *Definitions and explanations.* When used in this order the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuels except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(i) "Direct delivery" of bagged fuel or of any fuel in one-quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" refer to movement of fuel to the buyer's bin or storage space by wheel barrow, barrel, sack, or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" means deliveries made by the dealer in his customary manner, at his yard, or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight, August 23, 1943.

(8) "Lump, egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule as promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight, August 23, 1943, except that "run-of-mine" shall be that size sold as such by the dealer.

(9) Except as otherwise provided herein, or except as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

This order shall become effective September 1, 1944.

NOTE: The 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; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued August 25, 1944.

GEORGE D. PATTERSON, Jr.,
Acting Regional Administrator.

[F. R. Doc. 44-13615; Filed, Sept. 5, 1944; 2:00 p.m.]

[Region V Order G-1 Under Gen. Order 50, Amdt. 1]

MALT BEVERAGES IN DESIGNATED SOUTHERN STATES

Region V Order G-1 under General Order 50, Amendment No. 1. Maximum prices for malt beverages in designated southern States.

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

Region V Order No. G-1 under General Order 50 is amended in the following respects:

1. In section 4, paragraph (a) (2) is amended to read as follows:

(2) An establishment, except a new seller, (see definition in paragraph (e) of this section 4) unless it sold both Tables 1 and 2 brands of malt beverages at the same price, which price was not more than 17¢ per 12-ounce bottle, belongs in Group 2B if:

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

(4) An establishment belongs in Group 3B if:

(i) It does not qualify for either Group 1B or Group 2B, or

(ii) It sold one or more brands of malt beverages listed in Table 1 as well as one or more brands of malt beverages listed in Table 2, and its legal ceiling price under MPR 259 for all the brands listed in Tables 1 and 2 which it sold was the same, and that price was not more than 17¢ per 12-ounce bottle.

3. Section 4 (d) is amended by adding paragraph (7) to read as follows:

(7) An establishment which has been classified in Group 3B under section 4 (a) (4) (ii) may apply to the district office for reclassification if it can establish that during the sixty day period prior to July 31, 1944, 70% by volume of its sales of bottled malt beverages were of brands listed in Table 2. The application shall be supported by a statement of the applicant showing the total number of bottles of malt beverages sold by the establishment during the sixty day period, and the number of bottles of each brand listed in Tables 1 and 2 which it sold during that period. The District Director may require such additional evidence as he may deem necessary. The District Director in response to such application may, if he finds that over 70% by volume of the sales made by the establishment during the sixty day period prior to July 31, 1944, were of brands listed in Table 2, reclassify such establishment into Group 2B.

This amendment shall become effective July 26, 1944.

Issued this 25th day of July 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-13629; Filed, Sept. 5, 1944; 1:52 p. m.]

[Region V Order G-4 Under MPR 336, MPR 355 and MPR 394]

FABRICATED MEAT CUTS IN ST. JOSEPH, MO.

Order No. G-4 under section 5 (c) of Maximum Price Regulation No. 336. Retail ceiling prices for pork cuts and certain sausage products. Maximum Price Regulation No. 355. Retail ceiling prices for beef, veal, lamb and mutton cuts and all variety meats and edible byproducts Maximum Price Regulation No. 394. Retail ceiling prices for kosher beef, veal, lamb, and mutton cuts.

Pursuant to section 5 (c) of Maximum Price Regulation No. 336, Maximum Price Regulation No. 355 and Maximum Price Regulation No. 394, as incorporated by Amendment 15 to Maximum Price Regulation No. 336, and Amendment 17 to Maximum Price Regulation No. 355, and Amendment 6 to Maximum Price Regulation No. 394, the Regional Administrator of Region V, on his own motion, finds that the area contained within the corporate limits of the City of St. Joseph, Missouri, to be an area deficient in supplies of fabricated meat cuts for purveyors of meals, because the following conditions exist:

(1) Purveyors of meals within said area are unable to obtain fabricated meat cuts covered by the above named regulations in sufficient volume to supply their requirements as determined under Ration Order No. 16, during the two month period immediately preceding May 1, 1944;

(2) The dealers in the area selling fabricated meat cuts do not have adequate facilities or quotas to supply the requirements of purveyors of meals located in the area as determined under (1) above; and

(3) Purveyors of meals in the area customarily have relied upon, and find it necessary to continue to rely upon, local retail dealers for supplies of meat sufficient to fill their requirements.

Accordingly, the area within the corporate limits of the City of St. Joseph, Missouri, is hereby ordered and declared to be an area deficient in the supply of fabricated meat cuts covered by the above named price regulations for purveyors of meals within the intent and purposes of said section 5 (c) of each of the aforesaid maximum price regulations.

This order or declaration is subject to revocation, or amendment, at any time hereafter, either by special order or declaration, or by any price regulation issued hereafter, or by any amendment or supplement issued to any price regulation, the provisions of which may be contrary hereto.

This order shall become effective August 26, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this the 26th day of August 1944.

C. B. BRAUN,
Regional Administrator.

[F. R. Doc. 44-13625; Filed, Sept. 5, 1944; 1:55 p. m.]

[Region V Order G-6 Under 18 (c)]

FIREWOOD IN TEXAS

Order of revocation of Order No. G-6 under section 18, paragraph (c) of the General Maximum Price Regulation. Maximum prices for firewood on sales to the Army and Navy and to the State of Texas or any of its political subdivisions in all counties in the State of Texas except in those counties comprising the Houston, Texas, District.

Pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, as amended, and section 18, paragraph (c) of the General Maximum Price Regulation, as amended, and for the reasons set forth in the accompanying opinion, *It is ordered*, That Order No. G-6, maximum prices for firewood on sales to the Army and Navy and to the State of Texas or any of its political subdivisions in all counties in the State of Texas except in those counties comprising the Houston, Texas, District, issued by the Regional Administrator of Region V on the 1st day of December, 1943, is hereby revoked in accordance with Supplementary Order No. 40.

This order shall become effective on the 2d day of September, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 28th day of August 1944.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 44-13626; Filed, Sept. 5, 1944; 1:59 p. m.]

[Region V Rev. Order G-7 Under 18 (c)]

FIREWOOD IN DESIGNATED COUNTIES IN TEXAS

Revised Order No. G-7 under section 18, paragraph (c) of the general maximum price regulation. Maximum prices for firewood in certain counties of the Dallas, Texas, and Fort Worth, Texas, Districts of the Office of Price Administration.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 18, paragraph (c) of the General Maximum Price Regulation, *It is hereby ordered,* That Dallas Regional Order No. G-7 under section 18, paragraph (c) of the General Maximum Price Regulation is hereby revised and amended and redesignated as Revised Order No. G-7. Therefore, it is hereby ordered:

(a) *Maximum wholesale per cord prices for sales of firewood in the following named counties shall be:* (1) Anderson, Bell, Cherokee, Clay, Cooke, Collin, Coryell, Dallas, Delta, Denton, Ellis, Erath, Falls, Fannin, Freestone, Grayson, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, McLennan, Montague, Navarro, Palo Pinto, Parker, Rains, Rockwall, Smith, Tarrant, Taylor, Tom Green, Van Zandt, Wise and Wood Counties:

(i) Hardwood 24 inches or under	$10.00
Hardwood over 24 inches	8.50
Softwood 24 inches or under	9.50
Softwood over 24 inches	8.00

(2) Bowie, Camp, Cass, Franklin, Gregg, Harrison, Marion, Morris, Panola, Red River, Rusk, Titus and Upshur:

(i) Hardwood 24 inches or under	$9.00
Hardwood over 24 inches	7.50
Softwood 24 inches or under	8.50
Softwood over 24 inches	7.00

(b) *Wholesale sale.* (1) A wholesale sale is any sale to a person purchasing for the purposes of resale and any sale to a commercial or industrial user.

(c) *Wholesale terms of sale.* (1) The wholesaler shall bear all costs of production and of delivery to and loading on the conveyance in which the firewood is to be moved to the retailer's city.

(2) If the wholesaler pays any portion of the transportation costs after the wood is loaded on to the conveyance as set out above, the purchaser may pay the wholesaler in addition to the wholesale price set out in paragraph (a) of this order a compensation for such transportation expenses. Such compensation may not exceed a mileage charge identical with the carload rail rate or a reasonable approximation thereof for shipping the wood the particular distance involved.

(d) *Maximum retail per cord prices for sales of firewood in Dallas County shall be:*

(1) Hardwood 24 inches or under	$15.00
Hardwood over 24 inches	13.25
Softwood 24 inches or under	14.50
Softwood over 24 inches	12.75

(e) *Maximum retail per cord prices for sales of firewood in Tarrant County shall be:*

(1) Hardwood 24 inches or under	$15.75
Hardwood over 24 inches	14.00
Softwood 24 inches or under	15.25
Softwood over 24 inches	13.50

(f) *Maximum retail for cord prices for sales of firewood in the following named counties shall be:* (1) Denton, Hill, Hood, Johnson, and McLennan:

(i) Hardwood 24 inches or under	$13.75
Hardwood over 24 inches	12.00
Softwood 24 inches or under	13.25
Softwood over 24 inches	11.50

(2) Collin, Ellis, and Navarro:

(i) Hardwood 24 inches or under	$13.00
Hardwood over 24 inches	11.25
Softwood 24 inches or under	12.50
Softwood over 24 inches	10.75

(3) Anderson, Bell, Cherokee, Clay, Cooke, Coryell, Delta, Erath, Falls, Fannin, Freestone, Grayson, Henderson, Hopkins, Hunt, Jack, Kaufman, Lamar, Lampasas, Limestone, Montague, Palo Pinto, Parker, Rains, Rockwall, Smith, Taylor, Tom Green, Van Zandt, Wise and Wood:

(i) Hardwood 24 inches or under	$12.50
Hardwood over 24 inches	10.75
Softwood 24 inches or under	12.00
Softwood over 24 inches	10.25

(4) Bowie, Camp, Case, Franklin, Gregg, Harrison, Marion, Morris, Panola, Red River, Rusk, Titus and Upshur:

(i) Hardwood 24 inches or under	$11.50
Hardwood over 24 inches	9.75
Softwood 24 inches or under	11.00
Softwood over 24 inches	9.25

(g) *Maximum retail prices for sales of firewood in quantities less than a cord in the Counties of Anderson, Bell, Bowie, Camp, Cass, Cherokee, Clay, Cooke, Collin, Coryell, Dallas, Delta, Denton, Ellis, Erath, Falls, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, Marion, McLennan, Montague, Morris, Navarro, Palo Pinto, Panola, Parker, Rains, Red River, Rockwall, Rusk, Smith, Tarrant, Taylor, Titus, Tom Green, Upshur, Van Zandt, Wise and Wood shall be:*

(1) One-half of a cord: One-half the price of a cord, plus 25¢.

(2) One-third of a cord: One-third the price of a cord, plus 50¢.

(3) One-fourth of a cord: One-fourth the price of a cord, plus 50¢.

(4) One-twelfth of a cord (sometimes known as a bundle): One-tenth the price of a cord.

(h) *Retail sale.* (1) A retail sale is any sale to an ultimate consumer other than an industrial or commercial user, the Army and Navy, the State of Texas or any of its political subdivisions, and other than sales by truckers.

(i) *Retail terms of sale.* (1) Prices for retail sales, as established in this order, involving one or more cords, a half of a cord, a third of a cord, or a fourth of a cord, include delivery to the buyer's premises or a point designated by him; if the purchaser accepts delivery at the retailer's premises or designates such premises as the place of delivery, the maximum retail prices established by this order shall be reduced by the actual amount paid by the purchaser for having such wood transported to his (the purchaser's) premises.

(2) Retail prices established in this order do not include the service of stacking. When such service is supplied by the retailer, he may demand and receive as extra compensation for this service an amount not exceeding 50¢ per cord and 25¢ per half cord; in sales involving quantities of less than one-half cord no extra charge for stacking shall be made even if this service is supplied by the retailer.

(j) *Maximum per cord prices for sales of firewood by truckers in Dallas and Tarrant Counties shall be:*

(1) The sum of the geographically applicable retail per cord prices less $2.00.

(k) *Maximum per cord prices for sales of firewood by truckers in the Counties of Anderson, Bell, Bowie, Camp, Cass, Cherokee, Clay, Cooke, Collin, Coryell, Delta, Denton, Ellis, Erath, Falls, Fannin, Franklin, Prestone, Grayson, Gregg, Harrison, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, Marion, McLennan, Montague, Morris, Navarro, Palo Pinto, Panola, Parker, Rains, Red River, Rockwall, Rusk, Smith, Taylor, Titus, Tom Green, Upshur, Van Zandt, Wise and Wood shall be:*

(1) The geographically applicable retail per cord price.

(l) *Maximum prices for sales of firewood by truckers in quantities less than a cord in the Counties of Anderson, Bell, Bowie, Camp, Cass, Cherokee, Clay, Cooke, Collin, Coryell, Dallas, Delta, Denton, Ellis, Erath, Falls, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, Marion, McLennan, Montague, Morris, Navarro, Palo Pinto, Panola, Parker, Rains, Red River, Rockwall, Rusk, Smith, Tarrant, Taylor, Titus, Tom Green, Upshur, Van Zandt, Wise and Wood shall be:*

(1) One-half cord: One half the trucker's geographically applicable cord price plus 25¢.

(2) One-third cord: One-third the trucker's geographically applicable cord price plus 50¢.

(3) One-fourth cord: One-fourth the trucker's geographically applicable cord price plus 50¢.

(4) One-twelfth of a cord (sometimes known as a bundle): One-tenth the trucker's geographically applicable cord price.

(m) *Definition of trucker.* (1) A trucker is any seller who sells directly from a truck or other conveyance without first receiving and unloading the wood at a place of business established for the purposes of carrying on the business of selling firewood.

(2) If a seller makes a sale directly from a truck or other conveyance without first unloading it at his place of business, that seller, for the purposes of this order, shall be regarded as a trucker on such sales.

(3) A sale by a trucker to a commercial or industrial user or to a purchaser for resale shall be a sale at wholesale.

(n) *Maximum per cord prices for sales of firewood to the Army and Navy and to the State of Texas or any of its political subdisivisions in all of the Counties covered by this order are established to be as follows:* (1) Prices per cord on sales to the Army and Navy in the counties composing the Dallas, Texas and Fort Worth, Texas Districts of the Office of Price Administration:

(i) The sum of the local wholesale price plus $1.50 f. o. b. first rail terminal, or if shipped by truck, f. o. b. last loading point before delivery to the Army or Navy. If the Army or Navy purchases firewood for immediate delivery from the local yard, the maximum price shall be the retail price covering sales in that particular locality to retail purchasers.

(2) Prices per cord on sales to the State of Texas or any of its political subdivisions, including but not limited to cities, towns, counties, school and road districts, in the counties composing the Dallas, Texas and Fort Worth, Texas Districts of the Office of Price Administration:

(i) The applicable wholesale price plus $1.00 per cord, except that in purchases from local retail yards, for immediate delivery to the purchaser from such yards, the applicable retail maximum prices shall prevail.

(o) *Maximum service charge for cutting.* (1) In any instance where the seller sells wood over 24 inches in length and cuts it on order for the purchaser, the charge for this cutting shall be no more than the difference between the seller's maximum prices for wood "24 inches or under" and wood "over 24 inches." If there is no difference in the seller's maximum prices for the different lengths of wood, he may make a flat charge of $1.00 per cord for the cutting. No service charge for cutting shall be increased in relation to the number of times such wood is cut by the seller. The one service charge should apply for any and all cutting done for the customer.

(p) *Lower prices.* (1) Lower prices than those established herein for sales of firewood in the area covered by this order may be charged, offered, demanded or paid.

(q) *Licensing, Posting and Sales Receipts*—(1) *Licensing.* (i) A license to make sales of firewood is automatically granted to all persons who now or hereafter make such sales. But the granting of this license to any person whose license heretofore granted by the Office of Price Administration is under suspension shall become effective for sales to which the suspension applies only at the end of the period of suspension.

(ii) A license granted hereby may be suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, for violations of the license or of one or more applicable maximum price regulations. The provisions of the General Maximum Price Regulation and all other such regulations are made a part of each license granted hereby, and a violation of any such provision is a violation of the license. A person whose license has been suspended may not during the period of suspension make any sale for which his license has been suspended.

(iii) Every license heretofore granted by the Office of Price Administration and in effect when this order becomes effective, is merged and continued in the license granted by this order. The former license no longer continues as a separate license. If the former license is suspended by a pending license suspension proceeding, the license granted by this order is suspended to the same extent. Proceedings to suspend a license granted hereby may be begun and maintained without a further warning notice to any person to whom a warning notice under a previous license was sent.

(iv) No license is required of, or granted to, a farmer as a condition of selling an agricultural commodity produced by him, the United States, or any agency thereof, or any other government, its political subdivisions or agencies.

(2) *Posting.* (i) Every retail seller of wood or trucker covered by this Order shall post the maximum unit prices provided herein, covering all types and kinds of sales, in a place and manner prominent and conspicuous, with sufficient information to inform buyers of the maximum prices applying to his sales of firewood, giving the length, types of wood and prices of each.

(3) *Sales slips and receipts.* (i) Any seller of firewood covered by this order who has customarily given a purchaser a sales slip, receipt or other similar evidence of purchase shall continue to do so.

(ii) Upon request from a purchaser any seller at retail, or any trucker, regardless of previous custom, shall give the purchaser a receipt showing the date of sale, the name and address of the seller, whether the wood is hardwood or softwood, the length of the wood, the unit of sale and the price per unit.

(iii) Upon request from a purchaser any seller at wholesale shall give the purchaser a sales slip or receipt showing the date of sale, the seller's name and address, the name of the county in which the wood was felled, whether the wood is hardwood or softwood, the length of the wood, the unit of sale and the price per unit.

(r) *Definitions*—(1) *Sale of firewood.* (i) A sale of firewood shall be the sale of any wood of the size and quality set forth in this order, provided such wood is sold for use as a fuel for heating or cooking, or to dealers who will resell such wood for such purposes. "Firewood" includes slabs cut from logs, but does not include off-fall from lumber, kindling, and rotted or decayed lumber.

(2) *Cord.* (i) A cord is a quantity of wood which would occupy 128 cubic feet if cut in four feet lengths and stacked straight in a pile measuring 4 feet wide, 4 feet high and 8 feet long.

(ii) Any loss in volume resulting from cutting a cord of four foot wood into shorter lengths shall be borne by the purchaser and not by the seller, regardless of whether or not ownership (title) of the wood has passed from the seller to the buyer before the wood is cut: provided that such loss or shrinkage in volume shall not exceed twenty-four cubic feet when four foot wood is cut into two foot lengths and shall not exceed thirty-two cubic feet when four foot wood is cut into lengths less than two feet; and provided that no seller, selling firewood in lengths shorter than four feet, regardless of whether or not ownership (title) of the wood has passed from the seller to the buyer before the wood is cut, may deliver less than 104 cubic feet of firewood when cut in two foot lengths or less than 96 cubic feet of firewood when cut into lengths less than two feet, without a compensating reduction in the applicable per cord price for firewood established in this Revised Order No. G-7.

(3) *Hardwood.* (i) Hardwood is wood cut from any of the following deciduous trees: Ash, Beech, Butternut, Cedar, Dogwood, Elm, Gum, Hackberry, Hard Maple, Hickory, Locust, Oak, Osage Orange, Sycamore, Walnut.

(ii) All other woods for the purposes of this order are to be considered "softwoods."

(s) Insofar as this order establishes prices for sales of firewood in the counties of Anderson, Bell, Bowie, Camp, Cass, Cherokee, Clay, Cooke, Collin, Coryell, Dallas, Delta, Denton, Ellis, Erath, Falls, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Limestone, Marion, McLennan, Montague, Morris, Navarro, Palo Pinto, Panola, Parker, Rains, Red River, Rockwall, Rusk, Smith, Tarrant, Taylor, Titus, Tom Green, Upshur, Van Zandt, Wise and Wood, the "Order of Modification of Maximum Prices Established by the General Maximum Price Regulation for Firewood Sold at Wholesale and Retail in the State of Texas, as Amended," dated the 30th day of December, 1942, issued by the Regional Administrator of Region V, is revoked and superseded by the provisions of this Revised General Order No. G-7.

(t) This order is subject to revocation or amendment by the Price Administrator at any time hereafter, either by special order or by any price regulation issued hereafter, or by any amendment or supplement hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(u) Except as specifically provided in this order, the provisions of the General Maximum Price Regulation, as amended, are in no way affected and shall continue in full force and effect.

This order shall become effective on the 2nd day of September 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.—E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 28th day of August 1944.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 44-13627; Filed, Sept. 5, 1944; 1:59 p. m.]

[Region V Order G-1 Under Gen. Order 50, Amdt. 2]

MALT BEVERAGES IN DESIGNATED SOUTHERN STATES

Region V Order G-1 under General Order 50, Amendment No. 2. Maximum prices for malt beverages in designated southern states.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Regional Administrator by Revised General Order No. 50, the Region V Order G-1 under General Order 50, maximum prices for malt beverages in designated Southern States, is amended as follows:

(1) Table I in section 20, Appendix A, is amended by adding the following brand names to the list of brands:

Ziegler's 520 Beer.
Flock Beer.
Peter Hand's Extra Pale.
Dorquest.
Commander Special Pilsener.
Gold Medal Tivoli.
Bay State.
Koenig's Brau
Old Gold.
Old Brew.
Pioneer Victory.
Metz Jubilee.
Birk's Trophy.
Blackhawk Topping.
Silver Fox.

(2) Table II in section 20, Appendix A, is amended by deleting the following brand names from the list of brands:

Metz Jubilee.
Koenig's Brau.
Pioneer Victory.
Birk's Trophy.
Blackhawk Topping (Zoller's).
Silver Fox.
Old Gold.
Tivoli.

(3) Table III in section 20, Appendix A, is amended by adding the following brand names and group prices thereof:

Brand	Group 1B		Group 2B		Group 3B	
	12-ounce	7-ounce	12-ounce	7-ounce	12-ounce	7-ounce
	Ct.	Ct.	Ct.	Ct.	Ct.	Ct.
* *	* *	* *	* *	* *	* *	* *
Van Wyck	30	-----	25	-----	25	-----
Doran's Canadian Ale	30	-----	25	-----	25	-----

(4) Section 21, Appendix B, is amended as follows:

(a) The following brand names are added to the table "Brands of Beer Listed in Table I":

Ziegler's 520 Beer.
Flock Beer.
Peter Hand's Extra Pale.
Dorquest.
Commander Special Pilsener.
Gold Medal Tivoli.
Bay State.
Koenig's Brau.
Old Gold.
Old Brew.
Pioneer Victory.
Metz Jubilee.
Birk's Trophy.
Blackhawk Topping.
Silver Fox.

(b) The following brand names are deleted from the table "Brands of Beer Listed in Table II":

Metz Jubilee.
Koenig's Brau.
Pioneer Victory.
Birk's Trophy.
Blackhawk Topping (Zoller's).
Silver Fox.
Old Gold.
Tivoli.

This amendment shall become effective August 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R., 4808)

Issued at Dallas, Texas, this the 31st day of July 1944.

MAX MCCULLOUGH,
Regional Administrator.

[F. R. Doc. 44-13624; Filed, Sept. 5, 1944; 1:52 p. m.]

[Region V Order G-10 under MPR 18-c]

FIREWOOD IN SAN ANTONIO, TEX.

Order No. G-10 under section 18, paragraph (c), of the General Maximum Price Regulation. Maximum prices for firewood in the counties composing the San Antonio, Texas district of the Office of Price Administration.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 18, paragraph (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum wholesale prices which may be charged or received for firewood in the various counties composing the San Antonio, Texas, district of the Office of Price Administration are established to be as follows:* (1) Wholesale prices per cord for sales in the counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crockett, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kimble, Kleberg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Menard, Nueces, Real, Refugio, San Patricio, Schleicher, Starr, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata and Zavala shall be:

(i) Hardwood 24 inches or under	$7.00
Hardwood over 24 inches	6.50
Softwood 24 inches or under	6.00
Softwood over 24 inches	5.50

(2) *Wholesale sale.* (i) A wholesale sale is any sale other than a retail sale and other than a sale to the Army or Navy, to the State of Texas or any of its political subdivisions, or by a trucker, whether such sale is made by a seller customarily known as a wholesaler or by a seller of any other designation.

(3) *Wholesale terms of sale.* (i) The wholesaler shall bear all costs of production and of delivery to and loading on the conveyance in which the firewood is to be moved to the retailer's city.

(ii) The purchaser from a wholesaler shall bear all costs incident to the movement of the wood in such conveyance after the wood is loaded by the wholesaler. If the wholesaler pays any portion of the transportation cost after the wood is loaded on to the conveyance as set out above, the purchaser shall pay the wholesaler in addition to the wholesale price set out hereinbefore a compensation for such transportation expenses. Such compensation shall consist of a mileage charge identical with the carload rail rate or a reasonable approximation thereof for shipping the wood the particular distance involved.

(b) *Maximum retail prices which may be charged or received for firewood in the various counties composing the San Antonio, Texas district of the Office of Price Administration are established to be as follows:* (1) Retail prices per cord for sales in Bexar and Travis Counties:

(i) Hardwood 24 inches or under	$12.50
Hardwood over 24 inches	10.75
Softwood 24 inches or under	12.00
Softwood over 24 inches	10.25

(2) Retail prices per cord for sales in the Counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Blanco, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crockett, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kimble, Kleberg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Menard, Nueces, Real, Refugio, San Patricio, Schleicher, Starr, Sutton, Terrell, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata and Zavala shall be:

(i) The maximum price for firewood sold at retail in the above counties shall be $10.50 per cord.

(3) *Retail prices for less than a cord of firewood in the counties composing the San Antonio, Texas District of the Office of Price Administration shall be:*

(i) The maximum price of one-half a cord shall be one-half the price of a cord, plus 25¢.

(ii) The maximum price of one-third a cord shall be one-third the price of a cord, plus 50¢.

(iii) A bundle of wood shall consist of one-twelfth of a cord, and the maximum price shall be one-tenth the price of a cord.

(4) *Retail sale.* (i) A retail sale is any sale to an ultimate consumer other than an industrial or commercial user, the Army and Navy, the State of Texas or any of its political subdivisions, or sales by truckers.

(5) *Retail terms of sale.* (i) Prices for retail sales, as established in this order, involving one or more cords, or a fraction of a cord of firewood, include delivery to any point within the city limits of the town or city to which, or nearest which, the retailer's yard is located; if the purchaser accepts delivery at the retailer's premises or designated such premises as the place of delivery, the maximum retail prices established

by this order shall be reduced by the actual amount paid by the purchaser for having such wood transported to his (the purchaser's) premises.

(ii) Retail prices established in this order do not include the service of stacking. When such service is supplied by the retailer, he may demand and receive as extra compensation for this service an amount not exceeding 50¢ per cord and 25¢ per half-cord; in sales involving quantities of less than one-half cord no extra charge for stacking shall be made even if this service is supplied by the retailer.

(iii) Retailers located within the city limits of San Antonio, Texas, or of any of the adjacent municipalities of Olmos Park, Terrell Hills, or Alamo Heights may not make any charge for delivery to any point within the city limits of any of the cities or municipalities above named. Deliveries by such retailers to points outside the city limits of the above named cities or municipalities may be made at the rate of ten cents per mile (one-way) based upon the number of road miles by the shortest route from the city limits of San Antonio, Olmos Park, Terrell Hills or Alamo Heights nearest the point of delivery to such point of delivery. Retailers in all other cities covered by this order must retain their March, 1942, practices as to deliveries beyond the limits of the city or town in which, or nearest which, they are located.

(c) *Truckers price per cord in the counties composing the San Antonio, Texas District of the Office of Price Administration.* (1) In Bexar and Travis Counties, the sum of the geographically applicable retail per cord price, less $2.00. In all other counties, the geographically applicable retail per cord price.

(2) Truckers price for one-half cord shall be one-half the truckers geographically applicable cord price, plus 25¢.

(3) Truckers price for one-third cord shall be one-third the truckers geographically applicable cord price, plus 50¢.

(4) Truckers bundle price shall be one-tenth the truckers geographically applicable cord price.

(d) *Definition of trucker.* (1) A trucker is any seller who sells directly from a truck or other conveyance without first receiving and unloading the wood at a place of business established for the purposes of carrying on the business of selling firewood. If a seller makes a sale directly from a truck or other conveyance without first unloading it at his place of business, that seller, for the purposes of this order, shall be regarded as a trucker on such sales.

(e) *Prices per cord on sales to the Army and Navy in the counties composing the San Antonio, Texas District of the Office of Price Administration shall be:* (1) The sum of the local wholesale price, plus $1.50, f. o. b. first rail terminal, or if shipped by truck, f. o. b. last loading point before delivery to the Army or Navy. If the Army or Navy purchases firewood for immediate delivery from the local yard, the maximum price shall be the retail price covering sales in that particular locality to retail purchasers.

(f) *Prices per cord on sales to the State of Texas or any of its political subdivisions, including but not limited to cities, towns, counties, school and road districts, in the counties composing the San Antonio, Texas District of the Office of Price Administration.* (1) The applicable wholesale price plus $1.00 per cord, except that in purchases from local retail yards, for immediate delivery to the purchaser from such yards, the applicable retail maximum prices shall prevail.

(g) *Service charge for cutting.* (1) In any instance where the seller sells wood over 24 inches in length and cuts it on order for the purchaser, the charge for this cutting shall be no more than the difference between the maximum retail prices for wood "24 inches or under" and wood "over 24 inches." If there is no difference in the seller's maximum prices for the different lengths of wood, he may make a flat charge of $1.00 per cord for the cutting. No service charge for cutting shall be increased in relation to the number of times such wood is cut by the seller. The one service charge should apply for any and all cutting done for the customer.

(h) *Licensing, posting and sales receipts*—(1) *Licensing.* (i) A license to make sales of firewood is automatically granted to all persons who now or hereafter make such sales. But the grant of this license to any person whose license heretofore granted by the Office of Price Administration is under suspension shall become effective for sales to which the suspension applies only at the end of the period of suspension.

(ii) A license granted hereby may be suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, for violations of the license or of one or more applicable maximum price regulations. The provisions of the General Maximum Price Regulation and all other such regulations are made a part of each license granted hereby, and a violation of any such provision is a violation of the license. A person whose license has been suspended may not during the period of suspension make any sale for which his license has been suspended.

(iii) Every license heretofore granted by the Office of Price Administration and in effect when this order becomes effective, is merged and continued in the license granted by this order. The former license no longer continues as a separate license. If the former license is suspended by a pending license suspension proceeding, the license granted by this order is suspended to the same extent. Proceedings to suspend a license granted hereby may be begun and maintained without a further warning notice to any person to whom a warning notice under a previous license was sent.

(iv) No license is required of, or granted to, a farmer as a condition of selling an agricultural commodity produced by him, the United States, or any agency thereof, or any other government, its political subdivisions or agencies.

(2) *Posting.* (i) Every retail seller of wood or trucker covered by this order shall post the maximum unit prices provided herein, covering all types and kinds of sales, in a place and manner prominent and conspicuous, with sufficient information to inform buyers of the maximum prices applying to his sales of firewood, giving the length, types of wood and prices of each.

(3) *Sales slips and receipts.* (i) Any seller of firewood covered by this order who has customarily given a purchaser a sales slip, receipt or other similar evidence of purchase shall continue to do so. Upon request from a purchaser, any seller, regardless of previous custom, shall give the purchaser a receipt showing the date of sale, the name and address of the seller, whether the wood is hardwood or softwood, the length of the wood, the unit of sale and the price per unit.

(ii) Sellers at wholesale and sellers of wood to the Army, Navy, State of Texas or any of its political subdivisions shall furnish the purchaser with a sales slip or receipt showing the date of sale, the seller's name and address, the name of the county in which the wood was felled, whether the wood is hardwood or softwood, the length of wood, unit of sale, and the price per unit.

(i) *Definitions*—(1) *Sale of firewood.* (i) The sale of firewood shall be the sale of any wood of the size and quality set forth in this order, provided such wood is sold for use as a fuel for heating or cooking, or to dealers who will resell such wood for such purposes.

(2) *Cord.* (i) A cord is a quantity of wood which would occupy 128 cubic feet if cut in four foot lengths and stacked straight in a pile measuring 4 feet wide, 4 feet high and 8 feet long.

(ii) Any loss in volume resulting from cutting a cord of four foot wood into shorter lengths shall be borne by the purchaser and not by the seller, regardless of whether or not ownership (title) of the wood has passed from the seller to the buyer before the wood is cut: *Provided,* That such loss or shrinkage in volume shall not exceed twenty-four cubic feet when four foot wood is cut into two foot lengths and shall not exceed thirty-two cubic feet when four foot wood is cut into lengths less than two feet; and provided that no seller, selling firewood in lengths shorter than four feet, regardless of whether or not ownership (title) of the wood has passed from the seller to the buyer before the wood is cut, may deliver less than 104 cubic feet of firewood when cut in two foot lengths or less than 96 cubic feet of firewood when cut into lengths less than two feet, without a compensating reduction in the applicable per cord price for firewood set out in this order.

(3) *Hardwood.* (i) Hardwood is wood cut from any of the following deciduous trees: Ash, Beech, Butternut, Cedar, Dogwood, Elm, Gum, Hackberry, Hard Maple, Hickory, Locust, Oak, Osage, Orange, Pecan, Sycamore and Walnut.

(ii) All other woods for the purposes of this order are to be considered "softwoods."

(j) This order is subject to revocation or amendment by the Price Administrator at any time hereafter either by special order or by any price regulation issued hereafter, or by any amendment or supplement hereafter issued as to any price

regulation, the provisions of which may be contrary hereto.

(k) Except as specifically provided in this order to the contrary, the provisions of the General Maximum Price Regulation, as amended, are in no way affected and shall continue in full force and effect.

This order shall become effective on the 2d day of September, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 28th day of August 1944.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 44-13628; Filed, Sept. 5, 1944; 1:55 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-683]

ASSOCIATED ELECTRIC CO. AND MISSOURI SOUTHERN PUBLIC SERVICE CO.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of September 1944.

Associated Electric Company, a registered holding company, and its wholly-owned subsidiary, Missouri Southern Public Service Company, having filed joint applications-declarations, as amended, pursuant to sections 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed sale by Missouri Southern Public Service Company of all its physical properties to New-Mac Electric Cooperative, Inc., for a base cash consideration of $170,000; the subsequent transfer by Missouri Southern Public Service Company of 40 shares of capital stock of Atlantic Utility Service Corporation and its other then remaining assets, subject to its liabilities, to Associated Electric Company, and the surrender to Missouri Southern Public Service Company of all its capital stock and indebtedness held by Associated Electric Company; and the dissolution of Missouri Southern Public Service Company; and

Applicants-declarants having requested that the Commission enter an order finding the sale of the physical properties of Missouri Southern Public Service Company is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and that such order conform to the definition of the term "order of the Securities and Exchange Commission" contained in section 373 (a) of the Internal Revenue Code, as amended, and that such order contain the recitals, specifications and itemizations required by section 1808 (f) of the Internal Revenue Code, as amended; and

A public hearing having been held after appropriate notice in which the security holders of applicants-declarants and other interested persons were afforded opportunity to be heard; and requests for findings, briefs and oral argument having been waived; and

The Commission having considered the record and having entered its findings and opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the applications, as amended, and permit the declarations, as amended, to become effective, and to grant the request of the applicants-declarants as to the suggested recitals;

It is hereby ordered, That, pursuant to the applicable provisions of said act, including sections 10, 11 (b) (1), and 12 thereof, and the rules and regulations promulgated thereunder, the aforesaid applications-declarations, as amended, be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations of the act; and

It is further ordered, That the sale by Associated Electric Company, through its wholly-owned subsidiary, Missouri Southern Public Service Company, of the electric properties and business owned by Missouri Southern Public Service Company in Barry, McDonald and Newton Counties, Missouri, as more fully described in the contract dated February 27, 1943, as amended, between Missouri Southern Public Service Company and New-Mac Electric Cooperative, Inc., the provisions of which are a part of the record in this proceeding in accordance with the provisions of these applications-declarations, as amended, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and to effectuate and to comply with a certain divestment order issued by the Commission on August 13, 1942, pursuant to said section, in a proceeding entitled "In the Matter of Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, Respondents, File No. 59-32".

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-13651; Filed, Sept. 5, 1944; 4:34 p. m.]

[File No. 70-700]

MIDLAND UNITED CO., ET AL

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of September 1944.

In the matter of Hugh M. Morris, trustee of the estate of Midland United Company, M. U. Securities Corporation, Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, File No. 70-700.

Notice is hereby given that, pursuant to the Public Utility Holding Company Act of 1935, an amendment has been filed to the joint application-declaration previously filed with this Commission by Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company; its wholly-owned subsidiary, M. U. Securities Corporation; and Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company and a subsidiary of Midland United Company. All interested persons are referred to said joint application-declaration and the amendment thereto, which are on file in the offices of the Commission, for a statement of the transactions therein proposed which may be summarized as follows:

M. U. Securities Corporation proposes to liquidate and dissolve and, to that end, it is proposed (1) that M. U. Securities Corporation assign and transfer 1,859 shares of 7% Prior Lien Stock, 778 shares of 6% Cumulative Prior Lien Stock, 1,337 shares of 7% Cumulative Class A Preferred Stock, and 2,111 shares of 6% Cumulative Class A Preferred Stock, of Midland Utilities Company, at present in its portfolio, to Hugh M. Morris, Trustee of the Estate of Midland United Company, in consideration of a credit of $38,480.38 upon the net indebtedness of $556,093.77, owned by M. U. Securities Corporation to Midland United Company; (2) that M. U. Securities Corporation surrender to Midland Utilities Company, for cancellation, 64,009 shares of the latter's no par value common stock; and (3) that M. U. Securities Corporation apply its cash on hand in the amount of $1,235.03 to the payment of expenses of liquidation, accrued taxes, and then to payment, on account, of the indebtedness then due Midland United Company.

Notice is further given that any interested person may, not later than September 25, 1944, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time thereafter such joint application-declaration, as now amended, or as further amended, may become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-13668; Filed, Sept. 6, 1944; 10:34 a. m.]

[File No. 70-958]

HOPE ENGINEERING CO. AND TEXAS EASTERN OIL CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of September A. D. 1944.

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 by Hope Engineering Company ("Hope"), a registered holding company, and its subsidiary, Texas Eastern Oil Company ("Texas").

All interested persons are referred to said document which is on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

The applicants or declarants (or both) state that Texas has outstanding Five-Year 5% Registered Notes in the aggregate principal amount of $162,000 which mature September 15, 1944. $100,000 principal amount of such notes is held by Hope and the balance of $62,000 is held by 14 other parties, all of whom are stockholders of Texas.

As of December 31, 1943, Texas was also indebted to Hope as follows:

First mortgage notes	$80,000
Unpaid cash advance	40,000
Unpaid accounts payable	23,900
Total	143,900

It is proposed that the $62,000 of Registered Notes held by the public shall be extended for an additional period of five years so as to mature on September 15, 1949, with Texas reserving the right to retire these notes at any time prior to maturity.

Texas proposes to issue 243,900 shares of its common stock, par value $1 (increasing its capital stock to 253,900 shares), to Hope, and Hope proposes to accept said stock, in full payment of the $100,000 of Registered Notes held by Hope and the $143,900 of indebtedness set forth above.

Hope proposes, if such transactions are consummated, to cancel accrued interest in the amount of $32,174 stated to be due to it from Texas.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application or declaration (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said Act and rules of the Commission thereunder be held on September 18, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Hope Engineering Company and to Texas Eastern Oil Company; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before September 14, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Texas shall give additional notice of said hearing to all known holders of its common stocks, by causing a copy of this notice and order for hearing to be mailed to such holders at their last-known addresses, such mailing to be made not less than ten days prior to the date of said hearing.

It is further ordered, That Allen MacCullen 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 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 application or declaration (or both), particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed issuance of securities is in conformity with the requirements of section 7 of the act;

(2) Whether the proposed action is fair and equitable to the public security holders of Texas and to the security holders of Hope;

(3) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the Act and in accordance with sound accounting practice;

(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 and regulations promulgated thereunder;

(5) Whether, if the proposed transactions are authorized, the imposition of terms and conditions is necessary and appropriate in the public interest or for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

By the Commission.

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

[F. R. Doc. 44-13670; Filed, Sept. 6, 1944; 10:34 a. m.]

[File Nos. 54-67, 59-64]

PEOPLES LIGHT AND POWER CO., ET AL.

ORDER APPROVING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of September A. D. 1944.

In the matter of Peoples Light and Power Company and subsidiary companies, applicants, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Company, Texas Public Service Farm Company, West Coast Power Company, respondents, File No. 59-64.

The Commission having, on March 9, 1943 instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 (the "Act") involving Peoples Light and Power Company ("Peoples"), a registered holding company, and its subsidiaries; and

Peoples and one of its subsidiaries, West Coast Power Company ("West Coast"), having filed declarations and applications pursuant to the Public Utility Holding Company Act of 1935 with respect to: (1) the sale by West Coast of its electric properties and assets in the State of Idaho, (2) the sale by West Coast of its water properties and assets in Hailey, Idaho, (3) the payment by West Coast to Peoples of a dividend out of earned surplus and a distribution of cash by West Coast to Peoples in partial liquidation, (4) the reduction by West Coast of the stated value of its 11,500 shares of no par value capital stock, (5) the modification of the indenture securing the first mortgage bonds of West Coast, and (6) the sale by Peoples of all of the outstanding capital stock of West Coast; such declarations and applications being represented to be part of a plan filed by Peoples pursuant to section 11 (e) of the act; and

The Commission having ordered that the proceedings with respect to the application heretofore filed by Peoples pursuant to section 11 (e) of the act and the proceedings instituted pursuant to sections 11 (b) (1) and 11 (b) (2) thereof be consolidated; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein;

The applicants and declarants having requested that the order of the Commission include an order under the act conforming with section 373 (a) of the In-

ternal Revenue Code, as amended, and contain the findings therein specified;

The Commission having found that the foregoing proposed transactions are necessary to effectuate the provisions of section 11 (b) of said Act and are fair and equitable to the persons affected thereby;

It is ordered, That said applications and declarations be and the same hereby are granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That (a) the sale by West Coast of its electric properties and other related assets located in the State of Idaho, as more fully specified and itemized in the sales agreement with Idaho Power Company dated June 12, 1944, a copy of which was filed with this Commission on July 1, 1944 and made a part hereof by reference, (b) the sale by West Coast of its water properties and other related assets located in the City of Hailey, Idaho, as more fully specified and itemized in the sales agreement with the City of Hailey, Idaho dated July 11, 1944, filed with this Commission on July 19, 1944 and made a part hereof by reference, (c) the payment of a dividend of approximately $90,000 and the partial liquidating distribution of $450,000 by West Coast to Peoples, (d) the reduction of the stated value of the 11,500 shares of outstanding capital stock of West Coast from $650,000 to $200,000 and (e) the sale of all the outstanding shares of capital stock of West Coast by Peoples, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935. This paragraph is included in our order at the request of Peoples and West Coast in view of sections 371 and 1808 (f) of the Internal Revenue Code, as amended;

It is further ordered, That jurisdiction be and hereby is reserved to consider all matters relating to these consolidated proceedings not disposed of by this order, to entertain such further proceedings, to make such further and supplemental findings and to take such additional and further action as may be found by the Commission to be appropriate in the premises in connection with the consummation of said plan and related and incidental transactions.

By the Commission.

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

[F. R. Doc. 44-13667; Filed, Sept. 6, 1944; 10:34 a. m.]

[File No. 70-902]

EMPIRE DISTRICT ELECTRIC CO., ET AL.

ORDER SHORTENING PERIOD FOR INVITING BIDS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of September 1944.

In the matter of the Empire District Electric Company, Ozark Utilities Company, Lawrence County Water, Light & Cold Storage Company, Benton County Utilities Corporation, and Cities Service Power & Light Company, File No. 70-902.

The Empire District Electric Company, Ozark Utilities Company, Lawrence County Water, Light & Cold Storage Company and Benton County Utilities Corporation, public utility companies and subsidiaries of Cities Service Power & Light Company and Cities Service Company, registered holding companies, together with Cities Service Power & Light Company, having filed a joint application and declaration and amendments thereto proposing, among other things, the issuance and sale at competitive bidding by The Empire District Electric Company of $10,600,000 principal amount of first mortgage bonds, and the sale at competitive bidding by Cities Service Power & Light Company of 350,000 shares of the $10 par value common stock of The Empire District Electric Company; and

This Commission, by order dated August 1, 1944, having ordered that said application and declaration, as amended, be granted and permitted to become effective except, however, as to the terms and conditions of the proposed sales of securities at competitive bidding and private sale, and except with respect to fees, commissions and other remuneration to be paid in respect of the proposed transactions, as to which matters jurisdiction was reserved; and

The Empire District Electric Company and Cities Service Power & Light Company having filed a request, in connection with said proposed sales of securities at competitive bidding, that the ten-day period for inviting bids as provided in Rule U-50 (b) be shortened to a period of not less than six days; and

It appearing to the Commission that the requested shortening of said period would not be detrimental to the public interest or to the interests of investors;

It is ordered, That the ten-day period for inviting bids as provided by Rule U-50 (b), with respect to the proposed sales at competitive bidding of first mortgage bonds and common stock of The Empire District Electric Company, be shortened to a period of not less than six days.

It is further ordered, That the order in this proceeding dated August 1, 1944, and the reservations of jurisdiction therein contained, shall be and remain in full force and effect.

By the Commission.

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

[F. R. Doc. 44-13669; Filed, Sept. 6, 1944; 10:34 a. m.]

WAR SHIPPING ADMINISTRATION.

"STERLING"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Pub. Law 17, 78th Cong.).

Whereas on June 22, 1942, title to the vessel "Sterling" (230454) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Pub. Law 17, 78th Cong.), provides in part as follows:

> (b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *;

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: September 4, 1944.

[SEAL] E. S. LAND, *Administrator.*

[F. R. Doc. 44-13578; Filed, Sept. 5, 1944; 10:50 a. m.]