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Washington, Tuesday, November 10, 1942

*The President*

**EXECUTIVE ORDER 9262**

**AUTHORIZING THE SECRETARY OF THE NAVY TO PERFORM AND EXERCISE CERTAIN ADDITIONAL FUNCTIONS, DUTIES, AND POWERS**

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), 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 the Navy is hereby authorized to perform and exercise the same functions, powers, and duties, on behalf of the Navy Department, as are authorized to be performed and exercised by the Secretary of War, on behalf of the War Department, by the provisions of subdivisions (a) and (b) of section 1 of the act entitled "An Act to expedite the strengthening of the national defense", approved July 2, 1940 (54 Stat. 712), as continued in effect by Public Law 580, 77th Congress, approved June 5, 1942.

2. Any provision of any Executive order, and any provision, rule, or regulation of any officer, department, board, commission, bureau, agency or instrumentality of the Government of the United States conflicting with this order are superseded to the extent of such conflict.

3. This order shall become effective as of the date hereof, and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 5, 1942.

[F. R. Doc. 42-11595; Filed, November 6, 1942; 2:40 p. m.]

**EXECUTIVE ORDER 9263**

**REVOKING THE DESIGNATIONS OF CORDOVA, ALASKA, AND MAHUKONA, HAWAII, AS CUSTOMS PORTS OF ENTRY**

By virtue of the authority vested in me by section 1 of the act of August 1,

1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), the designations of Cordova, Alaska, and Mahukona, Hawaii, as customs ports of entry in Customs Collection District No. 31 (Alaska) and Customs Collection District No. 32 (Hawaii), respectively, are hereby revoked.

This order shall become effective on the thirtieth day from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 5, 1942.

[F. R. Doc. 42-11596; Filed, November 6, 1942; 2:40 p. m.]

**EXECUTIVE ORDER 9264**

**EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941, TO CONTRACTS OF THE DEPARTMENT OF COMMERCE**

By virtue of the authority vested in me by Title II of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941, to the Department of Commerce with respect to all contracts made or to be made by it relating to the prosecution of the war; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of Commerce and such other officers as he may designate, to perform and exercise, as to the Department of Commerce, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 5, 1942.

[F. R. Doc. 42-11597; Filed, November 6, 1942; 2:40 p. m.]

16 F.R. 6787.

CONTENTS

THE PRESIDENT

EXECUTIVE ORDERS:	Page
Buzzards Bay and Vineyard Sound Defensive Sea Area, establishment.....	9107
Campaign medals; American, European - African - Middle Eastern and Asiatic-Pacific.....	9106
Cordova, Alaska, and Mahukona, Hawaii; revocation of designations as customs ports of entry.....	9105
Department of Commerce contracts, extension of provisions of Executive Order 9001.....	9105
Secretary of the Navy, authorization to perform and exercise certain additional functions, etc.....	9105
<b>REGULATIONS AND NOTICES</b>	
<b>AGRICULTURAL ADJUSTMENT AGENCY:</b>	
Cotton marketing quota referendum, time and place for balloting, etc.....	9210
Cotton marketing quotas, 1943-1944 marketing year.....	9107
<b>AGRICULTURAL MARKETING ADMINISTRATION:</b>	
New York, handling of milk.....	9109
Richmond, Va.; designation as tobacco market.....	9107
<b>ALIEN PROPERTY CUSTODIAN:</b>	
DeNobili Cigar Co., vesting order.....	9213
<b>BITUMINOUS COAL DIVISION:</b>	
Hearings, etc.:	
Columbia Steel Co.....	9209
Lillybrook Coal Co., et al.....	9209
Minimum price schedules amended:	
District 4.....	9116
District 10.....	9118
<b>CIVIL AERONAUTICS BOARD:</b>	
Air traffic rules:	
Certificate of waiver.....	9110
Pilot identification card.....	9109
Foreign air carrier regulations.....	9109
<b>FEDERAL COMMUNICATIONS COMMISSION:</b>	
Hearings:	
Delta Broadcasting Co., Inc. (WQBC).....	9212
KMTR Radio Corp.....	9212

(Continued on next page)



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CONTENTS—Continued

FEDERAL TRADE COMMISSION:	Page
Electro-Health Appliance Co., cease and desist order.....	9110
INTERNAL REVENUE BUREAU:	
Miscellaneous excise taxes; drawback of tax on distilled spirits, etc.....	9111
INTERSTATE COMMERCE COMMISSION:	
Monthly operating reports, revenues and expenses.....	9208
NATIONAL WAR LABOR BOARD:	
General Orders:	
Bonus payment, etc.....	9115
Hiring at rates in excess of established rates.....	9115
Increases prior to Nov. 7, 1942.....	9115
Wage rates increases.....	9115
OFFICE OF DEFENSE TRANSPORTATION:	
Rail equipment, conversation; exceptions and permits.....	9209
OFFICE OF ECONOMIC STABILIZATION:	
Wages and salaries; salaries not governed by contracts.....	9206
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, etc.:	
Alexander, Frank.....	9216
Allan Bros.....	9202
Bemis Bros. Bag Co.....	9201
Blodgett, Willard M.....	9215
Bond-Woolf and Co.....	9216
Braun Corp., et al.....	9197
Brooklyn Cooperage Co.....	9199
Brown Bros.....	9202
Eagle Logging Co., et al.....	9216
Gay, Sullivan and Co., Inc., and M. A. Patout and Son, Inc.....	9201
Le Faivre, C. D.....	9197
Lesnow Bros., Inc.....	9201
Liquid Carbonic Corp.....	9201
McCambridge and McCambridge Co., et al.....	9199

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Adjustments—Continued.	
Poythress, Wm. P., & Co., Inc., et al.....	9200
Rapides Drug Co., Ltd.....	9198
Sears, Roebuck and Co.....	9197
Sunbeam Electric Mfg. Co.....	9197
United Platers, Inc.....	9197
Werk, M., Soap Co.....	9196
Alaska (MPR 194, Am. 6).....	9195
Automotive vehicles, etc. (MPR 165, Am. 6).....	9197
Aviation gas, synthetic rubber, etc. (GMPR, Supp. Reg. 1, Am. 39).....	9131
Beans, dry edible:	
MPR 270.....	9189
MPR 270, Am. 1.....	9190
Fats and oils:	
RPS 53, Am. 15.....	9130
RPS 53, Am. 16.....	9189
Food and food products:	
MPR 237, Am. 3.....	9183
MPR 238, Am. 2.....	9184
MPR 268.....	9184
MPR 271.....	9179
Ration Order 3, 2d Rev. Zoning Order 1, Am. 1.....	9135
Hardware, finishing builders' (MPR 261).....	9187
Industrial waxes (MPR 264).....	9193
Jewelry, etc. (Rev. Supp. Reg. 11, Am. 8).....	9195
Mileage rationing:	
Gasoline regulations (Ration Order 5C).....	9135
Tire regulations (Ration Order 1A).....	9160
Molasses, etc. (Supp. Reg. 14, Am. 59).....	9196
Motor vehicles, new commercial (GMPR, Supp. Reg. 14, Am. 51).....	9131
Nebraska Defense-Rental Area, accommodations other than hotels and rooming houses (Eviction Reg. 1).....	9132
Paper, paper products, etc.; list of papers affected (MPR 129, Am. 10).....	9132
Petroleum and petroleum products:	
RPS 88, Am. 40.....	9130
RPS 88, Am. 41.....	9134
Phonograph records, new, and record scrap (MPR 263).....	9191
Poultry and eggs (MPR 269).....	9202
Puerto Rico, gasoline rationing (Ration Order 5B, Am. 8).....	9134
Railroad ties (MPR 216, Am. 3).....	9130
Spices, raw, and spice seeds (MPR 231, Am. 1).....	9130
Steel black powder kegs, used (GMPR, Order 127).....	9198
Utility rates (Rev. Supp. Reg. 11, Am. 9).....	9125
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
American Box Board Co.....	9217
Baker, Benjamin, et al.....	9217
United Light and Power Co., et al.....	9217
United Public Service Corp.....	9217
Qualifications of accountants; regulations under Securities Act of 1933, etc.....	9111

CONTENTS—Continued

SELECTIVE SERVICE SYSTEM:	Page
Classification; Class IV-F, morally unfit.....	9120
Mailing questionnaires (2 documents).....	9119, 9120
Orders prescribing forms:	
Discontinuance of certain forms.....	9120
Memorandum for retirement section, accounting division.....	9120
SUGAR AGENCY:	
Virgin Islands, determination of normal yields of commercially recoverable sugar, etc.....	9108
TREASURY DEPARTMENT:	
Foreign control, general licenses, etc., funds:	
Continental France.....	9119
Coupons, certain; removal.....	9119
Macao, remittances.....	9119
WAGE AND HOUR DIVISION:	
Eggs, procuring, hauling, handling, etc., in certain states.....	9210
Learner employment certificates:	
Cancellation.....	9211
Issuance to various industries.....	9211
WAR MANPOWER COMMISSION:	
Employment stabilization on dairy, livestock and poultry farms.....	9218
WAR PRODUCTION BOARD:	
Construction equipment:	
L-82, revocation.....	9125
L-82-a, revocation.....	9125
Construction machinery and equipment (L-192).....	9125
Cooking appliances, domestic (L-23-c, Am. 4).....	9129
Electronic equipment (L-183, Interpretation 1).....	9128
Farm machinery and equipment, etc.:	
L-26-c, revocation.....	9123
L-170-a.....	9123
Galvanized ware, etc. (L-30-a).....	9123
Glycerine recovery (M-193).....	9128
Laundry equipment (L-6, Interpretation 1).....	9121
Suspension orders:	
Anderson, E. E., Lumber Co.....	9122
Lepley, Matthew G.....	9122
Pashelinsky, M., & Sons.....	9122
Tin (M-43-a, Interpretation 1).....	9121
Tires, tire casings, tire tubes, etc.; rationing, delegation of authority (Supp. Dir. 1Q).....	9121
WAR SHIPPING ADMINISTRATION:	
Contracts with vessel owners and rates of compensation; time lost in arming vessels, etc.....	9206
General agents and agents, compensation on dry cargo vessels.....	9208
EXECUTIVE ORDER 9265	
AMERICAN, EUROPEAN-AFRICAN-MIDDLE EASTERN AND ASIATIC-PACIFIC CAMPAIGN MEDALS	
By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that the American,	

European-African-Middle Eastern, and Asiatic-Pacific campaign medals, including suitable appurtenances, be established, and that the said medals may be awarded, under such regulations as the Secretary of War and the Secretary of the Navy may severally prescribe, to members of the land and naval forces of the United States, including the Women's Reserve of the United States Naval Reserve, and to members of the Women's Army Auxiliary Corps who, during any period between December 7, 1941, inclusive, and a date six months subsequent to the termination of the present war, shall have served outside the continental limits of the United States in any of the respective areas as indicated by the names of the medals, such areas to be more precisely defined in the regulations hereby authorized.

For the purposes of this order, the Territory of Alaska shall be considered as outside the continental limits of the United States.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 6, 1942.

[F. R. Doc. 42-11615; Filed, November 7, 1942;  
11:52 a. m.]

#### EXECUTIVE ORDER 9266

##### ESTABLISHING BUZZARDS BAY AND VINEYARD SOUND DEFENSIVE SEA AREA

By virtue of the authority vested in me by section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), the following-described area is hereby established and reserved, for purposes of national defense, as a defensive sea area, to be known as "Buzzards Bay and Vineyard Sound Defensive Sea Area":

All United States territorial waters of Buzzards Bay and Vineyard Sound and their seaward approaches and tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C.&G.S. Charts to:

A line running from the southernmost tip of Sakonnet Point;  
thence to Bell buoy #2 off Schuyler Ledge in approximate position Latitude 41° 26' 24" North, Longitude 71° 11' 39" West;  
thence on a side line due south to approximate position Latitude 41° 18' 03" North, Longitude 71° 11' 39" West;  
thence due east to the southernmost tip of Squibnocket Point on Martha's Vineyard;  
thence along the western and northern shore line of Martha's Vineyard to West Chop Light;  
thence due north to the mainland in approximate Latitude 41° 32' 36" North, Longitude 70° 36' 00" West.

No vessel not proceeding under United States Naval or other United States authorized supervision shall enter or navigate the waters of the said Defensive Sea Area, except during daylight when good visibility conditions prevail, and then only after specific permission has been obtained. Such permission for entry into or navigation through or within the said Area must be obtained in advance of entry, preferably by application at a United States Naval District Headquarters prior to leaving port of

origin of voyage, or by radio or visual communication on approaching the seaward limits of the Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs., and permission to enter the port requested. The name of the vessel, purpose of entry, and name of the master must be given in the request, which should be addressed to the Commandant of the Naval District or his local representative as may be designated and published in local regulations issued by the District Commandant. If visual communications are used, the procedure shall be essentially the same.

A vessel entering or navigating the waters of the Buzzards Bay and Vineyard Sound Defensive Sea Area does so at its own risk.

Even though permission has been obtained, it is incumbent upon a vessel entering the Buzzards Bay and Vineyard Sound Defensive Sea Area to obey any further instructions received from the United States Navy, or other United States authority.

The movements of vessels within the Buzzards Bay and Vineyard Sound Defensive Sea Area shall be subject to supervision, either through surface craft or aircraft. Such controlling surface craft or aircraft shall be identified by a prominent display of the Union Jack.

In the event that a United States Maritime Control Area is established adjacent to or abutting upon the above-established defensive sea area, permission to enter, and other instructions issued by proper authority, shall apply to any one continuous passage through or within both areas.

Any master of a vessel or other person within the Buzzards Bay and Vineyard Sound Defensive Sea Area who disregards these regulations, or fails to obey an order of United States Naval authority to stop or heave to, or performs any act threatening the efficiency of mine or other defenses or the safety of navigation, or takes any action inimical to the interests of the United States, may be detained therein by force of arms and shall be liable to attack by United States armed forces, and liable to prosecution as provided for in section 44 of the Criminal Code as amended (U.S.C., title 18, sec. 96).

All United States Government authorities shall place at the disposal of the Naval authorities their facilities for aiding in the enforcement of these regulations. The Governor of the State of Massachusetts, the local municipal authorities, and the local civilian defense agencies are called upon to render the local Naval authorities all possible assistance in the enforcement of these regulations.

These regulations are subject to amplification by the local United States Naval authority as necessary to meet local circumstances and conditions.

The Secretary of the Navy is charged with the publication and enforcement of these regulations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 6, 1942.

[F. R. Doc. 42-11616; Filed, November 7, 1942;  
11:52 a. m.]

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter I—Agricultural Marketing Administration

##### PART 29—TOBACCO INSPECTION

##### ORDER DESIGNATING THE RICHMOND, VIRGINIA, TOBACCO MARKET

Pursuant to authority conferred upon the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 1940 Ed. 511d), the following amendment to Title 7, Chapter I, Part 29, Code of Federal Regulations (7 CFR, 1938 Sup., 1939 Sup., 1940 Sup., Chapter I, Part 29, as amended by 6 F.R. 4111, 5147, 5478, and 7 F.R. 4811) is promulgated:

§ 29.301 *Orders of designation of tobacco markets.* \* \* \*

(u) *The tobacco market at Richmond, Virginia.* Effective thirty days from this date, no tobacco shall be offered for sale at auction on said market until such tobacco shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under The Tobacco Inspection Act: *Provided, however,* That the requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated herein.

Done at Washington, D. C., this 7th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11688; Filed, November 9, 1942;  
11:26 a. m.]

#### Chapter VII—Agricultural Adjustment Agency

##### PART 722—COTTON

##### COTTON MARKETING QUOTAS, 1943-44 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 342. Not later than November 15 of each year the Secretary [of Agriculture] shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1. \* \* \*

SEC. 345. Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November

15 of such marketing year \* \* \*, and marketing quotas shall be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1.

SEC. 343. (a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. The national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for the marketing year beginning on such August 1, equal to the normal supply. \* \* \*

(b) \* \* \*. The national allotment for any year (after 1939) shall be not less than ten million bales.

(c) Notwithstanding the foregoing provisions of this section, the national allotment for any year shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year.

SEC. 344. (a) The national allotment for cotton for each year (excluding that portion of the national allotment provided for in section 343 (c)) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

(b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres plus the number of acres allotted to the State pursuant to subsection (e) (2) is referred to as the "State acreage allotment." The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

(c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other

physical facilities affecting the production of cotton.

(e) (1) For 1938, 1939, and any subsequent year, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (c), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

(2) The Secretary shall allot to each State to which an allotment is made under subsection (b), and in which at least three thousand five hundred bales were produced in any of the five years immediately preceding the year for which the allotment is made, a number of acres sufficient to provide a total State acreage allotment for such State of not less than five thousand acres.

Whereas said Act contains, in section 301 (b), the following definitions of terms pertinent herein:

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Cotton, August 1-July 31 \* \* \*

"Normal supply" in the case of \* \* \* cotton \* \* \* shall be a normal year's domestic consumption and exports of the commodity, plus \* \* \* 40 per centum in the case of cotton \* \* \* of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of cotton \* \* \*, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of \* \* \* cotton \* \* \* shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years \* \* \* immediately preceding the marketing year in which such exports are determined adjusted for current trends in such exports.

"Total supply" of \* \* \* cotton \* \* \* for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins;

Whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act"; and

Whereas said Act provides, in section 350, that the provisions of Part IV (Marketing Quotas; Cotton) of subtitle B of

Title III thereof "shall not apply to cotton the staple of which is 1½ inches or more in length";

§ 722.501 Findings and determinations. Now, therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under sections 342, 343, and 345 of said Act (52 Stat. 56, 58, 203; 53 Stat. 1125; 7 U.S.C., Sup., 1342, 1343, 1345) (within limitations imposed by wartime policy regarding the publication of information on foreign trade);

(a) That the "total supply" of American cotton as of August 1, 1942, was 24.7 million running bales;

(b) That the "normal supply" of American cotton as of August 1, 1942, was 18.2 million running bales;

(c) That the "carry-over" of American cotton as of August 1, 1942, was 11.1 million running bales;

(d) That the "probable domestic consumption of American cotton" during the marketing year commencing August 1, 1942, is 11.4 million running bales;

(e) That the "probable exports of American cotton" during the marketing year beginning August 1, 1942, is expected to be somewhat larger than in 1941-42;

(f) That the "estimated carry-over" of American cotton as of August 1, 1943, is expected to be above the level at the beginning of the 1942-43 season;

(g) That the "total supply" of American cotton for the marketing year beginning August 1, 1942, exceeds by more than 7 per centum the "normal supply" of cotton for such marketing year;

(h) That the national allotment of cotton for the calendar year beginning on January 1, 1943, shall be 10,000,000 standard bales of 500 pounds gross weight, increased by that number of standard bales of 500 pounds gross weight equal to the production in the calendar year 1942 of that number of acres required to be allotted for 1942 under the terms of section 344 (e) of said Act.

Done at Washington, D. C., this 6th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 42-11627; Filed, November 7, 1942; 12:06 p. m.]

#### Chapter VIII—Sugar Agency

##### PART 802—SUGAR DETERMINATIONS

##### SUGAR YIELD CALCULATIONS FOR VIRGIN ISLANDS

Determination of (1) normal yields of commercially recoverable sugar per acre and (2) eligibility for payment with re-

spect to abandonment and crop deficiency for farms in the Virgin Islands, pursuant to section 303 of the Sugar Act of 1937, as amended.

Pursuant to the provisions of section 303 of the Sugar Act of 1937, the following determination is hereby issued:

§ 802.56 *Normal yield of commercially recoverable sugar per acre and eligibility for payment with respect to abandonment and crop deficiency for farms in the Virgin Islands*—(a) *Normal yield calculation.* The normal yield of commercially recoverable sugar per acre for any farm in the Virgin Islands in which sugarcane is grown and marketed (or processed by the producer) for the extraction of sugar shall be:

(1) For any farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar during all three of the crop years 1935, 1936, and 1939, the product of:

(i) The average number of hundred-weights of sugar, raw value, recovered per short ton of sugarcane processed for the extraction of sugar during such crop years by the mill, or mills, where such sugarcane was ground, and

(ii) The average number of short tons of sugarcane per acre harvested on the farm for the extraction of sugar during the said three crop years; or

(2) For any farm on which sugarcane was not grown and marketed (or processed by the producer) for the extraction of sugar during all three of the crop years 1935, 1936, and 1939, the average of the normal yields per acre, computed as in (1) above, for all farms within the same mill area on which sugarcane was harvested for the extraction of sugar during all three such crop years.

(b) *Eligibility for abandonment and deficiency payments.* That any farm located in a mill area in which the actual yields of commercially recoverable sugar per acre for farms comprising 10%, or more, of the total acreage of sugarcane for the extraction of sugar were 80%, or less, of the normal yields therefor, because of drought, flood, storm, freeze, disease, or insects, shall be eligible for abandonment and deficiency payments. (Sec. 303, 50 Stat. 910; 7 U.S.C. 1940 ed. 1132).

Done at Washington, D. C., this 7th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-11687; Filed, November 9, 1942; 11:26 a. m.]

#### Chapter IX—Agricultural Marketing Administration

##### PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

###### CERTAIN PROVISIONS OF ORDER TERMINATED

Order terminating certain provisions of § 927.7 of the order, as amended, regulating the handling of milk in the New York Metropolitan Marketing Area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended

by the Agricultural Marketing Agreement Act of 1937 (7 U. S. C. 1940 ed. 601 *et seq.*), hereinafter referred to as the "act", and the provisions of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, it is hereby determined that the provisions of such order which provide for diversion payments to certain handlers of milk under the said order are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to the producers of milk defined in the said order.

It is, therefore, ordered, That (a) the provisions of § 927.7 (e) <sup>1</sup> of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, except subparagraph (4) of the said § 927.7 (e), and (b) the words and figures "for the purpose of this § 927.7 (e)" which appear in the said subparagraph (4), shall be, and hereby are, terminated, effective as of 12:01 a. m., e. w. t., November 16, 1942.

Done at Washington, D. C., this 7th day of November, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-11689; Filed, November 9, 1942; 11:26 a. m.]

#### TITLE 14—CIVIL AVIATION

##### Chapter I—Civil Aeronautics Board

[Amendment 60-1, Civil Air Regulations]

##### PART 60—AIR TRAFFIC RULES

###### PILOT IDENTIFICATION CARD

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of November 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 2, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By striking § 60.322 of the Civil Air Regulations and inserting in lieu thereof the following:

§ 60.322 *Pilot identification card.* No person shall operate civil aircraft in flight, except scheduled air carrier aircraft, unless he has in his possession, in addition to a currently effective pilot certificate,

(1) An identification card, satisfactory to the Administrator, containing his fingerprints, his picture, and his signature, or

(2) Documents satisfactory to the Administrator issued by the Army, Navy, Marine Corps, or Coast Guard, identifying him as a member thereof.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-11625; Filed, November 7, 1942; 11:50 a. m.]

<sup>1</sup> 7 F.R. 2375.

[Amendment 66-0, Civil Air Regulations]

##### PART 66—FOREIGN AIR CARRIER REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 9th day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 402 and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 15, 1942, the Civil Air Regulations are amended as follows: By adding a new Part to read as follows:

Sec.	Scope.
66.1	Scope.
66.2	Application of the air traffic rules.
66.3	Requirement of pilot certificate.
66.4	Provision for demonstration of ability.
66.5	Requirement of aircraft airworthiness.
66.6	Inspection.
66.7	Control of traffic at terminal airports.
66.8	Requirement of operation specifications.
66.9	Operation in accordance with operation specifications.

AUTHORITY: §§ 66.1 to 66.9, inclusive, issued under secs. 205, 402, 601, 52 Stat. 984, 991, 1007; 49 U.S.C. 425, 482, 551.

§ 66.1 *Scope.* The following regulations shall apply to scheduled operations within the United States (not including the Philippines) by aircraft of a foreign air carrier holding a permit issued by the Board, pursuant to the provisions of § 402 of the Civil Aeronautics Act of 1938.

§ 66.2 *Application of the air traffic rules.* Such operation shall be conducted in accordance with the provisions of the air traffic rules prescribed in Part 60 of the Civil Air Regulations except to the extent otherwise provided in these regulations. Any pilot employed in such operation may be required to accomplish a satisfactory examination demonstrating his knowledge of such rules.

§ 66.3 *Requirement of pilot certificate.* Each member of the crew of such aircraft shall be possessed of a proper currently effective certificate issued by the country whose nationality the aircraft possesses evidencing his competency to perform his duties in connection with the operation of such aircraft, or of a comparable certificate issued by the United States.

§ 66.4 *Provision for demonstration of ability.* In the interest of avoiding collisions between foreign air carrier aircraft and other aircraft, any member of the crew of such foreign air carrier aircraft may be required satisfactorily to demonstrate his ability to serve in such operation. Such demonstration may include, but need not be limited to, the use of the radio range, and the direction finder in the navigation of aircraft, and the operation of aircraft in instrument flight and during instrument approach for landing.

§ 66.5 *Requirement of aircraft airworthiness.* A foreign air carrier aircraft shall be possessed of a currently

effective certificate of airworthiness issued by the country whose nationality it possesses, and shall have such combination of radio equipment providing radio range reception, direction finding, two-way voice communication, two-way CW communication, and of such character and quality, as shall be considered necessary by the Administrator to use air navigation facilities along and adjacent to the route to be flown within the United States and to maintain communication with ground stations along and adjacent to such route.

§ 66.6 *Inspection.* A foreign air carrier aircraft shall be subject to inspection by a duly authorized representative of the Administrator to determine that the aircraft has the equipment provided for in § 66.5.

§ 66.7 *Control of traffic at terminal airports.* No aircraft shall be operated by a foreign air carrier within the United States unless adequate personnel and equipment are provided for two-way radio voice communication between the aircraft and ground stations at such times and places as communication is deemed necessary by the Administrator. If such communication cannot be maintained in the English language or in a language with which the ground station operator is familiar, there shall be provided to assist the regular ground station operator during such times as communication with the aircraft is necessary, a person who is able to read, write, understand, and speak fluently the English language and the language necessary to maintain adequate two-way communication with the aircraft. In the case of an air-traffic control-tower ground station such person shall be a qualified air-traffic control-tower operator and shall be in such tower during such times as communication with the aircraft is necessary.

§ 66.8 *Requirement of operation specifications.* No foreign air carrier shall operate an aircraft in scheduled service within the United States unless the Administrator shall, after investigation and upon determination that such carrier is properly and adequately equipped and able to conduct a safe operation with respect to other aircraft, have issued to such carrier operation specifications prescribing the conditions under which such operation shall be conducted. Such specifications shall prescribe the type of operation (visual contact or instrument, day or night), the points to and from which and the civil airways over which such operation is to be conducted, the minimum limits of ceiling and visibility to be observed, the points of take-off and landing, and such other restrictions as may be reasonably required in the interest of avoiding collisions between the foreign air carrier aircraft and other aircraft.

§ 66.9 *Operation in accordance with operation specifications.* No foreign air carrier shall operate aircraft in scheduled service within the limits of the United States other than in accordance with operation specifications issued by the Administrator."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-11624; Filed, November 7, 1942  
11:50 a. m.]

[Amendment 60-2, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES  
CERTIFICATE OF WAIVER

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of November, 1942. Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 4, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By amending § 60.91 to read as follows:

§ 60.91 *Certificate of waiver.* When in the opinion of the Administrator (1) the public interest will be best served by the nonobservance of any part of the air traffic rules for a particular activity and for a limited period of time and (2) such nonobservance will not adversely affect safety in air commerce, a certificate of waiver may be issued by the Administrator.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-11671; Filed, November 9, 1942;  
10:37 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4501]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

ELECTRO-HEALTH APPLIANCE COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.7 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Electro-Health Short Wave Diathermy", or other similar device or apparatus, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device or apparatus, which advertisements represent, directly or through inference, that said device or apparatus is safe or harmless, or that it constitutes a competent or effective treatment for rheumatism in its various forms, arthritis, sinus, hay fever, colds, laryngitis, bronchitis, respiratory troubles, neuritis, kidney troubles, prostatitis, asthma, high blood pressure, sciatica, lumbago, poor circulation, pneumonia, liver complaints, insomnia, abscesses,

gastritis, pleurisy, colonic disorders, chilblains, bladder trouble, menstrual pains, female disorders, peritonitis, singer's throat, sore throat, adhesions, boils, furuncles, pelvic inflammation, neuralgia, tonsillitis, earache, or any other ailment or disorder of the human body, unless such advertisements are specifically limited to those cases in which no acute inflammatory process is involved and in which the application of heat is not likely to induce hemorrhage; or which advertisements fail to reveal clearly, conspicuously, and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the method, frequency, and rate of application of such diathermy treatments and the user has been thoroughly and adequately instructed by a physician or trained technician in the use of such diathermy device or apparatus; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Electro-Health Appliance Company, Docket 4501, November 2, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, and brief filed in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Electro-Health Appliance Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of an electrical device or apparatus designated as "Electro-Health Short Wave Diathermy," or any other device or apparatus of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement concerning the electrical device or apparatus designated "Electro-Health Short Wave Diathermy," or disseminating or causing to be disseminated any advertisements, by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the aforesaid electrical device or apparatus, which advertisement:

1. Represents, directly or through inference, that said device or apparatus is safe or harmless;

2. Represents, directly or through inference, that respondent's device or ap-

paratus constitutes a competent or effective treatment for rheumatism in its various forms, arthritis, sinus, hay fever, colds, laryngitis, bronchitis, respiratory troubles, neuritis, kidney troubles, prostatitis, asthma, high blood pressure, sciatica, lumbago, poor circulation, pneumonia, liver complaints, insomnia, abscesses, gastritis, pleurisy, colonic disorders, chilblains, bladder trouble, menstrual pains, female disorders, peritonitis, singer's throat, sore throat, adhesions, boils, furuncles, pelvic inflammation, neuralgia, tonsillitis, ear ache, or any other ailment or disorder of the human body, unless such advertisement is specifically limited to those cases in which no acute inflammatory process is involved and in which the application of heat is not likely to induce hemorrhage;

3. Fails to reveal clearly, conspicuously, and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the method, frequency, and rate of application of such diathermy treatments and the user has been thoroughly and adequately instructed by a physician or trained technician in the use of such diathermy device or apparatus.

It is further ordered, That respondents shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-11675; Filed, November 9, 1942; 11:15 a. m.]

**TITLE 17—COMMODITY AND SECURITIES EXCHANGES**

**Chapter II—Securities and Exchange Commission**

**PART 210—REGULATION S-X UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940.**

**QUALIFICATIONS OF ACCOUNTANTS**

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934 particularly sections 12, 13, 15 (d), and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 [Regulation S-X] as follows:

Section 210.2-01 [Rule 2-01 of Regulation S-X] is amended by adding thereto the following new paragraph (c):

§ 210.2-01 *Qualifications of accountants.* \* \* \*

(c) In determining whether an accountant is in fact independent with re-

spect to a particular company, appropriate consideration shall be given to the propriety of the relationships and practices involved in all services performed for the company by such accountant, including the furnishing of a certificate or report as to any financial statements of such company which have been published or otherwise made generally available to security holders, creditors, or the public.

Effective November 7, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 42-11605; Filed, November 7, 1942; 9:48 a. m.]

**TITLE 26—INTERNAL REVENUE**

**Chapter I—Bureau of Internal Revenue**

[Regulations 29, 1942 Edition]

**Subchapter C—Miscellaneous Excise Taxes**

**PART 197—DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN THE MANUFACTURE OF NONBEVERAGE PRODUCTS**

Sections 601 and 602 (f) of the Revenue Act of 1942, approved October 21, 1942 (Public Law 753—77th Congress), read as follows:

SEC. 601. EFFECTIVE DATE OF THIS TITLE.  
This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

SEC. 602. DISTILLED SPIRITS. \* \* \*  
(f) Drawback if distilled spirits used for certain purposes. Section 3250 (relating to taxation of distilled spirits) is amended by inserting at the end thereof the following new subsection:

(1) *Manufacturers or producers of designated nonbeverage products.*

(1) *In General.* Any person using distilled spirits produced in a domestic registered distillery or industrial alcohol plant and fully tax-paid in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes and are sold or otherwise transferred for use for other than beverage purposes upon payment of a special tax per annum, shall be eligible for drawback as hereinafter provided for.

(2) Such special tax per annum shall be graduated in amount as follows: (a) for total annual withdrawals not exceeding 25 proof gallons, \$25 per annum; (b) for total annual withdrawals not exceeding 50 proof gallons, \$50 per annum; (c) for total annual withdrawals of 50 proof gallons or more, \$100 per annum.

(3) *Requirements.* Such persons shall register annually with the Commissioner; keep such books and records as may be necessary to establish the fact that distilled spirits purchased by him and fully tax-paid were used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which were unfit for use for beverage purposes; and shall be subject to such rules and regulations in relation thereto as the Commissioner, with the approval of the Secretary, shall prescribe to secure the Treasury of the United States against frauds.

(4) *Investigative powers of Commissioner.* The Commissioner, for the purpose of ascertaining the correctness of any claim filed under this subsection is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, design-

nated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be alleged in the claim, and may require the attendance of the person filing the claim or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to any matter covered by the claim, with power to administer oaths to such person or persons.

(5) *Drawback.* A drawback at the rate of \$3.75 on each proof gallon shall be allowed on distilled spirits tax-paid and used as provided in this subsection and be due and payable quarterly upon filing of a proper claim with the Commissioner. No claim under this subsection shall be allowed unless filed with the Commissioner within the three months next succeeding the quarter for which the drawback is claimed.

Pursuant to the above sections of law and sections 3270, 3280, 3304, 3770, and 4041 (a), Internal Revenue Code, the following regulations are prescribed:

SCOPE OF REGULATIONS	
Sec.	Scope.
197.1	Domestic distilled spirits only.
197.2	Definition of term "fully taxpaid."
197.3	Definition of term "nonbeverage products."
SPECIAL TAX	
197.5	Payment of special tax required.
197.6	Special tax for each place.
197.7	Date special tax due.
197.8	Rates of special tax.
197.9	Filing of return and payment of special tax.
197.10	Execution of Form 11, "Special Tax Return."
SPECIAL TAX STAMPS	
197.11	Issuance of stamps.
197.12	Posting of stamps.
197.13	Corrections of errors on stamps.
197.14	Change in location.
197.15	Change in control.
197.16	Change in name or style.
197.17	Change to higher or lower rate of special tax.
197.18	Refund of special tax.
197.19	Claims for refund of special tax.
CLAIMS FOR DRAWBACK	
197.20	Drawback.
197.21	Claims.
197.22	Date of filing claim.
197.23	Preparation of claim.
197.24	Supporting data.
197.25	Handling of claims.
197.26	Verification by District Supervisor.
197.27	When drawback not allowable.
FORMULAS AND SAMPLES	
197.28	Statement of process.
197.29	Samples.
RECORDS	
197.30	Nature of records.
197.31	Exception.
197.32	Form of record.

§ 197.1 *Scope.* These regulations govern the allowance of drawback of internal revenue tax at the rate of \$3.75 on each proof gallon of fully taxpaid distilled spirits used on and after November 1, 1942, in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes and are sold or otherwise transferred for use for other than beverage purposes. (Sec. 3250 (1), I.R.C.)

§ 197.2 *Domestic distilled spirits only.* The drawback is applicable only to distilled spirits produced in domestic registered distilleries, including fruit distilleries, or industrial alcohol plants. (Sec. 3250 (1), I.R.C.)

§ 197.3 *Definition of term "fully tax-paid."* The term "fully tax-paid," as used herein, means that the internal revenue tax imposed and levied on distilled spirits must have been paid according to the rates existing on and after November 1, 1942. (Sec. 3250 (1), I.R.C.)

§ 197.4 *Definition of term "nonbeverage products."* The term "nonbeverage products," as used herein, refers to medicines, medicinal preparations, food products, flavors, or flavoring extracts, in the manufacture or production of which fully taxpaid distilled spirits are used, and which are unfit for use for beverage purposes. (Sec. 3250 (1), I.R.C.)

#### SPECIAL TAX

§ 197.5 *Payment of special tax required.* Each person, partnership, or corporation that uses fully taxpaid distilled spirits, produced in a domestic registered distillery or industrial alcohol plant, in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes and are sold or otherwise transferred for use for other than beverage purposes, in order to be eligible to claim and receive the drawback on the distilled spirits so used, must pay special tax at the rate of \$25 per annum for total annual withdrawals not exceeding 25 proof gallons of distilled spirits; \$50 per annum for total annual withdrawals not exceeding 50 proof gallons; or \$100 per annum for total annual withdrawals of more than 50 proof gallons. The year means the period from July 1 of each year to June 30 following. The manufacturer is not required to pay the special tax if he does not desire to claim the drawback on the distilled spirits used by him. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.6 *Special tax for each place.* A separate special tax must be paid for each place at which fully taxpaid distilled spirits are used in the manufacture or production of nonbeverage products if a claim is filed for drawback of tax at the rate of \$3.75 a proof gallon on distilled spirits so used at each such place. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.7 *Date special tax due.* The special tax must be paid prior to the filing of the first claim for drawback during any fiscal year commencing July 1 and ending with June 30 following. Notwithstanding the month of the fiscal year in which the claim is filed, the full annual special tax of \$25, \$50, or \$100, as the case may be, must be paid. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.8 *Rates of special tax.* The rates of special tax per annum (July 1 of each year to June 30 following) are (a) \$25 for total annual withdrawals not exceeding 25 proof gallons of distilled spirits; (b) \$50 for total annual withdrawals not exceeding 50 proof gallons; and (c) \$100 for total annual with-

drawals of more than 50 proof gallons. The term "total annual withdrawals" means the total quantity of fully taxpaid distilled spirits in proof gallons removed from the stocks of the manufacturer and used in the manufacture and production of nonbeverage products during the fiscal year for which the special tax is paid. Special tax, based upon estimated withdrawals, may be paid in advance of actual withdrawals. Where a claim is presented in any fiscal year other than the fiscal year in which the spirits were withdrawn and used, and special tax has not been paid for such latter year, it must be paid in at least the minimum amount at the time of filing the claim. Adjustments of the special tax where improperly paid will be made in accordance with § 197.17. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.9 *Filing of return and payment of special tax.* Persons intending to file claims for drawback shall file returns on Form 11, "Special Tax Return," with remittances, with the Collector of Internal Revenue for the district in which the place of manufacture is located. The remittance must be in the form of cash, United States Post Office Money Order, or certified check. Uncertified checks will not be accepted by the Collector. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.10 *Execution of Form 11, "Special Tax Return."* (a) *General.* Special tax returns, Form 11, may be procured from any Collector or deputy collector, and shall disclose, in the space provided, the following:

(1) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business is conducted.

(2) The exact location of the place of business, as by name and number of building or street, and where these do not exist, by some particularization in addition to the post office address.

(3) The kind of business carried on.

(4) Except in the case of a corporation, the true names of all persons having a proprietary interest in the business. While it is not necessary that the names of all persons having a proprietary interest in the business appear on the special tax stamp, the names must be disclosed on the return, Form 11.

(b) *Signature.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity, as "individual owner," "member of firm," or, in the case of corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns signed and sworn to by persons as agents will not be accepted unless they file with the Collector a power of attorney authorizing them so to act.

(c) *Oaths.* Special tax returns shall be made under oath, and sworn to before a

deputy collector, notary public, or other person legally qualified to administer oaths. Deputy collectors and other internal revenue officers will make no charge for this service. (Secs. 3250 (1), 3270, and 4041 (a), I.R.C.)

#### SPECIAL TAX STAMPS

§ 197.11 *Issuance of stamps.* Upon receipt of a return on Form 11, properly executed, together with proper remittance, the Collector will issue a special tax stamp designated "Manufacturer of Nonbeverage Products." Collectors and their deputies may not issue the special tax stamp before the tax is fully paid. Such special tax stamp may not be sold or otherwise transferred to another person. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.12 *Posting of stamps.* A special taxpayer shall conspicuously display his special tax stamp in the place of business for which the special tax was paid. If such stamp is lost or accidentally destroyed, the taxpayer should immediately notify the Collector from whom the stamp was purchased, who will issue to the taxpayer a certificate, Form 785, in lieu thereof, which must be kept in the same manner as the stamp. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.13 *Corrections of errors on stamps.* On receipt of a special tax stamp, the taxpayer will examine it to insure that the name and address are correctly stated thereon. If an error has been made, the stamp should be returned to the Collector, with a statement showing the nature of the error and setting forth the proper name or address. The Collector, on receipt of such stamp and statement, will compare the data with that on Form 11, and if an error on the part of the Collector has been made, he will make the necessary correction and return the stamp to the taxpayer. If the Form 11 agrees with the data on the stamp, the Collector will require the taxpayer to file a new Form 11, designated "Amended Return," disclosing the proper name and address, and, on receipt of the amended Form 11, will amend his Record 10 accordingly, attach the amended Form 11 to the original Form 11, make the proper correction on the stamp, and return it to the taxpayer. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.14 *Change in location—(a) General.* A special taxpayer who, during the fiscal year for which special tax was paid, removes his place of manufacture to a place other than that specified in his special tax stamp, must register the change with the Collector from whom the special tax stamp was purchased, within 90 days after he moves into the new premises, by executing a new return on Form 11, designated as "Amended Return," setting for the time, when and place to which such removal was made, and shall surrender the special tax stamp to the Collector for endorsement of the change in location.

(b) *Removal in same collection district.* When a special taxpayer removes his place of manufacture to another address within the same collection district, the

Collector will enter on his Record 10 the new address and the date of removal into the new premises, and will note the change on the face of the special tax stamp, stating clearly thereon the new location, and will return the special tax stamp to the taxpayer.

(c) *Removal to another collection district.* When a taxpayer removes his place of manufacture to a location within a collection district other than that in which the special tax stamp was issued, the Collector who issued the special tax stamp will enter on his Record 10 the new address and date of removal into the new premises, stating clearly the new location where the business is to be carried on, and will transmit the stamp to the Collector in charge of the district to which the taxpayer removed. The Collector of that district will make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the Collector's name, title, and district, and the date of removal on the special tax stamp, which will be returned to the taxpayer.

(d) *Failure of registration.* A person who removes his place of manufacture and fails to register such removal with the Collector, as required by paragraph (a), must pay a new special tax for the new location if a claim for drawback is filed by him during the fiscal year for which the original special tax was paid.

(e) *Form 785.* The provisions of this section shall apply to certificates on Form 785 issued in lieu of lost or destroyed special tax stamps. (Secs. 3250 (1), 3280, and 4041 (a), I.R.C.)

§ 197.15 *Change in control*—(a) *General.* Certain persons other than the special taxpayer may, without paying additional special tax, be eligible to the same privileges granted by law to the taxpayer during the remainder of the fiscal year for which the special tax was paid. To secure such right, such person or persons must file with the Collector from whom the special tax was purchased, within 90 days after the date on which the successor or successors assume control, a return on Form 11, showing the basis of the succession.

(b) *Persons eligible.* Under the conditions indicated above, persons such as those listed below have the right of succession:

*Death:* The widow or child, or executor, administrator, or other legal representative of the taxpayer.

*Husband and wife:* A husband or wife succeeding to the business of his or her spouse (living).

*Insolvency:* A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

*Withdrawal from firm:* The partner or partners remaining after death or withdrawal of a member.

(c) *Failure of registration.* A person so succeeding, who fails to register such succession with the Collector, as required by paragraph (a), must pay a new special tax if a claim for drawback is filed by him during the fiscal year for which the original special tax was paid.

(d) *Form 785.* The provisions of this section shall apply to certificates on

Form 785 issued in lieu of lost or destroyed special tax stamps. (Secs. 3250 (1), 3280, and 4041 (a), I.R.C.)

§ 197.16 *Change in name or style*—(a) *General.* A special taxpayer does not incur liability to additional special tax by reason of a mere change in the trade name or style under which such business is conducted, nor by reason of a change in management which involves no change in the proprietorship of the business.

(b) *Change in capital stock.* Additional special tax is not required by reason of a change of name or increase in the capital stock of a corporation if the laws of the state of incorporation provide for such changes without creating a new corporation.

(c) *Sale of stock.* No additional special tax is required by reason of the sale or transfer of all or a controlling interest in the capital stock of a corporation. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.17 *Change to higher or lower rate of special tax*—(a) *Change to higher rate.* A special taxpayer who pays special tax of \$25 per annum, and who has filed a claim for drawback during the fiscal year for which the special tax was paid, and who, during such fiscal year, withdraws from his stocks and uses more than 25 proof gallons of distilled spirits in the manufacture of nonbeverage products must pay special tax of \$50 or \$100, as the case may be, and obtain a stamp therefor. The manufacturer may thereupon submit the special tax stamp of \$25 to the Collector with a claim on Form 843 for refund of the value thereof. Similar procedure will govern in the case of a taxpayer who pays special tax of \$50 and who, during the fiscal year for which the special tax was paid, withdraws from his stocks and uses more than 50 proof gallons of distilled spirits.

(b) *Change to lower rate.* A special taxpayer who pays special tax of \$100 or \$50 per annum, as the case may be, and who, during the fiscal year for which the special tax was paid, withdraws from his stocks and uses in the manufacture or production of nonbeverage products not more than 50 or 25 proof gallons of distilled spirits, as the case may be, may file a claim on Form 843 for refund of the difference between the special tax paid and the special tax due. The special tax stamp shall be attached to the claim. (Secs. 3250 (1), 3304, 3770, and 4041 (a), I.R.C.)

§ 197.18 *Refund of special tax.* A special taxpayer is not entitled to a refund of special tax, unless it is established that he has not filed a claim for drawback during the period for which the stamp was issued. (Secs. 3250 (1) and 3770, I.R.C.)

§ 197.19 *Claims for refund of special tax*—(a) *General.* Claims for refund of the special tax alleged to have been erroneously or improperly paid shall be filed on Form 843, in duplicate, with the Collector to whom the special tax was paid. The claim must set forth in detail and under oath each ground upon which it is made, and facts sufficient to apprise

the Commissioner of the exact basis thereof. The special tax stamp shall be attached to the claim.

(b) *Limitation.* No claim for refund of the special tax shall be allowed unless presented within four years next after the payment of such tax. (Secs. 3304 and 4041 (a), I.R.C.)

#### CLAIMS FOR DRAWBACK

§ 197.20 *Drawback.* Drawback at the rate of \$3.75 on each proof gallon of fully taxpaid distilled spirits used in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for use for beverage purposes and which were sold or otherwise transferred for use for other than beverage purposes will be allowed to any person who has become eligible for such drawback by payment of the special tax at the rates prescribed in § 197.8, and upon the filing of a claim therefor as hereinafter provided. (Sec. 3250 (1), I.R.C.)

§ 197.21 *Claims.* The claim shall be filed on Form 843, "Claim," in triplicate, with the Collector of Internal Revenue for the district in which the place of manufacture is located, and shall pertain only to nonbeverage products sold or otherwise transferred during any one quarter of the fiscal year, and only one claim may be filed for each quarter. (Sec. 3250 (1), I.R.C.)

§ 197.22 *Date of filing claim.* The claim must be filed within the three months next succeeding the quarter in which the nonbeverage products covered by the claim were sold or otherwise transferred. No claim will be allowed unless filed within the time so stated. (Sec. 3250 (1), I.R.C.)

§ 197.23 *Preparation of claim.* The claim must set forth, under oath, the following information:

(a) That the distilled spirits used in the manufacture of the nonbeverage products on which drawback is claimed were fully taxpaid and were produced in a domestic registered distillery or an industrial alcohol plant.

(b) That the distilled spirits on which the drawback is claimed were used in the manufacture or production of nonbeverage products which were unfit for use for beverage purposes.

(c) That the products produced were sold or otherwise transferred for use for other than beverage purposes in the quarter next preceding the quarter in which the claim is filed, and that (except as provided by § 197.31) the names and addresses of the persons to whom such products were sold or otherwise transferred are on file and are available for examination at the place covered by the special tax stamp.

(d) That the special tax has been paid. (Sec. 3250 (1), I.R.C.)

§ 197.24 *Supporting data.* Each claim will be accompanied by the following data in support of the request for drawback. The statements of supporting data shall also be prepared in triplicate and one copy attached to each copy of the claim.

(a) *Data with respect to taxpayment of the distilled spirits on which the drawback is claimed.* (1) If the distilled spirits were received in tank cars, the claimant will furnish the serial number of the certificate of taxpayment (Form 1595), the date of issuance of the certificate, the name and address of the vendor, and the kind and proof of the spirits.

(2) If the distilled spirits were received in containers, such as barrels, drums, cans, or cases, bearing taxpaid stamps, the claimant will furnish the serial number of the taxpaid stamp affixed to the container, the date of taxpayment appearing on the stamp, serial number of the container, if any, the name and address of the vendor, and the kind and proof of the spirits. (When the package is emptied, the stamp shall be scalped and attached to the next claim filed for drawback on the spirits which were in such package. The scalped stamp will be retained by the District Supervisor with the claims record of the claimant.)

(3) If the distilled spirits were received in bottles, the claimant will furnish the name and address of the bottler, and the kind and proof of the spirits as shown on the label, the serial number of the strip stamp affixed over the mouth and neck of the bottle, and the name and address of the vendor.

(b) *Data with respect to use in and sale or transfer of nonbeverage products.* (1) Name and description of the product manufactured in which the distilled spirits were used, and the alcoholic content by volume of such product.

(2) If the product is a medicinal preparation, tincture or fluid extract, manufactured in accordance with a formula prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, or if the product is a flavoring extract, manufactured in accordance with the advisory standards for flavoring extracts of the United States Food and Drug Administration, Federal Security Agency, the letters "U. S. P.," "N. F.," "A. I. H.," or "U. S. F. D. A.," as the case may be, should follow the name and description of the product.

(3) Quantity of product sold or otherwise transferred.

(4) Number of proof gallons of distilled spirits used in each product.

(c) *Data with respect to payment of special tax.* (1) Serial number of special tax stamp.

(2) Fiscal year for which issued.

(3) Date of issuance.

(4) Collection district where issued.

(d) *Data with respect to formula and process.* (1) If the claim is the first one filed with respect to any one product involved in the claim, the quantitative formula for each such product shall be attached to the claim; except that such quantitative formula need not be given if (i) the product is a medicinal preparation, tincture, or fluid extract produced under formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, or (ii) the product is a flavoring extract, manufactured in accordance with the advisory standards for flavoring extracts of the United States Food and Drug Administration, Federal Security Agency, and (iii) the products are identified in the claim in the manner stated in paragraph (b) (2) of this section.

(2) Each formula will be given a serial number by the claimant beginning with number 1. Subsequent claims for drawback covering the same product need not be accompanied by the quantitative formula, unless there has been a modification or revision thereof. Where there has been no change, the claimant will refer to the serial number given the formula.

(3) In the case of food products, such as preserved fruits, cakes, buns, soups, etc., it will be sufficient to show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product. (Sec. 3250 (1), I.R.C.)

§ 197.25 *Handling of claims.* The Collector will date-stamp each copy of the claim, and after recording, will forward the original and duplicate copies to the District Supervisor, Alcohol Tax Unit, and retain the triplicate copy for his files. The District Supervisor will examine the claim for the purpose of determining whether it is properly executed and that all supporting data have been submitted. He will return to the claimant any claim requiring amendment with appropriate instructions as to proper execution or amendment. (Sec. 4041 (a), I.R.C.)

§ 197.26 *Verification by District Supervisor.* The District Supervisor will conduct such inquiries and investigations as may be necessary to verify that drawback is allowable on the distilled

spirits involved in the claim. After completion of such verification, he will forward the original copies of the claim and supporting data, and a copy of the report of investigation, with his recommendation as to the merit of the claim, to the Commissioner. (Sec. 4041 (a), I.R.C.)

§ 197.27 *When drawback not allowable.* Drawback is not allowable on distilled spirits lost by causes such as spillage, leakage, breakage, etc., prior to or during the process of manufacture of nonbeverage products, or on distilled spirits used in the manufacture of nonbeverage products if such products are lost or destroyed prior to sale or transfer. (Sec. 3250 (1), I.R.C.)

#### FORMULAS AND SAMPLES

§ 197.28 *Statement of process.* The Commissioner, at his discretion, may at any time require any person claiming drawback under these regulations to file the statement of process used in the manufacture or production of a nonbeverage product, and such other data as he may deem necessary for use in connection with the consideration of such person's claim for drawback. The statement of process should be submitted in triplicate with copies of the commercial labels used on the finished products. (Sec. 3250 (1), I.R.C.)

§ 197.29 *Samples.* The Commissioner, at his discretion, may also at any time require any person claiming drawback under these regulations to submit a sample of each nonbeverage product for examination. Where the applicant proposes to use a mixture of oil or other ingredients, the composition of which is unknown to him, a one-ounce sample should be submitted with the sample of finished product when so required by the Commissioner. (Sec. 3250 (1), I.R.C.)

#### RECORDS

§ 197.30 *Nature of records.* Every person intending to claim drawback on distilled spirits used in the manufacture or production of nonbeverage products must keep a permanent record showing the following data:

(a) The quantity, proof, and kind of distilled spirits received.

(b) Name and address of the person from whom the spirits were received.

(c) Kind of container and serial number thereof, serial number of certificate of taxpayment (if tank car), serial number of taxpaid distilled spirits stamp (if barrel, drum, can, or case), or serial number of strip stamp (if bottle).

(d) Date on which received.

(e) Number of proof gallons and kind of distilled spirits used in the manufacture of each product, and the date of use.

(f) Name of each product in the manufacture of which distilled spirits were used.

(g) Quantity of each product produced and the alcoholic content thereof.

(h) Name and address of the purchaser.

(i) Quantity of each product sold to each purchaser.

(j) Date of sale of product to each purchaser. (Sec. 3250 (1), I.R.C.)

§ 197.31 *Exception.* The manufacturer need not keep the records required by paragraphs (h), (i), and (j) of § 197.30 where the nonbeverage product contains less than 3 per cent of distilled spirits by volume, nor shall such records be required where nonbeverage products are sold by the producer direct to the consumer in retail quantities. The Commissioner may at any time require the keeping of such records upon at least 5 days' notice to the taxpayer. (Sec. 3250 (1), I.R.C.)

§ 197.32 *Form of record.* No particular form of record is prescribed, but the data required to be shown shall be readily ascertainable from the records kept by the manufacturer. Such records shall be kept complete and current at all times, and shall be retained by the manufacturer on the place covered by the special tax stamp, and shall be open to inspection by Government officers during regular business hours. Such records shall be retained by the manufacturer for a period of not less than three years. (Sec. 3250 (1), I.R.C.)

[SEAL] NORMAN D. CANN,  
*Acting Commissioner of  
Internal Revenue.*

Approved: November 6, 1942.

JOHN L. SULLIVAN,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 42-11629; Filed, November 7, 1942;  
12:17 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

INCREASES IN WAGE RATES

Section 803.1, General Order No. 1, is amended by designating the first paragraph as (a) and adding paragraph (b) to read as follows:

§ 803.1 *General Order No. 1.* (a)

(b) General Order No. 1 shall apply also to salaries subject to the jurisdiction of the Board as defined in § 803.9.<sup>1</sup> (E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,  
*Executive Secretary.*

[F. R. Doc. 42-11664; Filed, November 9, 1942;  
10:13 a. m.]

PART 803—GENERAL ORDERS

HIRING AT RATES IN EXCESS OF ESTABLISHED RATES

Section 803.6, General Order No. 6, is amended by adding paragraph (c) to read as follows:

§ 803.6 *General Order No. 6.* (a) \* \* \*

(c) General Order No. 6 shall apply also to salaries subject to the jurisdiction of the Board as defined in § 803.9.<sup>1</sup> (E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,  
*Executive Secretary.*

[F. R. Doc. 42-11665; Filed, November 9, 1942;  
10:14 a. m.]

PART 803—GENERAL ORDERS

PAYMENT OF A BONUS, ETC.

§ 803.10 *General Order No. 10* (a) The payment to employees, whose wage or salary increases are subject to the jurisdiction of the National War Labor Board, of a bonus, fee, gift, commission or other form of compensation customarily paid to such employees in the past may be continued without the approval of the National War Labor Board, *Provided, That,*

<sup>1</sup> 7 F.R. 8981.

(1) If in a fixed amount, the total amount so paid to an employee during the current bonus year does not exceed the total so paid to an employee for like work during the preceding bonus year, or

(2) If computed on a percentage, incentive or other similar basis, the rate and the method of computation are not changed in the current bonus year so as to yield a greater amount than that in the preceding bonus year, but a greater amount when resulting from the same rate and method of computation may be paid.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,  
*Executive Secretary.*

[F. R. Doc. 42-11666; Filed, November 9, 1942;  
10:13 a. m.]

PART 803—GENERAL ORDERS

INCREASES PRIOR TO NOVEMBER 7, 1942

§ 803.11 *General Order No. 11.* To prevent hardships resulting from innocent action in the period of transition following the issuance of Executive Order No. 9250, dated October 3, 1942, and pursuant to the authority vested in the National War Labor Board by that Executive Order; *It is hereby ordered, That:*

(a) An employer who, on or prior to November 7, 1942, has in good faith given an increase in wages or salaries subject to the jurisdiction of the National War Labor Board without the prior approval of the National War Labor Board or exemption under its regulations may apply for approval of such increase on or before December 1, 1942. If satisfied that the employer made the increase in good faith and that the increase is consistent with Executive Order No. 9250, October 3, 1942, and should be approved, the National War Labor Board will make its approval retroactive the date of the wage increase.

(1) Except as herein provided, an increase which requires approval of the National War Labor Board must receive such approval before it is put into effect.

(E. O. 9250, 7 F. R. 7871)

GEORGE KIRSTEIN,  
*Executive Secretary.*

[F. R. Doc. 42-11667; Filed, November 9, 1942;  
10:13 a. m.]



§ 324.9 Recapitulation of price classifications—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas, see Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (d) and § 324.11 (e), and Vessel Fuel, § 324.11 (f)]

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
490	Lanning & Smith	Lanning & Smith Coal Co. (Virgil Lanning)	Hocking	9, 10, 11, 12, 14, 15, 17, 18, 19		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	3045
491	Bogers Creek	McGinnis, E. P.	Crooksville				
1049	Denney	Denney Coal Co. (E. L. Oliver)	Jackson				
2127	Goose Run	Geo Coal Co. (Issac Geo)	Middletown				
2525	B. & T. Coal Co.	B. & T. Coal Co. (A. C. Trippe)	Ohio No. 8		(Add 16)		3046
3045	Wertz Coal Co.	Wertz Coal Company (Ben Wertz)	Cambridge	21, 22, 26, 27, 28	(Add 16)	(Subject to Exception No. 4, p. 3)	3049
3046	Alexander	Dwain Alexander, Trustee, Freeport Gasol Company	Cambridge		(Add 16)	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 85, 90, 109, 126, 130, 168, 170, 171.	490
3048	West Point	Marshall Mining Company	Leetonia	31, 32	Add 34	8, 97	491
				41, 42, 43		2, 131, 134	1040, 2127
				53, 54, 57		49, 50, 67, 94, 132	2323
				72, 74	Add 73	3, 77, 159, 169	3048

§ 324.2 Seasonal discounts—Supplement R-III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal prices applicable. These seasonal discounts apply for shipments to all Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipment means during the month of—			
					April	May	June	July
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index No. 3045	30	20	10	10
Cambridge		Add 16		Add mine index No. 491	30	20	10	10
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 85, 90, 109, 126, 130, 168, 170, 171.	Add mine index No. 490	50	40	30	20
Crooksville	31, 32	Add 34	2, 131, 134	Add mine index No. 491	30	20	10	10
Jackson	41, 42, 43			Add mine index Nos. 1049, 2127	50	40	30	20
Middle	53, 54, 57		49, 50, 67, 94, 132	Add mine index No. 2323	30	30	10	10
Leetonia	72, 74	Add 73	3, 77, 159, 169	Add mine index No. 3048	30	20	10	10

Note: Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown, see Schedule of Effective Minimum Prices, § 324.11 (g)]

Name of railroad	Mine index No.	Additional mine index No.
Baltimore & Ohio Railroad Co.	10, 21, 30, 32, 36, 49, 53, 71, 72, 78, 81, 85, 87, 95, 99, 103, 104, 105, 115, 121, 124, 128, 134, 139, 144, 146, 147, 151, 154, 157, 169, 169	Add mine index Nos. 1049, 2127, 3045
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 103, 112, 113, 130, 131, 168, 170, 171	Add mine index No. 490
Pennsylvania Railroad Co.	11, 26, 31, 42, 43, 49, 50, 55, 59, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169	Add mine index No. 2323
Pittsburgh, Lisbon, & Western Railroad	163	Add mine index Nos. 491, 3048
Akron, Canton & Youngstown Railway Co.	3, 77	Add mine index No. 3048
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co.		
Detroit and Mackinac Railway Company.	From all mine index Nos. except those shown below	Add mine index Nos. 490, 1049, 2127, 2323, 3045
Detroit & Toledo Shore Line Railroad Co.	From mine index Nos. 3, 5, 7, 8, 12, 13, 15, 25, 36, 37, 43, 45, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 164	Add mine index Nos. 491, 3046, 3048
Eric Railroad		
Niessel Plate Road (New York, Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co.	From all mine index Nos. except those shown below	Add mine index Nos. 490, 1049, 2127, 2323, 3045
	From mine index Nos. 3, 5, 7, 8, 12, 13, 15, 25, 36, 37, 43, 45, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 164	Add mine index Nos. 491, 3046, 3048

Note: Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.8 Numerical list of mines—Supplement R-II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group No.	Railroad	Subdistrict No.
490	Lanning & Smith	Lanning & Smith Coal Co. (Virgil Lanning)	Hocking	22	C&O	5
491	Bogers Creek	McGinnis, E. P.	Crooksville	34	PRR	6
1049	Denney	Denney Coal Co. (E. L. Oliver)	Jackson	41	B&O	7
2127	Goose Run	Geo Coal Co. (Issac Geo)	Middletown	53	PRR	7
2525	B. & T. Coal Co.	B. & T. Coal Co. (A. C. Trippe)	Ohio No. 8	11	B&O	4
3045	Wertz Coal Co.	Wertz Coal Company (Ben Wertz)	Cambridge	16	PRR	1
3046	Alexander	Dwain Alexander, Trustee, Freeport Gasol Company	Cambridge	16	PRR	2
3048	West Point	Marshall Mining Company	Leetonia	73	PL&W	4

§ 324.24 General prices in cents per net ton for shipment into all market areas—  
Supplement T

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 10

[Docket No. A-1687]

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for coals produced in District No. 10.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced by the truck mines of Frank Fox, Mine Index No. 1606 and Jesse Wm. Wayland, Mine Index No. 1605.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: October 30, 1942.

[SEAL]

DAN H. WHEELER,  
Director.

Code member	Mine	Mine index No.	Type	Seam	Base sizes							
					6" lump	3"-4"-5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1 1/2" lump, 1 1/2" x 4" egg	Mine run, nut and pea	2" x 0 slack	3/4" x 0 slack
					1	2	3	4	5	6	7	8
SUB-DISTRICT No. 1—EASTERN OHIO												
BELMONT COUNTY												
Wertz, Ben & Company (Ben Wertz).	Wertz Coal Co.....	3045	Deep....	8	305	295	280	255	250	240	220	210
SUB-DISTRICT No. 2—CAMBRIDGE												
NOBLE COUNTY												
Downing, Richard, Trustee, Freeport Gas Coal Company.	Alexander.....	3046	Strip....	8	290	280	265	240	240	240	220	210
Smith, Herman F.....	White Oaks.....	459	Deep....	8	290	280	265	240	240	240	220	210
SUB-DISTRICT No. 4—MIDDLE CARROLL COUNTY												
Billman, Leonard E.....	Indian Ledge "M".....	3047	Strip....	5	295	285	270	255	255	240	210	200
COLUMBIANA COUNTY												
Marshall Mining Company.....	West Point.....	3048	Strip....	6 & 7	320	310	295	270	265	245	225	215
COSHOCTON COUNTY												
Gallagher, Sherman & David Coal Co. (Sherman Gallagher).	Gallagher.....	3051	Deep....	6	300	290	280	255	250	215	185	175
Snow Bros. (Harley E. Snow)....	Locust Grove #2.....	429	Deep....	6	300	290	280	255	250	215	185	175
STARK COUNTY												
Bernhardt, Michael.....	#3.....	3032	Strip....	5	295	285	270	255	255	230	210	200
TUSCARAWAS COUNTY												
Bernhardt, Michael.....	#4.....	3033	Strip....	5	295	285	270	255	255	230	210	200
Highway Coal Company, The....	3050	Strip....	5	295	285	270	255	255	230	210	200	
Kloha, Lewis L.....	Kloha.....	3032	Strip....	6	295	285	270	255	255	230	210	200
SUB-DISTRICT No. 5—HOCKING PERRY COUNTY												
Lanning & Smith Coal Co. (Virgil Lanning).	Lanning & Smith.....	490	Deep....	6	315	305	295	270	265	215	185	175
SUB-DISTRICT No. 6—CROOKSVILLE MUSKINGUM COUNTY												
McGinnis, E. P.....	Boggs Creek.....	491	Strip....	7	300	290	280	255	250	215	185	185
SUB-DISTRICT No. 7—JACKSON JACKSON COUNTY												
Steele & Reed (Geo. A. Steele)....	Steele & Reed #2.....	3053	Strip....	7	315	305	295	270	265	215	185	175



No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Delete paragraph (d) of § 621.1<sup>1</sup> in its entirety.
2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
*Director.*

NOVEMBER 6, 1942.

[F. R. Doc. 42-11677; Filed, November 9, 1942;  
11:20 a. m.]

[Amendment No. 83]

PART 622—CLASSIFICATION

CLASS IV-F; MORALLY UNFIT

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 622.61 to read as follows:

§ 622.61 *Class IV-F: Morally unfit.* In Class IV-F shall be placed every registrant who, under procedures and standards prescribed by the land and naval forces, is found to be morally unacceptable for training and service or, under procedures and standards prescribed by the Director of Selective Service, is found to be morally unacceptable for assignment to work of national importance. The Director of Selective Service will keep the various elements of the Selective Service System advised of such procedures and standards.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
*Director.*

NOVEMBER 7, 1942.

[F. R. Doc. 42-11678; Filed, November 9, 1942;  
11:20 a. m.]

[Amendment No. 82]

PART 641—NOTICE

NOTICE OF MAILING QUESTIONNAIRES

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F. R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Delete § 641.4<sup>2</sup> in its entirety.
2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing thereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
*Director.*

NOVEMBER 6, 1942.

[F. R. Doc. 42-11678; Filed, November 9, 1942;  
11:20 a. m.]

<sup>1</sup> 6 F.R. 6806.  
<sup>2</sup> 6 F.R. 6852.

[No. 137]

MEMORANDUM FOR RETIREMENT SECTION,  
ACCOUNTING DIVISION

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 28, entitled "Memorandum for Retirement Section, Accounting Division," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

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

LEWIS B. HERSHEY,  
*Director.*

AUGUST 15, 1942.

[F. R. Doc. 42-11650; Filed, November 9, 1942;  
11:20 a. m.]

[No. 138]

DISCONTINUANCE OF CERTAIN FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby order the discontinuance of the following DSS forms:

1. Discontinuance of DSS Form 11 entitled "Notice to Postmasters and Postal Clerks."
2. Discontinuance of DSS Form 24 entitled "Appointment Card of Local Board Area."
3. Discontinuance of DSS Form 24A entitled "List of Appointees."
4. Discontinuance of DSS Form 27 entitled "Approval Request Tab."
5. Discontinuance of DSS Form 27 entitled "Appeal Board Card."
6. Discontinuance of DSS Form 35 entitled "Notice to all Registrants."
7. Discontinuance of DSS Form 43 entitled "Notice to Registrants and to the Public."
8. Discontinuance of DSS Form 70 entitled "College and University Report."
9. Discontinuance of DSS Form 71 entitled "Student Report on Selective Service Status."
10. Discontinuance of DSS Form 116 entitled "Notice to Men called for Induction into the Military Service."
11. Discontinuance of DSS Form 118 entitled "Employment for Inductees."
12. Discontinuance of DSS Form 119 entitled "To Members of National Reemployment Committees."
13. Discontinuance of DSS Form 121 entitled "Offer of Voluntary Services."
14. Discontinuance of DSS Form 122 entitled "Reemployment Committee Appointment Notification."
15. Discontinuance of DSS Form 123 entitled "Reemployment Committee Appointment."

<sup>1</sup> Filed as part of the original document

16. Discontinuance of DSS Form 124 entitled "Acceptance of Appointment."
17. Discontinuance of DSS Form 125 entitled "Oath of Office."
18. Discontinuance of DSS Form 126 entitled "Transcription Sheet (Form 40)."
19. Discontinuance of DSS Form 149 entitled "Information for Armed Forces Extracted from the Selective Service Questionnaire."
20. Discontinuance of DSS Form 153 entitled "List of Selected Men."
21. Discontinuance of DSS Form 159 entitled "Report of Deliveries."
22. Discontinuance of DSS Form 161 entitled "Local Board Report of Class I—."
23. Discontinuance of DSS Form 162 entitled "Report of Class I, State—."
24. Discontinuance of DSS Form 163 entitled "Local Board Quota Sheet."
25. Discontinuance of DSS Form 164 entitled "Notice of Quota."
26. Discontinuance of DSS Form 168.
27. Discontinuance of DSS Form 170 entitled "Serial Number Card."
28. Discontinuance of DSS Form 176 entitled "Notice to Men called for Induction into the Military Service."
29. Discontinuance of DSS Form 200 entitled "Report of Physical Examination."
30. Discontinuance of DSS Form 204 entitled "Psychiatric Examination Notice."
31. Discontinuance of DSS Form 206 entitled "Psychiatrists' Report."
32. Discontinuance of DSS Form 207 entitled "Accumulative Illiteracy Report through September 15, 1941."
33. Discontinuance of DSS Form 247 entitled "Travel Authority."
34. Discontinuance of DSS Form 247A entitled "Travel Authority."
35. Discontinuance of DSS Form 248 entitled "Travel Authority."
36. Discontinuance of DSS Form 248A entitled "Travel Authority."
37. Discontinuance of DSS Form 249 entitled "Travel Authority."
38. Discontinuance of DSS Form 249A entitled "Travel Authority."
39. Discontinuance of DSS Form 255A entitled "Pay Roll for Personal Services (yellow)."
40. Discontinuance of DSS Form 261 entitled "Estimate of Expenses."
41. Discontinuance of DSS Form 262 entitled "Maximum Monthly Allowances."
42. Discontinuance of DSS Form 268 entitled "Report of Worn Out Property."
43. Discontinuance of DSS Form 269 entitled "Report of Loss or Damage of Property."
44. Discontinuance of DSS Form 278 entitled "Request for Information re: Conviction or custody of a Registrant."
45. Discontinuance of DSS Form 1000 entitled "Report of Classification."
46. Discontinuance of DSS Form 1001 entitled "Rehabilitation Report."
47. Discontinuance of DSS Form 1002 entitled "Correction Inquiry, Waiver and Consent."
48. Discontinuance of DSS Form 2000 entitled "Report of Educational Rehabilitation."

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

LEWIS B. HERSHEY,  
*Director.*

NOVEMBER 7, 1942.

[F. R. Doc. 42-11681; Filed, November 9, 1942;  
11:21 a. m.]

## Chapter IX—War Production Board

## Subchapter A—General Provisions

## PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive No. 1Q]

## RATIONING OF TIRES, TIRE CASINGS, TIRE TUBES, ETC.

Further delegation of authority with reference to the rationing of tires, tire casings, tire tubes, tire retreading and recapping materials, gasoline and passenger automobiles.

§ 903.22 *Supplementary Directive 1Q*

(a) The authority heretofore delegated to the Office of Price Administration by Directive No. 1, § 903.1, is hereby extended to include the exercise of control over:

(1) The sale, transfer, delivery or other disposition of all tires, tire casings, tire tubes, tire retreading and recapping materials, and used passenger automobiles by or to any person:

(2) The use, alteration, mounting, or other disposition of tires, tire casings, tire tubes, tire retreading and recapping materials, and passenger automobiles by any person, and

(3) The sale, transfer, delivery or other disposition of gasoline by any person to any consumer; the use of gasoline by any consumer, the use of gasoline substitutes or gasoline blends by any consumer in a motor vehicle, and the blending of gasoline by any gasoline dealer; and

(4) The sale, transfer, delivery or other disposition of gasoline by any person to any person other than a consumer, to the extent of requiring the delivery of such coupons, certificates or other evidence as the Office of Price Administration may prescribe as a condition to such sale, transfer, delivery or disposition.

(b) The authority of the Office of Price Administration shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of tires, tire casings, tire tubes, tire retreading and recapping materials, gasoline and passenger automobiles to, or acquisition, use, alteration, mounting or other disposition of said materials and facilities by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The authority delegated by this order does not include the power to limit or restrict:

(1) The quantity of the materials and facilities referred to herein obtainable by the Army, Navy, Marine Corps or Coast Guard of the United States, or by government agencies or other persons to the extent to which they acquire such materials or facilities for export to and consumption or use in any foreign country; and

(2) The manufacture of tires, tire tubes, tire casings, tire retreading and recapping materials and passenger automobiles or the manufacture, processing, distilling or refining of gasoline; and

(3) The importation, use, sale, transfer, delivery or other disposition of air-

plane tires, airplane tire casings, or airplane tire tubes.

(d) As used herein:

(1) "Passenger automobile" means a passenger automobile of any model, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten persons, irrespective of the number of miles it has been driven (or the chassis of such automobile), including taxis, but not including ambulances, hearses and station wagons.

(2) "Used passenger automobile" means any 1941 or earlier model passenger automobile which has been driven 1000 miles or more.

(3) "Gasoline" includes any liquid fuel which is commonly or usually used for the propulsion of motor vehicles, aircraft or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzene, benzol and naphtha.

(4) "Motor vehicle" means any rubber-tired, self-propelled conveyance the motive power for which is furnished by an internal combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(5) "Tire, tire tube, tire casing, and tire recapping and retreading materials" mean any of the foregoing made in whole or in part of any kind of rubber.

(6) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(7) "Person" includes any individual, partnership, corporation, association, business trust, government or government agency, or any organized group of persons whether incorporated or not.

(8) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(9) "Gasoline dealer" means any person engaged in the business of selling or transferring gasoline, except a person who transfers, receives, or uses gasoline in such a manner as to be required to account for the state motor fuel taxes imposed thereon directly to the motor fuel tax administration of a state.

(e) This supplementary directive supersedes the delegation of authority to the Office of Price Administration made by Supplementary Order M-15-c, § 940.4, as amended, Supplementary Directive No. 1-B, § 903.3, as amended, and Supplementary Directive No. 1-H, § 903.9, as amended; *Provided, however*, That all action heretofore taken (including, without limitation, regulations or orders heretofore issued) by the Office of Price Administration pursuant thereto or pursuant to said supplementary directives as originally issued, is hereby ratified, approved and confirmed, and the authority so delegated shall continue to remain in full force and effect with respect to all such action which is not inconsistent with the terms of this section, for all purposes including the purpose of allow-

ing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation heretofore committed or right or liability heretofore incurred under or pursuant to the terms thereof.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379; Sec. 2 (a), Pub. No. 671, 76th Cong., as amended by Pub. No. 89, 77th Cong., and by Pub. No. 507, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562; W.P.B. Reg. No. 1, 7 F.R. 561, as amended, 7 F.R. 2126.)

Issued this 6th day of November, 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11598; Filed, November 6, 1942; 3:41 p. m.]

## PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-15]

MATTHEW G. LEPLEY

Paragraph (b) of § 1010.15, *Suspension Order S-15*, issued March 21, 1942, is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11599; Filed, November 6, 1942; 3:41 p. m.]

## PART 932—LAUNDRY EQUIPMENT

[Interpretation 1 of General Limitation Order L-6]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 992.1 *General Limitation Order L-6*:

Paragraph (a) (1) of § 992.1 *General Limitation Order L-6* defines "domestic laundry equipment" to mean "washing machines and ironing machines for home use." The phrase, "for home use", refers to the type of machine and not to the purpose for which a particular machine is eventually used.

All machines of a style or model designed and built by the manufacturer for marketing principally to home users are machines "for home use", and their production is therefore prohibited, regardless of the purposes for which some of them may be bought and used by commercial establishments, institutions or governmental agencies.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

<sup>1</sup> 7 F.R. 2236.

<sup>2</sup> 6 F.R. 5533, 6407.

Issued this 7th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-11610; Filed, November 7, 1942;  
11:29 a. m.]

PART 1001—TIN

[Interpretation 1 of Conservation Order  
M-43-a, as Amended June 5, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1001.2, *Conservation Order M-43-a*<sup>1</sup> as amended June 5, 1942:

The phrase "Individual and organizational equipment" appearing in the definition of implements of war, as contained in paragraph (c) (2) (i) of Conservation Order M-43-a as amended June 5, 1942, is construed to include radio and radar equipment prescribed for field or combat use by the Army or Navy of the United States, the Coast Guard, or the United States Maritime Commission. Consequently, when such radio and radar equipment (including parts, assemblies and materials) is being produced for purchase by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the Coast Guard, it is, by the terms of paragraph (c) (2) (i) of Conservation Order M-43-a as amended June 5, 1942, exempt from the restrictions on the use of tin contained in paragraphs (b) (1) and (b) (2) of said order, where the use of tin to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard applicable to the contract, sub-contract or purchase order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-11611; Filed, November 7, 1942;  
11:31 a. m.]

PART 1010—SUSPENSION ORDER S-136

E. E. ANDERSON LUMBER CO.

E. E. Anderson Lumber Company, Detroit, Michigan, is a Michigan corporation engaged in the wholesale distribution of lumber and mill work. From May 13, 1942, to June 25, 1942, the company accepted delivery of substantial quantities of construction lumber from producers, the delivery of which had not been authorized by the Director of Industry Operations, without having furnished said producers with the endorsements as to uses necessary under Limitation Order L-121.

<sup>1</sup> 7 F.R. 4290, 5984.

The acceptance of these deliveries as aforesaid constituted a wilful violation of Limitation Order L-121.

The foregoing violations of War Production Board orders have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board.

*It is hereby ordered:*

§ 1010.136 *Suspension order No. S-136.* (a) E. E. Anderson Lumber Company, its successors and assigns, shall not accept, directly or indirectly, deliveries of lumber on any orders or contracts to which preference ratings have been assigned or applied, except as specifically authorized by the Director General for Operations: *Provided, however,* That the provisions of this paragraph shall not apply to deliveries of lumber which are in transit as of the effective date hereof.

(b) No person shall ship or deliver lumber on orders placed by E. E. Anderson Lumber Company for delivery to it or to any other person, to which orders preference ratings have been assigned or applied, except as specifically authorized by the Director General for Operations: *Provided, however,* the provisions of this paragraph shall not apply to deliveries of lumber which are in transit as of the effective date hereof.

(c) Deliveries of lumber on orders or contracts placed directly or indirectly, by E. E. Anderson Lumber Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations, or the Director General for Operations, except as specifically authorized by the Director General for Operations: *Provided however,* That the provisions of this paragraph shall not apply to deliveries of lumber which are in transit as of the effective date hereof.

(d) No allocation shall be made, nor any specific authorization be granted to E. E. Anderson Lumber Company, its successors or assigns, of any lumber the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(e) Nothing contained in this order shall be deemed to relieve E. E. Anderson Lumber Company, its successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order is to take effect November 10, 1942, and is to expire on February 10, 1943, at which time the restrictions contained in this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-11612; Filed, November 7, 1942;  
11:29 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-138]

M. PASHELINSKY & SONS

M. Pashelinsky & Sons, Jersey City, New Jersey, is a partnership engaged in the business of buying and selling scrap metals. This concern was familiar with the restrictions contained in Supplementary Order M-1-c and knew that the order prohibited the unauthorized delivery of aluminum scrap for melting or other processing. Nevertheless, in wilful violation of this order, M. Pashelinsky & Sons made deliveries, during the period of October 28, through December 16, 1941, of a total of 25,204 pounds of aluminum scrap to Manning, Bowman & Company for melting and other processing, despite the fact that no authorization for such deliveries had been obtained from the Director of Priorities. In connection with the deliveries of aluminum scrap made during this period, M. Pashelinsky & Sons, in wilful violation of Priorities Regulation No. 1, falsely described in its records and invoices such aluminum scrap as brass, copper, and white metal scrap, and in two instances falsely invoiced the aluminum scrap and entered records of such transactions in the firm's books in the individual name of Meyer Pashelinsky, a partner, rather than in the firm's name.

These violations of Supplementary Order M-1-c and of Priorities Regulation No. 1 have impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.138 *Suspension Order S-138.*

(a) Meyer Pashelinsky, Morris Pashelinsky, Bernard Pashelinsky, David T. Pash, Rose Pashelinsky Blau, individually, or doing business as M. Pashelinsky & Sons, or as successors or assigns of M. Pashelinsky & Sons, shall not purchase or accept delivery from any source of any metal, including scrap, regardless of the form or condition thereof, specified in the Metals List of Priorities Regulation No. 11, except as specifically authorized by the Director General for Operations.

(b) Meyer Pashelinsky, Morris Pashelinsky, Bernard Pashelinsky, David T. Pash, Rose Pashelinsky Blau, individually, or doing business as M. Pashelinsky & Sons, or as successors or assigns of M. Pashelinsky & Sons, shall not sell, transfer, deliver, fabricate, use, or consume any metal, including scrap, regardless of the form or condition thereof, specified in the Metals List of Priorities Regulation

No. 11, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Meyer Pashelinsky, Morris Pashelinsky, Bernard Pashelinsky, David T. Pash, Rose Pashelinsky Blau, individually, or doing business as M. Pashelinsky & Sons, or as successors or assigns of M. Pashelinsky & Sons from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 9, 1942, and shall remain in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11613; Filed, November 7, 1942; 11:29 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Revocation of Supplementary Limitation Order L-26-c]

Section 1029.4 *Supplementary Limitation Order L-26-c* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11614; Filed, November 7, 1942; 11:29 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Supplementary Limitation Order L-170-a]

In accordance with the provisions of paragraph (j) (2) of § 1029.10 *Limitation Order L-170*, which the following order supplements; *It is hereby ordered*, That:

§ 1029.11 *Supplementary Limitation Order L-170-a*—(a) *Additional definitions*. For the purposes of this order:

(1) "Copper" means unalloyed copper metal, including unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds forty per cent (40%)

of the total weight of the alloy. It shall include alloy metal produced from scrap.

(3) "Copper products" means products made of copper, fabricated to the extent that they are sheet, rod, tubing, extrusions, castings, ingots, forgings, wire, powder or anodes, or fabricated to any greater extent.

(4) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are sheet, rod, tubing, extrusions, castings, ingots, forgings, wire, powder or anodes, or fabricated to any greater extent.

(5) "Farm tractor" means all wheel type tractors and garden tractors for use on a farm.

(6) "Engine power units" means any such units used in farm machinery and equipment.

(b) *General restrictions; (required specifications)*. (1) On and after November 7, 1942, no producer (except as otherwise specifically authorized by the Director General for Operations pursuant to an appeal under paragraph (o) of Limitation Order L-170) shall manufacture for sale, or receive from his supplier for re-sale, any copper products or copper base alloy products to be used or incorporated in the production of farm tractors, engine power units or repair parts therefor, other than for the following purposes:

(i) *Radiators*. Water courses and tanks of copper alloy containing not more than seventy-one percent (71%) copper;

(ii) *Cooling control devices*. Thermostats; radiator sealing caps (pressure type only);

(iii) *Electrical equipment*. Magnetos, switches, wiring;

(iv) *Bearings, bushings, thrust washers and similar parts*. Bushings and thrust washers for:

Electrical equipment; steering gears; front axle king pins; clutch and brake pedals and control shafts; transmission, power lift and power take off gearing; engine bearings,

*Provided*, That such copper and copper base alloy as may be used shall be reduced by substitution of steel backed for solid bronze bushings in all cases where diameter, length or wall thickness, make such substitution practicable;

(v) *Replacement parts*, but only where the original part was manufactured from copper or copper base alloy and no substitute has been developed in current or prior production, either by the producer himself or by suppliers of such items, and where (because of limited quantities to be produced) substitutes are prohibitive from a standpoint of tool, material and production costs.

(vi) *Carburetor parts*. Those parts having metering or seating, filtering or anti-friction characteristics such as jets, nozzles, seats, metering rods, floats, screens, springs and bearings; also drill plugs, where non-corrosive metal is required to facilitate removal for cleaning; and drain cocks;

(vii) *Plating*. For functional parts in connection with carburizing steel and

where substituted for solid copper or copper base alloy;

(viii) *Gaskets*. Spark plug gaskets (internal only); grommets in cylinder head gaskets for water passages; washers or solid gaskets where seating is required;

(ix) *Used as a minor alloying element*. In zinc die castings for carburetor parts or for other functional items where substitutes are prohibitive from a standpoint of tool cost; in ferrous alloys;

(x) *Brazing material*. For joining functional parts of multiple-piece construction;

(xi) *Powdered copper*, for briquetted bearings; copper lead bearings;

(xii) *Gauges*. The functional movement parts (cranks, pointer posts, gears, bourdon tubes, thermometer bulbs, diaphragms and pointers) of oil pressure gauges, heat indicators, and ammeters;

(xiii) *Fuel filter screens*, fuel shut off cocks, three way fuel valves;

(xiv) *Priming cups*, for engine cylinders; or

(xv) *Clutch facings and brake linings*. The use of copper alloy in suitable form, such as wire, grindings, or brass chips, is permitted.

(c) This order supersedes L-26-c, and all amendments thereto and appeals granted thereunder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11617; Filed, November 7, 1942; 11:30 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L-30-a]

GALVANIZED WARE AND NON-METAL COATED METAL ARTICLES

§ 1052.2 *Supplementary Limitation Order L-30-a*—(a) *Definitions*. For the purposes of this order:

(1) "Restricted" when applied to any products or articles, means made of iron or steel which is zinc-coated or has a plain, japanned, painted, lithographed or lacquered finish.

(2) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(3) "Garbage, rubbish and ash receptacles" or "garbage cans and pails" do not include any cans produced in fulfillment of preferred orders, provided such cans are constructed in accordance with United States Army Specification No. 29-91 (dated October 18, 1939), Federal Specification No. RR-C-81 (as amended May, 1936), Emergency Alternate Federal Specification No. E-RR-C-81 (dated April 30, 1941), or Bureau of Ships Speci-

fication 42C23 (INT) (dated June 1, 1942).

(4) "Pails," "buckets" or "tubs" do not include:

(i) Any pails, buckets or tubs designed expressly for use as packing or shipping containers; or

(ii) Any buckets produced in fulfillment of preferred orders, provided such buckets are constructed in accordance with Federal Specification No. RR-B-771a (dated March 3, 1939) or Emergency Alternate Federal Specification No. E-RR-B-771a (dated December 11, 1941).

(5) "Funnels" do not include any funnels produced in fulfillment of preferred orders, provided such funnels are constructed in accordance with Bureau of Ships Ad Interim Specification 41-F-6 (INT) For Funnels (dated December 1, 1941), or with Chemical Warfare Service Drawings Nos. B-18-41-2 (revised January 27, 1942) or E-18-41-1 (revised November 22, 1941) or any subsequent drawings designed for Chemical Warfare Service needs.

(6) "Manufacturer" means any person who produces or assembles any restricted product or article, or any part for such product or article.

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

(8) "Base period" means the twelve months ending June 30, 1941.

(b) *Restrictions on miscellaneous articles.* Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any of the following restricted articles:

(1) Watering pots,

(2) Radiator and tractor filling cans,

(3) Foot baths,

(4) Liquid and dry measures, except in fulfillment of preferred orders,

(5) Dippers, except in fulfillment of preferred orders,

(6) Ash sifters,

(7) Coal hods and scuttles,

(8) Utility baskets.

(c) *Restrictions on garbage, rubbish and ash receptacles.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted garbage, rubbish or ash receptacles except garbage cans and pails as permitted in Schedule A attached to this order.

(2) No manufacturer shall put into process more iron and steel, by weight, in the production of restricted garbage cans and pails permitted under Schedule A:

(i) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted garbage, rubbish and ash receptacles; or

(ii) During the period of three months beginning January 1, 1943, and during each succeeding period of three months,

than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted garbage, rubbish and ash receptacles.

(d) *Restrictions on pails, buckets and tubs.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted pails, buckets or tubs (other than fire buckets) except pails and buckets and wash tubs as permitted under Schedule A.

(2) On and after January 1, 1943, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted fire bucket.

(3) No manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Restricted pails and buckets permitted under Schedule A:

(a) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted pails and buckets (other than fire buckets and wringer buckets); or

(b) During the period of three months beginning January 1, 1943 and during each succeeding period of three months, than three times 10% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted pails and buckets (other than fire buckets and wringer buckets).

(ii) Restricted wash tubs permitted under Schedule A:

(a) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted wash tubs; or

(b) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 10% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted wash tubs.

(iii) Restricted fire buckets during the period from November 1, 1942 to December 31, 1942, inclusive, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted fire buckets.

(e) *Restrictions on wash boilers and fire shovels.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any:

(i) Restricted wash boiler except as permitted in Schedule A; or

(ii) Restricted fire shovel more than 22 inches in length.

(2) No manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Restricted wash boilers permitted under Schedule A:

(a) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him in the base period in the production of wash boilers (whether restricted or not); or

(b) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him in the base period in the production of wash boilers (whether restricted or not).

(ii) Restricted fire shovels:

(a) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted fire shovels; or

(b) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted fire shovels.

(f) *Restrictions on funnels, refrigerator pans and cans designed for the storage of kerosene.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted funnel except as permitted in Schedule A.

(2) On and after January 1, 1943, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted funnels, refrigerator pans or cans designed for the storage of kerosene with a capacity of from one to five gallons, inclusive.

(3) During the period from November 1, 1942 to December 31, 1942, inclusive, no manufacturer shall put into process in the production of:

(i) Restricted funnels, more than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted funnels;

(ii) Restricted refrigerator pans more than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted refrigerator pans; or

(iii) Restricted cans designed for the storage of kerosene with a capacity of from one to five gallons, inclusive, more than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such restricted cans.

(g) *Exceptions.* Notwithstanding the provisions of paragraphs (b), (c) (1),

(d) (1), (e) (1) and (f) (1), a manufacturer may produce any restricted article mentioned in these paragraphs from iron and steel which, on November 12, 1942, had been cut or blanked to size for such restricted article by him or by any other person: *Provided*, That such restricted article is completed on or before December 7, 1942, except for the application of a zinc or other coating and the attaching of bails, handles, spouts or ears, which may be done thereafter.

(h) *Applicability of other orders.* The provisions of this order shall supersede the provisions of Limitation Order L-30 in respect to restricted articles covered by this order, but nothing in this order shall be deemed in any way to affect the provisions of said Order L-30 and other orders in respect to any other articles or products. In so far as any other order restricts the use of any material in the production of any restricted articles to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

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

(j) *Appeal.* Any appeal from the provisions of this order should be made on Form PD-500, directed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L-30-a.

(k) *Avoidance of excessive inventories.* No manufacturer shall accumulate, for use in the manufacture of restricted articles covered by this order, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of such restricted articles as permitted by this order.

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

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

(n) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(2) Each manufacturer shall file with the War Production Board, on or before the tenth day of each calendar month, beginning December 10, 1942, a report on Form PD-655 showing all shipments of restricted articles covered by this order made during the preceding calendar month, together with a statement of stocks of such articles on hand at the beginning and end of such month.

(o) *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 depart-

ment or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L-30-a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

SCHEDULE A TO LIMITATION ORDER L-30-A

Under paragraphs (c) (1), (d) (1), (e) (1) and (f) (1) of Limitation Order L-30-a, except as provided in paragraph (g) of that order, on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in certain restricted articles unless such restricted articles fall within the permissible sizes and other limitations set forth in this schedule. When a manufacturer is permitted by this schedule to make more than one size of any restricted article, each size he manufactures shall fall within a different one of the size ranges specified.

Articles	Number of sizes permitted each manufacturer	Size (actual capacity or dimensions)	Gauges
Garbage cans and pails (covers must not be zinc-coated).	4	5-7 gallons.....	26-31 gauge.
		9-11 gallons.....	26-31 gauge.
		20 gallons*.....	26-31 gauge.
		27 gallons* (1).....	22-24 gauge.
Pails and buckets (other than fire buckets and wringer buckets).	2	10 quarts*.....	28 gauge and lighter.
		14 quarts*.....	28 gauge and heavier.
Wash tubs (without stands or legs).....	1	14 gallons*.....	28 gauge and lighter.
Wash boilers.....	1	11 to 14½ gallons.....	28 gauge and lighter.
Funnels (with or without wire strainers).	Unlimited	10" to 15" in diameter of bowl by 9½" to 12½" deep.	Unlimited.

\*The capacity or dimensions of these sizes may vary 10% from the figures stated.

1 This size may be produced only in fulfillment of preferred orders.

[F. R. Doc. 42-11618; Filed, November 7, 1942; 11:30 a. m.]

PART 1157—CONSTRUCTION EQUIPMENT

[Revocation of Limitation Order L-82]

Section 1157.1 *Limitation Order L-82*<sup>1</sup> is hereby revoked as of the 7th day of November 1942, the subject matter of said order now being covered by § 1157.10 *Limitation Order L-192*. This action shall not be construed to affect in any way liabilities or penalties accrued or incurred under said Order L-82.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-11620; Filed, November 7, 1942; 11:30 a. m.]

PART 1157—CONSTRUCTION EQUIPMENT

[Revocation of Limitation Order L-82-a]

Section 1157.2 *Limitation Order L-82-a*<sup>2</sup> is hereby revoked as of the 7th day of November 1942, the subject matter of said order now being covered by § 1157.10 *Limitation Order L-192*. This action shall not be construed to affect in any way liabilities or penalties accrued or incurred under said Order L-82-a.

<sup>1</sup> 7 F.R. 3320.

<sup>2</sup> 7 F.R. 3321.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-11621; Filed, November 7, 1942; 11:30 a. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Limitation Order L-192]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber and other materials used in the production of construction machinery and equipment and repair parts for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.10 *Limitation Order L-192—(a) Revocation of Limitation Orders L-82 and L-82-a.* This order, as of a date fifteen (15) days after its issuance, supersedes Limitation Order Nos. L-82 and L-82-a. All releases on equipment granted by the Director General for Operations pursuant to Limitation Order Nos. L-82 and L-82-a which are not shipped by November 15, 1942 shall be deemed cancelled as of that date.

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

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

(2) "Producer" means any person engaged in the manufacture of equipment as hereafter defined.

(3) "Equipment" means that construction machinery and equipment listed in Schedules A, B and C attached hereto, but shall not include any rubber tired chassis or running gear built for or useable for the transportation of commodities or persons.

(4) "New", when applied to equipment, means any equipment which has never been received or accepted by any person acquiring it for use.

(5) "Repair part" means any part manufactured for use in the repair and maintenance of equipment.

(6) "Lend-Lease government" means the government of any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States".

(7) "Essential project" means a construction project undertaken by, or contracted by or for the account of the Army, Navy, Maritime Commission, War Shipping Administration or Defense Plant Corporation, or any other construction project granted a preference rating of A-1-k or higher under any order in the P-19 series.

(8) "Rubber" means all kinds of natural, reclaimed and synthetic rubber.

(9) "Government corporation" means any corporation which is beneficially owned by the United States Government or any of its agencies.

(d) *Procedure for placing and receiving orders.* (1) Any person desiring to place an order for new equipment listed in Schedule A attached hereto shall apply for authorization to purchase as follows:

(i) Such person, except the Army, Navy, Maritime Commission, War Shipping Administration or a Lend-Lease government, shall file an application on Form PD-556 in quadruplicate with the War Production Board Regional Office in the region in which such person desires to use such equipment. Such application when approved by the Director General for Operations shall establish all conditions under which such order may be placed with the supplier including the assignment of preference ratings if not previously granted.

(ii) No person, except the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government, may file application on Form PD-556 for any items listed in Schedule A which appear in Schedule C hereof.

(iii) The Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government shall furnish the Construction Machinery Branch, War Production Board, Washington, D. C.,

with Form PD-556 made out in quadruplicate.

(2) No person shall accept an order for such equipment, except from the Army, Navy, Maritime Commission, War Shipping Administration and Lend-Lease government, unless accompanied by such authorization.

(e) *Restrictions on production of equipment.* (1) On and after November 15, 1942, no producer shall produce any equipment except in accordance with such production schedules as may be approved by the Director General for Operations as provided in paragraph (g) hereof.

(2) On and after November 15, 1942 no producer shall produce any equipment designed for or requiring rubber tires unless the authorization on Form PD-556 required by paragraph (d) specifically so provides.

(3) No producer shall manufacture more parts for assembly into new equipment than required by approved production schedules.

(4) On and after November 15, 1942, no producer shall put into process or assemble any materials in the manufacture of any equipment listed in Schedule C, except to fill an order placed by the Army, Navy, Maritime Commission or War Shipping Administration, or for the use by a prime contractor on a construction project for any of the foregoing, and then only if authorized by the Director General for Operations on Form PD-556.

(f) *Production schedules.* On or before November 15, 1942 and on or before the 15th day of each succeeding calendar month, every producer shall file in triplicate on Form PD-697 proposed production schedule of new equipment projected for such period as production may be planned. Except as limited in paragraph (e) (2) hereof, the production schedules of all new equipment for the three calendar months succeeding such filing or for such shorter time as production scheduling may be planned shall be deemed to be approved as of the first of the calendar month following receipt of such Form PD-697 by the War Production Board, unless the Director General for Operations shall otherwise direct. No producer shall change his production schedule as approved or changed by the Director General for Operations without specific authorization of the Director General for Operations.

(g) *Inventory reports.* Producers shall, on the 15th day of each month, file in triplicate on Form PD-697 a statement of finished unsold inventory, as of the last day of the preceding calendar month, of new equipment including that in the possession of their dealers and distributors. Dealers and distributors, on the fifth day of each month, shall report their inventories of new equipment as of the last day of the preceding calendar month to the producer from whom such equipment was purchased or, if not purchased, to the producer for whom the distributor or dealer is acting as agent.

(h) *Prohibiting transfer and use of equipment.* On and after November 15, 1942, no producer shall use for other than experimental or demonstration purposes,

or sell, lease, trade, lend, deliver, ship or transfer, any new equipment and no person shall accept the same unless:

(1) Such equipment is then in transit to such person, or

(2) Such use, sale, lease, trade, loan, delivery, shipment or transfer is specifically approved by the Director General for Operations as follows:

(i) On or before November 15, 1942, and on or before the fifteenth (15) day of each succeeding calendar month, each producer shall file in triplicate on Form PD-697 showing his proposed delivery schedule of all unfilled orders of new equipment, shipments made during the calendar month previous to filing and the current month to date of filing. The delivery of all such new equipment scheduled for the calendar month following the date of filing shall be deemed to be authorized by the Director General for Operations on the first day of such calendar month unless the Director General for Operations shall otherwise direct.

(ii) The delivery of all new equipment as scheduled for delivery on or before November 15, 1942, and previously authorized under Limitation Order L-82 and L-82-a, shall be deemed to be authorized, unless the Director General for Operations shall direct otherwise.

(iii) The Director General for Operations, at any time, may revoke delivery authorization provided for in paragraphs (h) (2) (i) and (h) (2) (ii) as to any or all new equipment, direct or change the schedule for deliveries, allocate any order listed on Form PD-697 to any other producer, or direct the delivery of any new equipment to any other person, at regularly established prices and terms.

(iv) No producer shall change the schedule of deliveries as listed on said form, or as directed or changed by the Director General for Operations, without specific authorization of the Director General for Operations.

(i) *Restriction on resale, rental and use.* (1) On and after November 7, 1942, all persons except a Government corporation, the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government to whom delivery of any new equipment listed in Schedule A has been authorized pursuant to paragraph (d) must use such equipment on the project described in the authorization to purchase and will be subject to the provisions of paragraphs (i) (2) and (i) (3) hereof.

(2) All persons except a Government corporation, the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government, thirty days prior to the sale, lease or use on any other project of such equipment, shall complete, sign and return Form WPB-1159 to Used Construction Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(3) The Director General for Operations, at any time on two weeks' written notice, may require such person who owns such equipment to sell, lease or use such equipment as directed.

(4) Nothing in this order shall restrict the application of Limitation Order

L-196 in regard to the filing of Form WPB-1333.

(j) *Restrictions on sale and delivery of repair parts.* (1) All orders for repair parts for equipment in use on essential projects in the United States or Canada shall not be individually rated but shall carry the highest preference rating of the project and shall be subject to the following limitations:

(i) No person shall purchase repair parts during the calendar quarter commencing October 1, 1942 or any calendar quarter thereafter, in excess of 5% of the original purchase price of the equipment for which the repair parts are ordered unless authorized by the Director General for Operations on Form PD-556.

(ii) No producer, dealer or distributor shall sell or deliver repair parts to any person unless such person has furnished the information and certification called for below in a writing signed by such person and in substantially the following form.

Repair Parts for Maintenance and Repair—  
Rating ----- Contract Number ----- in  
accordance with Limitation Order L-192 with  
the terms of which I am familiar.

Date ----- Purchaser -----  
By: -----

Such certification shall constitute a representation to the Director General for Operations that such repair parts are required for the purpose of repair of actual or impending breakdown or proper maintenance of the equipment and that the applicant does not have such parts available for this purpose.

(2) Orders for spare parts for new equipment listed in Schedule A shall be placed at the same time as the order for new equipment and must be authorized on Form PD-556 by the Director General for Operations.

(3) Any conditions in regard to purchase or delivery of repair parts not covered herein shall be in accordance with current regulations and orders of the War Production Board.

(k) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repair parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium or fabricated rubber products where the use of other less critical materials will not impair the efficiency of operation of such item.

(l) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, purchases, production and sale.

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

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is

guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the Construction Machinery Branch, War Production Board, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action, if any, as he deems appropriate by the amendment of this order or otherwise.

(p) *Communications.* All communications concerning this order except where specific reference is made herein to the contrary shall be addressed to Construction Machinery Branch, War Production Board, Washington, D. C., Ref: L-192.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

#### SCHEDULE A

The items of construction machinery and equipment appearing in Schedule A are subject to all the paragraphs of this order.

Items which appear in both Schedules A and C may be ordered and produced only for military purposes as stated in paragraph (d) (1) (ii) and (e) (4).

Angledozers and modifications thereof.  
Batches, construction material.  
Batching plants, construction type.  
Bins, construction material, portable.  
Bins, construction material, stationary.  
Brooms, contractors rotary.  
Bulldozers and modifications thereof.  
Cranes, crawler mounted power.  
Cranes, tractor mounted power.  
Cranes, rubber tired mounted power.  
Crushers, jaw and roll, portable type.  
Crushing plants, portable type.  
Derricks, guy.  
Derricks, stiff leg.  
Distributors, bituminous.  
Ditchers, ladder.  
Ditchers, wheel.  
Draglines, see cranes.  
Draglines, slack lime.  
Draglines, walking.  
Dredges, and dredge equipment.  
Drilling machines, blast hole drills.  
Drilling machines, core drills.  
Drilling machines, rock portable mounted.  
Dryers, construction aggregate.  
Earth boring machines.  
Excavators, see power shovels.  
Finegraders and subgraders, self-propelled.  
Finishers, concrete.  
Finishers, bituminous paving.  
Forms, concrete road.

Graders, blade or pull type earth moving.  
Graders, elevating earth moving.  
Graders, self-propelled earth moving.  
Grapples.  
Hammers, pile.  
Heaters, and circulators, tank car.  
Hoists, contractors.  
Loaders, portable bucket (other than coal).  
Maintainers, road.  
Maintainers, shoulder.  
Mixers, bituminous cold mix type—10 tons per hour capacity or more.  
Mixers, agitator concrete truck type.  
Mixers, concrete truck mounted with elevating towers.  
Mixers, concrete construction—above 10 cu. ft. size.  
Pavers, concrete.  
Plants, stabilizing.  
Plants, asphalt.  
Plows, snow-V and blade type, truck, tractor or grader mounted.  
Plows, snow rotary type.  
Power control units for tractors—both cable and hydraulic.  
Pumps, portable engine or electric motor driven pumping units mounted on skids, with or without handles, or trailer mounted, larger than 90 M gallons per hour self-priming centrifugal pumps, horizontal or vertical triplex piston road pumps, ordinarily used for contractors' purposes or by contractors for dewatering and supply, as defined and approved in Contractors Pumps Standards by the Associated General Contractors of America, Inc. (A. G. C.), February 21, 1941.

Rippers, road.  
Rollers, road pneumatic tired.  
Rollers, road portable.  
Rollers, tamping and sheepfoot.  
Rollers, road tandem.  
Rollers, road three wheeled.  
Scrapers, carrying and hauling, both drawn and self-propelled.  
Screening plants, portable type.  
Shovels, crawler mounted power.  
Shovels, rubber tired mounted power.  
Shovels, tractor mounted power.  
Spreaders, concrete.  
Sweepers, street.  
Sweepers, street, motor pick-up.  
Wagons, contractors crawler.  
Washing and screening plants, portable type.  
Winches, tractor mounted.

#### SCHEDULE B

The items of construction machinery and equipment appearing in Schedule B are subject to all the paragraphs of this order except:

- Paragraph (d), controlling the procedure for placing and receiving orders.
- Paragraph (j), restricting resale, rental and use of equipment.

Blade bits.  
Blades, grader.  
Breakers, paving.  
Buckets, clamshell.  
Buckets, concrete.  
Buckets, dragline.  
Buckets, orange peel.  
Buckets, scraper (bottomless) for dragline operation.  
Buggies and carts, concrete hand operated.  
Buggies and carts, concrete power propelled.  
Centerline markers.  
Chutes, concrete handling.  
Concrete, surfacing machines.  
Conveyors, construction material.  
Crushers, gyratory and cone (portable type).  
Disc, road.  
Distributors, water.  
Ditchers, blade.  
Drills, jack hammer.  
Drills, rock except portable mounted.  
Filling machines, joint and crack.  
Finegraders and subgraders, drawn type.

Finishers, floor other than wood.  
 Form tamping machines.  
 Graders, under truck type.  
 Heaters, asphalt surface.  
 Heaters, concrete mixer.  
 Hoppers, portable concrete.  
 Jacks, mud.  
 Joint levellers.  
 Kettles, bituminous heating.  
 Loaders, portable snow.  
 Mixers, aggregate pulverizers.  
 Mixers, bituminous, cold mix type, under 10 ton per hour capacity.  
 Mixers, concrete construction, 10 cu. ft. and smaller.  
 Mixers, plaster and mortar.  
 Paving breakers.  
 Plows, cable laying.  
 Pumps, concrete.  
 Pumps, portable engine or electric motor driven pumping units, mounted on skids with or without handles, or trailer mounted, 90,000 gallons per hour and smaller self-priming, centrifugal pumps, plunger pumps, or diaphragm pumps ordinarily used for contractors purposes or by contractors for dewatering and supply as defined and approved by the Associated General Contractors of America, Inc. (A. G. C.), February 21, 1941, excluding farm type, industrial type and Underwriters approved fire fighting pumps.  
 Scarifiers.  
 Scrapers, drag, fresno and rotary.  
 Screens, rotary, vibrator and gravity types, other than coal and industrial.  
 Sprayers, bituminous material.  
 Spreaders, aggregate.  
 Towers, concrete placing.  
 Towers, material elevating.  
 Vibrators, concrete.  
 Winches, contractor.

#### SCHEDULE C

The items appearing in Schedule C may be ordered and produced only for military purposes as provided in paragraphs (d) (1) (ii) and (e) (4).  
 Batchers, construction material.  
 Batching plants, construction type.  
 Bins, construction material, portable.  
 Bins, construction material, stationary.  
 Brooms, contractors rotary.  
 Buckets, scraper (bottomless) for dragline operation.  
 Buggies and carts, concrete hand operated.  
 Buggies and carts, concrete power propelled.  
 Centerline markers.  
 Chutes, concrete handling.  
 Concrete surfacing machines.  
 Conveyors, construction material—except when a part of a portable crushing plant.  
 Derricks, guy.  
 Derricks, stiff leg.  
 Disc, road.  
 Ditchers, blade.  
 Dredges, and dredge equipment.  
 Drilling machines, core drills.  
 Drilling machines, portable well.  
 Dryers, construction aggregate, except portable type.  
 Filling machines, joint and crack.  
 Finishers, floor other than wood.  
 Form tamping machines.  
 Graders, blade or pull type earth moving.  
 Graders, elevating earth moving.  
 Graders, self-propelled earth moving.  
 Graders, under truck type.  
 Grapples.  
 Heaters, asphalt surface.  
 Hoists, contractors.  
 Hoppers, portable concrete.  
 Jacks, mud.  
 Joint levellers.  
 Maintainers, road.

Maintainers, shoulder.  
 Plants, asphalt except portable travel-mix type.  
 Plows, cable laying.  
 Plows, snow—V and blade type, truck, tractor or grader mounted.  
 Rollers, road pneumatic tired.  
 Rollers, road tandem.  
 Rollers, road three wheeled.  
 Scrapers, drag, fresno and rotary.  
 Screening plants, portable type.  
 Sweepers, street.  
 Sweepers, street, motor pick-up.  
 Towers, concrete placing.  
 Towers, material elevating.  
 Washing and screening plants, portable type.

[F. R. Doc. 42-11619; Filed, November 7, 1942; 11:31 a. m.]

#### PART 3037—ELECTRONIC EQUIPMENT

[Interpretation 1 of General Limitation Order L-183]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 3037.1, *General Limitation Order L-183*:

A "manufacturer" as defined in paragraph (a) (1) does not include one who merely distributes or maintains and repairs electronic equipment.

A "manufacturer" does, however, include one who converts or modifies electronic equipment so as to change the use of such equipment, or so as to change its mode of operation.

A person, corporation, or other legal entity may be a manufacturer and also may be engaged in the business of maintaining and repairing electronic equipment, and supplying parts for the maintenance and repair thereof. Where such is the case, and two distinct enterprises are in good faith conducted by the same person or entity, that person or entity as a manufacturer and as concerns its manufacturing branch is subject to the limitations of L-183; but such person or entity, as a servicing agent performing the services of maintenance and repair and supplying parts therefor, and as concerns that branch of its business, is not subject to the limitations of L-183 with respect to such servicing activities nor with respect to distribution and transfers effected in the normal course of its functions of servicing electronic equipment and supplying parts for maintenance and repair.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,  
 Director General for Operations.

[F. R. Doc. 42-11622; Filed, November 7, 1942; 11:31 a. m.]

17 F.R. 7396, 7396.

#### PART 3007—GLYCERINE RECOVERY

[Conservation Order M-193]

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

§ 3007.1 *Conservation Order No. M-193—(a) Definitions.* (1) "Fats and oils" means all of the raw, crude and refined fats and fatty oils and greases.

(2) "Domestic glycerides" means all fats and oils which are normally produced in the continental United States.

(3) "Neutral fats or oils content" means that saponifiable portion of fats or oils at point of saponification or hydrolysis obtained by subtracting from the total weight of such fats and oils the sum of the following: free fatty acids, moisture, insoluble impurities, and unsaponifiables. Free fatty acids, moisture, insoluble impurities, and unsaponifiables shall be determined by the official methods of the American Oil Chemists Society.

(4) "Fair average quality crude glycerine" means soap lye crude glycerine and saponification crude glycerine meeting the following specifications:

Soap lye crude glycerine:

Glycerol content—not less than 80%.

Ash—not more than 10%.

Organic Residue—not more than 2%.

Saponification crude glycerine:

Glycerol content—not less than 88%.

Ash—not more than 2%.

Organic Residue—not more than 1.5%.

Glycerol content, ash and organic residue shall be determined by the official methods of the American Oil Chemists Society.

(b) *Required recovery of crude glycerine.* (1) Except as provided in paragraphs (b) (2), (b) (3) and (d) hereof, no person shall saponify or hydrolyze any fat or oil in any process in which glycerine is produced unless:

(i) The amount of glycerol (either free or combined) remaining in the finished product shall be one percent (1.0%) or less, calculated on an anhydrous soap basis, and

(ii) Not less than 92% of the glycerol content of the spent lyes (where the product is boiled settled soap) shall be recovered as crude glycerine (100% glycerol basis). The glycerol content of such spent lyes shall be considered to be the glycerol theoretically contained in the neutral fats or oils content of the stock originally used less the maximum amount of glycerol permitted in the soap.

(iii) Where the glycerine is produced by the hydrolysis of fats or oils (fat splitting), the split shall be not less than 95% complete, except that where split fats or oils are to be used in soaps under paragraph (b) (2), the permitted glycer-

ine in the finished product, on an anhydrous soap basis, shall be the limiting factor on the percentage of split. Not less than 94% of the glycerol content of the glycerine sweet water resulting from such splitting process shall be recovered as crude glycerine (100% glycerol basis). The glycerol content of such sweet water shall be considered to be the glycerol theoretically contained in the neutral fat or oil content of the stock originally used, less the maximum permitted amount (based on 95% split) of glycerol contained in the split fat or oil.

(2) Notwithstanding the provisions of paragraph (b) (1) (i) hereof, any person may use domestic glycerides in the manufacture of any liquid, potash, cold-made or half-boiled soap, provided that the glycerol remaining in the finished product shall not exceed 2.75% on an anhydrous soap basis, and provided further that his use of such glycerides and fatty acids in any calendar quarter does not exceed 90% of his average quarterly consumption of such glycerides and fatty acids in the production of such types of soap during the two year period January 1, 1940 to December 31, 1941. If any manufacturer in any quarter in the production of such types of soap does not use the quantity of such glycerides or fatty acids permitted by this paragraph (b) (2), he may carry forward to the succeeding quarter or quarters the unused part of his quota; except that no carry forward shall be permitted beyond June 30, 1943 or beyond the 30th day of June of any year thereafter.

(3) In the event that the product manufactured is a mixture of boiled settled soap and half-boiled soap, the permitted glycerol in the mixture shall be calculated in the manner provided by paragraphs (b) (1) (i) and (b) (2) hereof on the portion of each class of soap making up such product; namely, 1% of the boiled settled soap portion and 2.75% of the half-boiled soap portion, in each case on an anhydrous basis.

(c) *Required standard of refining of crude glycerine.* In the refining of fair average quality crude glycerine, not less than 96% of the glycerol content of the crude glycerine shall be recovered as refined glycerine (100% glycerol basis).

(d) *Operations not subject to standard of glycerine recovery.* The provisions of paragraph (b) hereof shall not be applicable to:

(1) Any person in any calendar month whose consumption of fats and oils or fatty acids in the aggregate in the preceding calendar month did not exceed 10,000 lbs.;

(2) Any person whom the Director General for Operations may specifically authorize to operate, on such person's establishing to the satisfaction of the Director General for Operations, by letter addressed to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-193, that he is recovering

the maximum amount of glycerine that is reasonably possible with the facilities which he has or may reasonably be expected to secure or utilize;

(3) The sulfonation of any fats and oils, alkali or acid refining of fats or oils, manufacture of lubricating greases, or processing of food;

(4) The manufacture of medicinal soap U. S. P. XII to fill orders for medicinal use only.

(e) *Reports.* (1) Each refiner of glycerine regardless of amount, and each person who saponifies or hydrolyzes more than 3500 lbs. of oils, fats or fatty acids in any month in a process in which glycerine is recovered (not including any operation referred to in paragraph (d) (3) hereof) shall file with the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-193, not later than the 15th day of the succeeding month, commencing December 15, 1942, Form PD-712, properly executed by him. Such Form PD-712 shall be filed by each person who saponifies or hydrolyzes more than such 3500 lbs. of oils, fats and fatty acids in such month, whether or not he is exempted under paragraphs (d) (1), (d) (2) or (d) (4) hereof.

(2) Where a person is both a manufacturer and refiner he shall file a separate form in each capacity.

(3) Each person affected by this order shall file such other reports at such times in such forms and with respect to such matters as the Chemicals Branch of the War Production Board may from time to time direct.

(f) *Effect on other orders.* Where different standards of recovery are imposed by this order and any other order or orders, the provisions of the order requiring the highest glycerine recovery shall control.

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

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-193.

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

This order shall take effect December 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-11668; Filed, November 9, 1942; 10:28 a. m.]

#### PART 1026—DOMESTIC COOKING APPLIANCES

[Amendment 4 to Supplementary General Limitation Order L-23-c]

Supplementary General Limitation Order No. L-23-c<sup>1</sup> (§ 1026.4) is hereby amended in the following respects:

1. Subparagraph (b) (6) to read as follows:

(6) From and after December 31, 1942, no Class C manufacturer shall use in any calendar quarter in the production of domestic heating stoves iron and steel in excess of three times 50% of the monthly average of iron and steel used by him in the manufacture of domestic heating stoves during the base period.

2. Paragraph (b) by adding thereto subparagraphs (12) and (13) to read as follows:

(12) Until January 1, 1943, no Class C manufacturer, who in the base period produced any combination ranges or domestic cooking appliances using coal or wood as fuel and any domestic heating stoves using coal or wood as fuel, may produce any permitted type combination range or any permitted type coal or wood range.

(13) From October 1, 1942 through December 31, 1942, no Class C manufacturer shall use in the production of domestic heating stoves using coal or wood as fuel any iron and steel in excess of three times 50% of the monthly average of iron and steel used by him in the manufacture of domestic heating stoves during the base period plus three times 70% of the monthly average of iron and steel used by him in the manufacture of domestic cooking appliances during the base period.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of November 1942.

ERNEST KANZLER,  
Director General for Operations.

[F. R. Doc. 42-11690; Filed, November 9, 1942; 11:41 a. m.]

<sup>1</sup>7 F.R. 3571, 5119, 5556, 8647.

## Chapter XI—Office of Price Administration

## PART 1340—FUEL

[RPS 88,<sup>1</sup> Amendment 40]

## PETROLEUM AND PETROLEUM PRODUCTS

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

In § 1340.159 (c) (3), a new subdivision (vii) is added, as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* \* \* \*

(c) *Specific prices.* \* \* \*

(3) *Distillate fuel oils:* \* \* \*

(vii) *Florida.* The maximum price of kerosene f. o. b. Jacksonville, Florida, for delivery in tank cars shall be 6.75 cents a gallon.

§ 1340.158a *Effective dates of amendments.* \* \* \*

(nn) Amendment No. 40 (§ 1340.159 (c) (3) (vii)) to Revised Price Schedule No. 88 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11587; Filed, November 6, 1942; 12:15 p. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,<sup>2</sup> Amendment 15]

## FATS AND OILS

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

A new § 1351.151b is added to read as set forth below:

§ 1351.151b *Exempt Governmental purchases of foreign fats and oils.* All purchases of fats and oils located in any foreign country by the United States Government or any agency thereof, or by an agent, broker or other representative purchasing for the account of the United States Government or any agency thereof, shall be exempt from the operation of Revised Price Schedule No. 53, whether the purchase is made directly in the foreign country or through an agent, broker or other representative of the foreign seller located in the United States. Where fats and oils located in a foreign country are purchased by an agent, broker or other representative of

the United States Government or any agency thereof who has a contract to resell the fats and oils so purchased to the United States or any agency thereof, such resale shall be exempt from the operation of Revised Price Schedule No. 53. This provision shall have no application to purchases by the United States Government or any agency thereof of fats and oils located in the United States which have been imported into this country without a contract to resell the fats and oils so imported to the United States Government or any agency thereof.

§ 1351.159 *Effective dates of amendments.* \* \* \*

(o) Amendment No. 15, (§ 1351.151b) to Revised Price Schedule No. 53 shall be effective as of October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11588; Filed, November 6, 1942; 12:14 p. m.]

## PART 1424—IMPORTED AND PACKAGED FOODS

[MPR 231,<sup>1</sup> Amendment 1]

## RAW SPICES AND SPICE SEEDS

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

Section 1424.2, subparagraph (1), paragraph (a) of § 1424.11 and paragraph (g) of § 1424.14 are amended; § 1424.13a is added, all to read as set forth below:

§ 1424.2 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 231 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of raw spices and spice seeds for which maximum prices are established by this regulation: *Provided however,* That sales and deliveries of raw spices and spice seeds contained in this schedule in lots of less than one package are exempted from all provisions herein and the maximum prices for sales of less than one package shall be determined pursuant to the General Maximum Price Regulation.

§ 1424.11 *Definitions.* (a) \* \* \*

(1) "Package" shall mean the customary unit and weight of bag, bale, box or pack in which the raw spices or spice seeds in question are customarily imported into the United States.

§ 1424.14 *Appendix A: Maximum prices for raw spices and spice seeds.* \* \* \*

(g) Any person making sales of raw spices and spice seeds, except mace and cardamoms, contained in this schedule, in lots of one to twenty-five packages, inclusive, may add to the maximum prices

specified in paragraph (a) of this section, an amount which shall not exceed:

7½% on sales of five to twenty-five packages, inclusive.

10% on sales of one to four packages, inclusive.

In the case of sales of mace and cardamoms 10% may be added to the maximum prices on sales of only one to four packages, inclusive.

§ 1424.13a *Effective date of amendments.* (a) Amendment No. 1 to Maximum Price Regulation No. 231 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11589; Filed, November 6, 1942; 12:13 p. m.]

## PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 216,<sup>1</sup> Amendment 3]

## RAILROAD TIES

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

A new paragraph (e) is added to § 1426.2 as set forth below:

§ 1426.2 *Maximum prices for railroad ties.* \* \* \*

(e) If no maximum price is established or permitted for any buyer under this regulation, the maximum price for any species and size of railroad tie shall be the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., upon request for such action by any such buyer, or the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., upon its own initiative. The maximum price may be so established by letter or telegram.

Every request by any buyer for the establishment of such a maximum price shall be accompanied by sufficient facts to enable proper disposition of such request, including a statement setting forth the information called for by § 1426.14, Appendix A.

§ 1426.13a *Effective dates of amendments.* \* \* \*

(c) Amendment No. 3 (§§ 1426.2 (e) and 1426.13a (c)) to Maximum Price Regulation 216 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11590; Filed, November 6, 1942; 12:15 p. m.]

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

<sup>1</sup> 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 3653, 4354, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7638.

<sup>2</sup> 6 F.R. 6409; 7 F.R. 81, 756, 1009, 1309, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702.

<sup>1</sup> 7 F.R. 7844.

<sup>1</sup> 7 F.R. 7097, 7368, 8199, 8403.

**PART 1499—COMMODITIES AND SERVICES**  
[Supp. Reg. 1 of GMPR, Amendment 39]  
**AVIATION GAS, SYNTHETIC RUBBER, ETC.**

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register. Subdivision (viii) of § 1499.26 (a) (25) is amended to read as follows:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.*  
(a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

(25) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum and agricultural components used in the manufacture of furfural.

(viii) Duly authenticated copies of all contracts entered into after June 13, 1942, the effective date of subparagraph (25), involving the sale, purchase or exchange of the commodities exempted from General Maximum Price Regulation by this subparagraph, shall be filed by the seller with the Office of Price Administration within fifteen days after the signing of such contracts: *Provided*, That in lieu of the filing of duly authenticated copies of such contracts duly authenticated summaries of such contracts may be filed by the seller with the Office of Price Administration within fifteen days after the signing of such contracts. Such duly authenticated summaries shall include the following information: seller, commodities sold, date of contract, term of contract, production origin, buyer, point of delivery corresponding to sales price, method of delivery i. e. tanker, tank car, field pump, et cetera., volume sold in barrels or other appropriate unit, price cents per US gallon or other appropriate unit, specifications of product, and notes detailing special provisions of contract such as price formulae, et cetera: *Provided, further*, That there shall be filed by the seller such other records in place of the records required in this subdivision as the Office of Price Administration may require or permit.

(e) *Effective dates.*

(40) Amendment No. 39 to (§ 1499.26 (a) (25)) to Supplementary Regulation No. 1 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11591; Filed, November 6, 1942; 12:14 p. m.]

**PART 1499—COMMODITIES AND SERVICES**  
[Supp. Reg. 14, Amendment 51]  
**NEW COMMERCIAL MOTOR VEHICLES; PRICES, MAINTENANCE STANDARDS, ETC.**

Amendment No. 51 to Supplementary Regulation No. 14 to General Maximum Price Regulation.

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

Sections 1499.73 (a) (19) (i) and 1499.73 (a) (19) (ii) (a) (1) are amended, and in § 1499.73 (a) (19) (ii) (b) item Nos. 4, 16, 17, and 18 are amended, and in § 1499.73 (a) (19) (iii), new inferior subdivision (d) is added, all as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided: \* \* \*

(19) *New commercial motor vehicles—*  
(i) *Maximum prices.* To the maximum price of any new commercial motor vehicle, determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, there may be added for each calendar month or greater part thereof after February 28, 1942, which elapses prior to the sale of such new commercial motor vehicle:

(a) In the case of new commercial motor vehicles other than trailers, the lower of the following two amounts (1) 1% of the list price of such new commercial motor vehicle and of the list price of any extra, special, or optional equipment built into or installed on such vehicle, or if there is no such list price, 1% of the price at which such new commercial motor vehicle or extra, special, or optional equipment was last contracted to be sold between January 1, 1942 and March 31, 1942, or (2) \$25;

(b) In the case of trailers continuously stored indoors on and after October 31, 1942 the lower of the following two amounts (1) 3/4 of 1% of the list price of such trailer and of the list price of any extra, special or optional equipment built into or installed on such trailer, or if there is no such list price, 3/4 of 1% of the price at which such trailer or extra, special or optional equipment

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

was last contracted to be sold between January 1, 1942, and March 31, 1942, or (2) \$20; and

(c) In the case of trailers stored outdoors at any time on or after October 31, 1942, the lower of the following amounts (1) 1/2 of 1% of the list price of such trailer and of the list price of any extra, special or optional equipment built into or installed on such trailer, or if there is no such list price, 1/2 of 1% of the price at which such trailer or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (2) \$15: *Provided*, That such new commercial motor vehicle shall, on and after October 31, 1942, receive while in storage all the maintenance operations set forth in subdivision (ii), as therein required: *And provided further*, That no amount whatsoever under this subdivision (i) shall be added to such maximum price unless such new commercial motor vehicle shall, on and after October 31, 1942, have continuously received all the maintenance operations required in subdivision (ii), and unless the seller, at the time of sale, shall certify in writing to the purchaser and to the Office of Price Administration, Washington, D. C., that such new commercial motor vehicle has, on and after October 31, 1942, continuously received all the maintenance operations required in subdivision (ii), in the following form:

The undersigned hereby certifies that the \_\_\_\_\_ vehicle bearing motor (model) number \_\_\_\_\_ and/or serial number \_\_\_\_\_ has, on and after October 31, 1942, continuously received all the maintenance operations required in § 1499.73 (a) (19) (ii) of Supplementary Regulation No. 14 to the General Maximum Price Regulation issued by the Office of Price Administration.  
Dated: \_\_\_\_\_

(ii) *Standards for maintenance of new commercial motor vehicles—*(a) *General instructions.* (1) All new commercial motor vehicles, other than trailers, must be stored indoors. Select a clean, dry building, suitable for storage of such vehicles. Cover all openings through which animals and birds may enter storage space. Prevent water leakage. Remove loose dirt and whitewash lime.  
(b) *Table of maintenance operations.*

No.	When to be done	Item	Maintenance operations
(*) 4 (#)	Initial and whenever necessary.	Chrome plated surfaces.	Thoroughly wash and clean all chrome plated surfaces with clear water; when dry, apply a coating of light oil, liquid wax, or special preparations; wipe off until no excess oil or wax appears on the surface of the chrome.
(*) 16 (#)	Initial and as specified under Maintenance Operations.	Tires.	(a) <i>Indoor storage.</i> Jack up vehicle in storage location taking weight off the tires. Maintain the air in tires between 1/4 and 3/4 operating pressure so that vehicles can be pushed or towed out quickly if necessary in an emergency. Tension in cords will be relieved by lowered pressure. (b) <i>Outdoor storage in the case of trailers.</i> Jack up vehicles in storage space. Remove tires from wheels. Leave wheels mounted on axle spindles. Lower weight of trailer to rest upon wheels. Store tires in a dark cool place protected from direct sunlight, in a horizontal position, with separators. Lubricate with light oil all latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels.
(*) 17 (#)	Initial and, if necessary, every six months where applicable.	Latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels.	
(*) 18 (#)	Initial where applicable.	Doors, windows and vents.	(a) Close all doors, windows, and vents tightly. (b) Close all venti-panes. (c) Leave cowl ventilator open (if screened).

(iii) *Definitions:* When used in this subparagraph (19): \* \* \*

(d) The term "trailer" means full trailers and semi-trailers and includes van, tank, livestock, dump, platform, and low bed trailers; but does not include trailers designed for the conveyance of passengers, or household trailers, which are not deemed to be included within the term "new commercial motor vehicle".

(b) *Effective date.* \* \* \*

(52) Amendment No. 51 (§§ 1499.73 (a) (19) (i), 1499.73 (a) (19) (ii) (a) (1), 1499.73 (a) (19) (ii) (b), and 1499.73 (a) (19) (iii) (d)) to Supplementary Regulation No. 14 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11592; Filed, November 6, 1942; 12:14 p. m.]

**PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS**

[MPR 129, Amendment 10]

WAXED PAPERS, ETC.

Papers affected:

- Waxed paper.
- Envelopes.
- Paper cups, paper containers and liquid tight containers.
- Sanitary closures and milk bottle caps.
- Drinking straws.
- Certain sulphate and certain sulphite papers.
- Certain tissue papers.
- Rope and jute papers.
- Technical papers.
- Gummed papers.
- Tags, pin tickets and marking machine tickets.
- Glazed and fancy papers.
- Standard grocer's and variety bags.
- Resale book matches.
- Unprinted single weight crepe paper in folds.

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

In § 1437.12, paragraph (c) (1), tabulation of maximum prices has been amended to include item (f), a new paragraph (c) (3) has been added and item (33), definition of "retailer," has been added to § 1347.22 as set forth below.

§ 1347.12 *Maximum prices for certain paper commodities.* \* \* \*

(c) *Unprinted single weight crepe paper in folds—(1) Tabulation of maximum prices.*

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

17 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974.

Dimensions	Ratio	Form	Maximum manufacturer's delivered price per gross
a. 9" x 20"	2 1/4 to 1	Packaged.....	\$7.80
b. 9" x 20"	2 1/4 to 1	Bulk.....	5.25
c. 9" x 20"	2 1/4 to 1	Packaged.....	6.84
d. 9" x 20"	2 to 1	Packaged.....	6.12
e. 7 1/2" x 20"	1 1/2 to 1	Packaged.....	3.96
f. 8" x 20"	1 1/2 to 1	Packaged.....	4.20

(3) The retailer's maximum price for unprinted single weight crepe paper packaged in folds shall be as follows:

Dimensions	Ratio	Retailer's maximum price per fold
9" x 20"	2 1/4 to 1	Cents 10
9" x 20"	2 1/4 to 1	10
9" x 20"	2 to 1	10
7 1/2" x 20"	1 1/2 to 1	5

*Provided, That, the above prices shall remain in effect up to but not including February 15, 1943, and that effective that date retailer's maximum prices on unprinted single weight crepe paper in folds shall be as follows:*

Dimensions	Ratio	Retailer's maximum price per fold
9" x 20"	2 1/4 to 1	Cents 9
9" x 20"	2 1/4 to 1	9
9" x 20"	2 to 1	9
9" x 20"	1 1/2 to 1	5
7 1/2" x 20"	1 1/2 to 1	4

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the terms:

(33) "Retailer" means anyone not a manufacturer or wholesaler who sells to an ultimate consumer.

§ 1347.25 *Effective dates of amendments.* \* \* \*

(j) Amendment No. 10 (§ 1347.12 (c) (1) and (3)) to Maximum Price Regulation 129 shall become effective November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 6th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11602; Filed, November 6, 1942; 5:06 p. m.]

**PART 1388—DEFENSE-RENTAL AREAS**

[Eviction Regulation 1]

**HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN A PORTION OF THE NEBRASKA DEFENSE-RENTAL AREA**

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of the Act, the Administrator may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any Defense-Area housing accommodations, which in his judgment are equivalent to or likely to result in rent increases inconsistent with the purposes of the Act.

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as Defense-Rental Area certain localities including the Nebraska Defense-Rental Area, consisting of that portion of the State of Nebraska not theretofore designated by the Administrator as part of any Defense-Rental Area. Since the issuance of said designation and declaration, the number of removals of tenants from possession, by means of evictions, actions to evict, and notices to quit or vacate has sharply increased in the portion of said Nebraska Defense-Rental Area set out in § 1388.531 of this eviction regulation. The purpose and effect of such removals of tenants from possession is to increase the rents of the housing accommodations involved.

In the judgment of the Administrator such increased removals of tenants from possession constitute speculative or manipulative practices or renting or leasing practices which are equivalent to or likely to result in rent increases inconsistent with the purposes of said Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act this Eviction Regulation No. 1 is hereby issued.

AUTHORITY: §§ 1388.531 to 1388.535, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.531 *Scope of regulation.* (a) This Eviction Regulation No. 1 applies to all housing accommodations within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay, said area having been designated in the designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) issued by the Administrator on October 5, 1942, except as provided in paragraph (b) of this section.

(b) This eviction regulation does not apply to the following:

- (1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses: *Provided*, That this eviction regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this eviction regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this eviction regulation is void.

§ 1388.532 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession; notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Eviction Regulation No. 1; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however*, That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by

one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantial altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this eviction regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefore before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this eviction regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this eviction regulation, is inconsistent with the purposes of the Act and this eviction regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33 $\frac{1}{3}$ % or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date

of this eviction regulation, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33 $\frac{1}{3}$ % of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.533 *Procedure.* The Rules set forth in Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive) with respect to Maximum Rent Regulations shall apply, whenever appropriate, to this Eviction Regulation No. 1 and any proceedings hereunder.

§ 1388.534 *Definitions.* (a) When used in this Eviction Regulation No. 1:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "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.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short-time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Eviction Regulation.

§ 1388.535 *Effective date of the regulation.* This Eviction Regulation No. 1 (§§ 1388.531 to 1388.535, inclusive) shall become effective November 6, 1942.

Issued this 6th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11604; Filed, November 6, 1942;  
5:07 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5B,<sup>1</sup> Amendment 8]

##### GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale accompanying the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

A new paragraph (i) is added to § 1394.2851; a new paragraph (c) is added to § 1394.2907; and a new paragraph (h) is added to § 1394.3052.

##### *Restrictions on Transfers*

§ 1394.2851 *Restrictions on transfers to consumers.* \* \* \*

(i) No person shall transfer gasoline to a consumer between 8:00 A. M. on October 27, 1942, and 6:00 P. M. on November 15, 1942, except when the consumer presents appropriate coupons accompanied by a written order of the chairman of any Local War Price and Rationing Board or the Territorial Rationing Administrator who may issue such written orders authorizing the purchase of gasoline for use in vehicles and equipment engaged in activities essential to the public health, safety and welfare, including vehicles and equipment necessary for carrying out one or more of the following purposes:

(1) Distribution of mail, milk, bread, meat or newspapers,

(2) Transportation of physicians, firefighters, police or draftees,

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

<sup>1</sup> F. R. 5607, 6389, 6390, 7400, 6871, 7908.

(3) Operation of ambulances, hearses, hospital transportation facilities, ice and ice cream manufacturing plants, equipment for loading and unloading ships, railroads, farms (limited to transportation of products to market), public sanitation units, electric and water companies, transportation companies except those with special permits, and public cars (limited to 5 gallons a day).

##### *Replenishment and Audit*

§ 1394.2907 *Restrictions on transfers.* \* \* \*

(c) No dealer or intermediate distributor shall transfer or offer to transfer to, or shall receive a transfer of gasoline from any other dealer or intermediate distributor between 8:00 A. M. on October 27, 1942, and 6:00 P. M. on November 15, 1942, except in exchange for a quantity of coupons and written orders provided for by this Amendment, at or before the time of the actual delivery of the gasoline, equal in gallonage value to the amount of the gasoline so transferred.

##### *Effective Date*

§ 1394.3052 *Effective date of amendments.* \* \* \*

(h) Amendment No. 8 To Ration Order No. 5B (§§ 1394.2851 (i), 1394.2907 (c) and 1394.3052 (h)) shall become effective as of 8:00 A. M. October 27, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Puv. Law No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, WPB Directive No. 1, Supp. Dir. No. 1 J, 7 F.R. 562)

Issued this 6th day of November, 1942.

WILLIAM B. MEAD, Director,  
Office of Price Administration  
for Puerto Rico.

[F. R. Doc. 42-11603; Filed November 6, 1942;  
5:06 p. m.]

#### PART 1340—FUEL

[RPS 88,<sup>1</sup> Amendment 41]

##### PETROLEUM AND PETROLEUM PRODUCTS

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

Paragraph (d) of § 1340.154 is amended as set forth below:

§ 1340.154 *Records and reports.* \* \* \*

(d) Duly authenticated copies of all contracts entered into after March 7, 1942 involving the sale, purchase or exchange of the commodities exempted from §§ 1340.151 and 1340.159 by § 1340.160 shall be filed by the seller with this Office within fifteen days after the signing of such contracts, except as otherwise authorized in writing by the Office of

<sup>1</sup> 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8741.

Price Administration: *Provided*, That in lieu of the filing of duly authenticated copies of such contracts, duly authenticated summaries of such contracts may be filed by the seller with the Office of Price Administration within fifteen days after the signing of such contracts. Such duly authenticated summaries shall include the following information: seller, commodities sold, date of contract, term of contract, production origin, buyer, point of delivery corresponding to sales price, method of delivery, i. e. tanker, tank car, field pump, et cetera, volume sold barrels, price cents per US gallon, specifications of product and notes detailing special provisions of contract such as price formulae, et cetera.

§ 1340.158a *Effective dates of amendments.* \* \* \*

(oo) Amendment No. 41 (§ 1340.154 (d)) to Revised Price Schedule No. 88 shall become effective November 12, 1942.

(Pub. Laws, 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11593; Filed, November 6, 1942; 2:08 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Second Rev. Zoning Order 1, Amendment 1]

SUGAR RATIONING REGULATIONS

Amendment No. 1 to Second Revised Zoning Order No. 1<sup>1</sup> under Rationing Order No. 3<sup>2</sup>—Sugar Rationing Regulations.

Those parts of paragraph (a) which establish Zones 1, 5, and 11, and paragraph (c) of § 1407.281, Second Revised Zoning Order No. 1, are amended, as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, New Hampshire, and Rhode Island; and Worcester, Middlesex, Essex, Norfolk, Bristol, Plymouth, Barnstable, Suffolk, Nantucket and Dukes Counties in the State of Massachusetts.

Zone 5 shall include all points in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland, and all points in the State of Virginia not included in Zone 4:

Zone 11 shall include the State of Vermont; that part of the State of Massachusetts not included in Zone 1; that part of the State of New York not included in Zone 2; that part of the State of Pennsylvania not included in Zone 3; those parts of the States of Maryland

and West Virginia not included in Zone 4; that part of the State of Ohio not included in Zone 8; and all points in the State of Indiana not included in Zone 8 where the base rate is based on shipments from Baltimore, Maryland.

(c) Sugar may be delivered, shipped or transferred from Zone 12 to any point in Zones 9 or 11.

(g) Amendment No. 1 to § 1407.281, Second Revised Zoning Order No. 1 (those parts of paragraph (a) which establish Zones 1, 5, and 11, and paragraph (c) of § 1407.281) shall become effective November 6, 1942.

Issued this 6th day of November 1942.

HAROLD B. ROWE,  
*Director, Food Rationing Division.*

[F. R. Doc. 42-11594; Filed, November 6, 1942; 2:08 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C]

MILEAGE RATIONING: GASOLINE REGULATIONS

*Preamble.* The Office of Price Administration has been directed by the Rubber Director to carry out the recommendations contained in the report of the President's Special Committee to Study the Rubber Situation.

The Committee stated: "We are faced with certainties as to demands: with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by 'bulling through' the present synthetic program and by safeguarding jealously every ounce of rubber in the county."

The recommendations of the Committee include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles \* \* \*
3. Prompt and strict enforcement of a Nation-wide speed limit not exceeding thirty-five miles an hour \* \* \*
4. Compulsory periodic tire inspection.

This Ration Order No. 5C has been adopted pursuant to the direction of the Rubber Director to complement the mileage rationing: Tire Regulations (Ration Order No. 1A). Wear and destruction of tires now in use must be reduced by curtailing the national average automobile mileage to a maximum of 5,000 miles per year. To accomplish this purpose, the Committee recommended:

That a new rationing system of gasoline be devised, based on this 5,000 miles a year to save tires.

That the restrictions as to gasoline and mileage be national in their application.

The Committee said:

Gas rationing is the only way of saving rubber. Every way of avoiding this method was explored but it was found to be inescap-

able. This must be kept in mind: The limitation in the use of gasoline is not due to shortage of that commodity—it is wholly a measure of rubber saving. That is why the restriction is to be Nation-wide. Any localized measure would be unfair and futile.

The mileage rationing: Gasoline Regulations (Ration Order No. 5C) control the use and acquisition of gasoline as a means to conserve rubber and to maintain our transportation system. To safeguard against violation of the fundamental scheme, control is extended to gasoline generally, whether or not for motor vehicles.

Control over commercial motor vehicle mileage is shared jointly by the Office of Defense Transportation and the Office of Price Administration. The mileage to be driven by, and accordingly the amount of wear of tires used on, trucks, busses, taxis, and other like vehicles used for transporting property or available for hire or rental will be determined by the Office of Defense Transportation, and evidenced by Certificates of War Necessity setting forth the maximum mileage and gasoline gallonage allowed for the vehicles operated. On the basis of such certificates, local War Price and Rationing Boards will issue transport rations, filling the requirements of such vehicles up to the maximum fixed by the certificate.

The Office of Price Administration, through its local War Price and Rationing Boards, will regulate the use and allowable mileage of passenger automobiles. All passenger automobiles, with certain exceptions, will receive a small, basic, mileage allowance, in order, primarily, to prevent casting all persons normally using such facilities on to public transportation systems not equipped to handle tremendously increased loads. The private passenger automobile is, in this sense, an integral and indispensable part of the Nation's system of transportation.

Above this basic ration, mileage will be allowed for occupational uses of the vehicle. But this supplemental allowance is strictly tailored in accordance with need. Moreover, carrying out the program of the Committee that essential driving be given first place, a maximum allowance of 470 miles per month is placed upon the occupational use of vehicles. The list of those users who may be allowed mileage above this maximum is limited to those who use their vehicles for purposes essential to the war effort or to the civilian economy.

Certain exceptional, non-occupational, necessary motor vehicle uses, such as the procuring of food and supplies, or medical care are recognized and special rations are allowed for such purposes. Further, since the desire for conservation of gasoline is not the chief factor motivating these regulations, gasoline rations for purposes not involving wear of rubber tires are given virtually without restriction, to meet the demonstrated requirements of the user.

However, passenger car rations are not issued unless the applicant has disposed of all idle tires which he owns, so that they may be available to meet the present needs of others. No one should be

<sup>1</sup> 7 F.R. 8523.

<sup>2</sup> 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6094, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710.

permitted to withhold an idle tire from use when that tire may be necessary to avoid deprivation of another's transportation. There should be no tires which are not either in use, immediately available for use, or in process of being made usable.

Finally, in order more effectively to serve the end desired, the allowance of gasoline for motor vehicle use is made dependent, as is the issuance of tires, upon use of the vehicle in a manner best calculated to conserve its tires. Thus, periodic tire inspections, observance of a 35 mile per hour maximum speed limit, and avoidance of abuse and neglect of tires, are made prerequisite to continuance of any ration issued.

By these means and through control of the motive power of rubber-using vehicles, the vital rubber supply of this country will be utilized for purposes most essential to the public welfare, and will be made to last, if possible, beyond the period of critical shortage. There is, of course, no assurance that the rubber supply situation in the future will not require further curtailment and enforce conservation of tire use. To a great extent, this will depend upon whether the driving public will alter and restrict its driving habits, and conserve to the utmost extent the tires now in use. The Committee said:

Let there be no doubt that only actual needs, not fancied wants, can, or should, be satisfied. To dissipate our stocks of rubber is to destroy one of our chief weapons of war. We have the choice!

Discomfort or defeat. There is no middle course.

Accordingly, pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1Q issued November 6, 1942.

*It is hereby ordered, That:*

#### SCOPE OF RATION ORDER NO. 5C

Sec.	
1394.7501	Territorial limitations.
1394.7502	Scope of restrictions.
1394.7503	Effect on Ration Order No. 5C on outstanding rations.
1394.7504	Effect of Ration Order No. 1A.

#### DEFINITIONS

1394.7551	Definitions.
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#### ADMINISTRATION, PERSONNEL AND JURISDICTION

1394.7601	Personnel.
1394.7602	Jurisdiction of Boards over issuance of rations.
1394.7603	Action on applications.
1394.7604	Records of applications.

#### BASIC RATIONS

1394.7651	Basic rations.
1394.7652	Basic ration books.
1394.7653	Application for and issuance of basic rations.

#### SUPPLEMENTAL RATIONS

1394.7701	Supplemental rations.
1394.7702	Passenger automobiles or motorcycles for which supplemental rations may not be issued.
1394.7703	Application for supplemental rations.
1394.7704	Allowance of mileage.
1394.7705	Issuance of supplemental rations.
1394.7706	Preferred mileage.

#### OFFICIAL AND FLEET RATIONS FOR OFFICIAL AND FLEET PASSENGER AUTOMOBILES AND MOTORCYCLES

Sec.	
1394.7751	Official and fleet rations for passenger automobiles and motorcycles.
1394.7752	Persons entitled to official and fleet rations.
1394.7753	Applications for official and fleet rations.
1394.7754	Allowance of mileage.
1394.7755	Issuance of official and fleet rations.
1394.7756	Interchangeable official or fleet ration books.
1394.7757	Issuance of rations for use with vehicles operated on dealer plates.

#### TRANSPORT RATIONS

1394.7801	Transport rations.
1394.7802	Persons entitled to transport rations.
1394.7803	Transport ration books.
1394.7804	Application for transport rations.
1394.7805	Issuance of transport rations.
1394.7806	Transport ration for equipment mounted on commercial motor vehicles.
1394.7807	Interchangeable transport ration books.
1394.7808	Temporary transport rations.

#### SPECIAL RATIONS

1394.7851	Application for special ration.
1394.7852	Form and issuance of special rations.

#### NON-HIGHWAY RATIONS

1394.7901	Persons entitled to non-highway rations.
1394.7902	Non-highway ration books.
1394.7903	Application for non-highway rations.
1394.7904	Issuance of non-highway rations.

#### ISSUANCE OF COUPON BOOKS AND ACKNOWLEDGMENTS OF DELIVERY BY THE OFFICE OF PRICE ADMINISTRATION, WASHINGTON, D. C.

1394.7951	Issuance of ration books by the Office of Price Administration.
1394.7952	Acknowledgments of delivery.

#### GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS AND TIRE INSPECTION RECORDS

1394.8001	Appearances before boards.
1394.8002	Presentation of registration card.
1394.8003	Notation on registration card.
1394.8004	Notation on ration books, applications and coupons.
1394.8005	Change of motor vehicle registration number.
1394.8006	Authorization of bulk purchase.
1394.8007	Lost or destroyed coupons or coupon books.
1394.8008	Disposition of lost coupon books.
1394.8009	Issuance of tire inspection records.
1394.8010	Presentation of tire inspection records and records required to be maintained by Office of Defense Transportation.
1394.8011	Denial of rations.
1394.8012	Earliest effective date of rations.
1394.8013	Consumer declaration of gasoline on hand.

#### RENEWAL OF RATIONS AND ISSUANCE OF FURTHER RATIONS

1394.8051	Renewal of rations.
1394.8052	Issuance of further ration for use prior to expiration date of current ration.
1394.8053	Special cases.
1394.8054	General provisions.

#### EXPIRATION, REVOCATION AND REDETERMINATION OF RATIONS

Sec.	
1394.8101	Surrender of expired coupons.
1394.8102	Expiration of rations.
1394.8103	Expiration of rations upon cessation of use, change in ownership, revocation of certificates of war necessity.
1394.8104	Coupon books property of Office of Price Administration; summary revocation.
1394.8105	Revocation of ration after hearing.
1394.8106	Effective period of order revoking ration.
1394.8107	Restoration of revoked rations upon application.
1394.8108	Presentation of registration card upon revocation of ration and notations thereon.
1394.8109	Authority of Regional Administrators, State Directors and District Managers to suspend and revoke rations and require the surrender of coupon books and coupons.
1394.8110	Redetermination of rations other than basic and transport rations in connection with applications for tires, tubes or recapping service.

#### GENERAL PROVISIONS WITH RESPECT TO TRANSFER AND USE RESTRICTIONS ON TRANSFER

1394.8151	Restriction on transfer to consumers.
1394.8152	Transfers to consumers.
1394.8153	Transfers to consumers in exchange for coupons.
1394.8154	Transfers in exchange for acknowledgment of delivery.
1394.8155	Transfers for export.
1394.8156	Emergency transfers.
1394.8157	Transfer of vehicle, boat or equipment.
1394.8158	Transfer of consumer establishments; Transfer by operation of law.
1394.8159	Rights of parties to contracts for transfer of gasoline.
1394.8160	Signature on coupon books.

#### PROHIBITED ACTS

1394.8161	General restrictions on use.
1394.8162	Change of occupation of ration holder.
1394.8163	Restrictions on use of rations or gasoline for racing or exhibition purposes.
1394.8164	Restrictions on use of rations or gasoline for sightseeing purposes.
1394.8165	Display of stickers.
1394.8166	Restrictions on blending of gasoline.
1394.8167	Restrictions on consumption of gasoline.
1394.8168	Transfers from fuel tank to fuel tank of vehicles and boats forbidden.
1394.8169	Discrimination by dealers and distributors.
1394.8170	Mileage limitations.
1394.8171	Limitation on speed.
1394.8172	Tire certification, inspection and surrender of excess tires.
1394.8173	Use in violation of Ration Order 1A.
1394.8174	Tires unlawfully acquired.
1394.8175	Abuse or neglect of tires.
1394.8176	Offers, solicitations, attempts or agreements.
1394.8177	Rations not transferable.
1394.8178	Mutilation, destruction, or counterfeiting of coupon books or certificates.
1394.8179	Compliance with ODT orders.

- Sec.  
1394.8180 Applicability of order to rations issued under Ration Order No. 5A.  
1394.8181 False statements.

## REPLENISHMENT AND AUDIT

## REGISTRATION OF PLACE OF BUSINESS

- 1394.8201 Registration of inventory and capacity.  
1394.8202 What constitutes gasoline on hand.  
1394.8203 What constitutes gasoline storage capacity.  
1394.8204 Issuance of registration certificates.  
1394.8205 Issuance of inventory coupons.  
1394.8206 Restriction on use of inventory coupons.

## RESTRICTIONS ON TRANSFERS BETWEEN DEALERS AND DISTRIBUTORS

- 1394.8207 Restriction on transfers.  
1394.8208 Same; other applicable provisions.  
1394.8209 Absentee deliveries; third party deliveries.  
1394.8210 Upstream transfers.  
1394.8211 Preservation of coupons; coupon sheets.  
1394.8212 Preservation of acknowledgments; summaries of acknowledgments.  
1394.8213 Summary of coupons.  
1394.8214 Exchange of coupons for certificates.  
1394.8215 Transfer and surrender of expired coupons.  
1394.8216 Certification of shortages.

## RECORDS AND AUDITS

- 1394.8217 Records to be kept by dealers and intermediate distributors.  
1394.8218 Reports by licensed distributors.  
1394.8219 Audit by State Motor Fuel Tax Administration.

## NEW REGISTRATIONS

- 1394.8220 Registration of new or reopened place of business.  
1394.8221 Cessation of business.  
1394.8222 Acquisition of place of business from licensed distributor.  
1394.8223 Acquisition of dealer's or intermediate distributor's place of business.  
1394.8224 Surrender or revocation of license of licensed distributor.  
1394.8225 Newly licensed distributor.  
1394.8226 Change of storage capacity.

## INSPECTIONS

- 1394.8227 Inspection of records and facilities.

## ADJUSTMENTS AND APPEALS

- 1394.8251 Adjustments of errors made by registrars.  
1394.8252 Appeals from decisions of boards.

## ENFORCEMENT

- 1394.8301 Criminal prosecutions.  
1394.8302 Suspension orders.

## EFFECTIVE DATES

- 1394.8351 Effective dates.

AUTHORITY: §§ 1394.7501 to 1394.8351, inclusive, issued pursuant to Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1Q *supra*; E.O. 9125, 7 F.R. 2719.

## SCOPE OF RATION ORDER NO. 5C

§ 1394.7501 *Territorial limitations.* Except as otherwise expressly provided all of the provisions of Ration Order No. 5C shall apply to the entire area included

No. 221—5

within the continental limits of the United States.

§ 1394.7502 *Scope of restrictions.* Nothing in Ration Order No. 5C shall be construed to:

(a) Limit the quantity of gasoline which may be acquired by or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission of the United States.

(b) Limit the quantity of gasoline which may be acquired by any person, for export to and consumption or use in any foreign country.

(c) Affect or apply to any transfer of gasoline between the agencies named in paragraph (a) hereof.

§ 1394.7503 *Effect of Ration Order No. 5C on outstanding rations.* (a) Except as provided in paragraphs (b) and (c) of this section and § 1394.8180 no provision of Ration Order No. 5C shall affect the validity or valid period of any ration issued pursuant to Ration Order No. 5A: *Provided*, That, after November 21, 1942, no ration issued pursuant to Ration Order No. 5A shall be renewed except pursuant to the provisions of Ration Order No. 5C.

(b) All rations represented by Class S coupons issued pursuant to Ration Order No. 5A, and all service rations issued pursuant to Ration Order No. 5A whether represented by S coupons or bulk coupons and rations issued pursuant to Ration Order No. 5A to lessees of vehicles and boats available for public rental shall expire at 12:01 a. m., November 22, 1942, and the coupons representing such rations shall be void, after November 21, 1942, and shall within five (5) days be surrendered to the issuing Board.

(c) No ration issued pursuant to Ration Order No. 5A may be used for a purpose prohibited by the provisions of Ration Order No. 5A or Ration Order No. 5C. All rations issued pursuant to Ration Order No. 5A shall be subject to modification, revocation and redetermination pursuant to the provisions of Ration Order No. 5C.

§ 1394.7504 *Effect on Ration Order No. 1A.* No allotment of gasoline issued pursuant to Ration Order No. 5C for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1A or to remove or avoid any disqualification of such vehicle under Ration Order No. 1A which would otherwise result from such use.

## DEFINITIONS

§ 1394.7551 *Definitions.* (a) When used in Ration Order No. 5C:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration, or a Plant Area Board or other Board established by the Office of Price Administration and designated by such Office to serve the workers in specified industrial or extractive establishments.

17 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6776, 6684, 7510, 7399, 7748, 7811, 7907, 8708, 8808.

(2) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(3) "Bulk transfer" means any transfer of gasoline other than: (i) into the fuel tank of a registered or commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates; or (ii) into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(4) "Certificate of War Necessity" or "certificate" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 21.

(5) "Commercial motor vehicle" means (i) a straight truck; a combination truck-tractor and semi-trailer, a combination truck-tractor and full trailer, or a combination truck-tractor, semi-trailer and full trailer; or any other rubber-tired motor vehicle (other than a motorcycle) built (or rebuilt) primarily for the purpose of transporting property on the highways; and (ii) any of the following motor vehicles used in the transportation of persons upon the highways: any bus; any ambulance or hearse; any taxicab or jitney; any motor vehicle (other than a motorcycle) available for public rental; any station wagon or suburban carry-all available for hire or public rental; and any other motor vehicle other than a passenger automobile or motorcycle.

(6) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(7) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

(8) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(9) "Equipment," when used in §§ 1394.7653 (c), 1394.7705 (d), 1394.7753, 1394.7755 (d), 1394.8009 (b) (c) and 1394.8172, means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

(10) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term shall include coupons, acknowledgments of de-

livery, inventory coupons, exchange certificates on Form OPA R-548 issued by a Board in return for other evidences received, and export certificates on Form OPA R-560.

(11) "Fleet," as applied to a passenger automobile or motorcycle, means that such vehicle is one of three or more passenger automobiles or three or more motorcycles owned or leased by and used by the same person or organization principally in connection with the same or related occupations, or, as applied to a commercial motor vehicle, that such vehicle is one of the three or more commercial vehicles owned or operated by the same person.

(12) "Gasoline" means any liquid fuel which is commonly or usually used for the propulsion of motor vehicles, aircraft, or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzene, benzol, and naphtha.

(13) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(14) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale.

(15) "Inventory coupon" means a one-gallon or one-hundred-gallon coupon issued by a Board to represent unfilled storage capacity of a dealer or intermediate distributor, or for such other purpose as may be provided in Ration Order No. 5 C.

(16) "Issuing Board" means the Board which issued a particular gasoline ration.

(17) "Licensed distributor" means any person, including any refiner, manufacturer, blender, importer, bulk distributor, wholesaler, or consumer, who transfers, receives, or uses gasoline in such manner as to be required to account for the State motor fuel taxes imposed thereon directly to the motor fuel tax administration of a State. Any such person shall be deemed to be a licensed distributor in each State to which he is required to account for such State motor fuel taxes, but only in such States: *Provided*, That any place of business at which functions corresponding to those of a dealer or intermediate distributor are performed and which is operated by, or receives gasoline on consignment for purposes of sale from, a licensed distributor located in the same State in which such place of business is located shall be deemed to be a part of the facilities of such licensed distributor if:

(i) Title to gasoline delivered to such place of business remains in the licensed distributor until the time of transfer of such gasoline therefrom; and

(ii) State motor fuel taxes are paid by such licensed distributor either upon receipt of such gasoline by the licensed distributor, or upon transfers of gasoline made at such place of business rather than upon the delivery of gasoline thereto.

(18) "Limitation area" means the entire eastern part of the continental United States up to and including all of

the counties of Niagara, Erie, Wyoming, Livingston and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair, and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant, and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe, and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chathahoochee, Stewart, Quitman, Clay, Early, Seminole, and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Apalachicola River in the State of Florida: *Provided*, That if part of an incorporated or unincorporated city, town or village is located within the limitation area, all of such city, town or village shall be deemed to be within such area.

(19) "Motorcycle" means any motor vehicle designed for highway operation on three wheels or less, but does not include tractors.

(20) "Motorcycle tire" means any tire designed primarily for use on a motorcycle and in no event larger than 4.50-18.

(21) "Motor vehicle" means any rubber-tired, self-propelled conveyance the motive power for which is furnished by an internal-combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(22) "Motor vehicle dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(23) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others.

(24) "Mounted," as applied to a tire, means that such tire is held for use on a motor vehicle or equipment, whether or not physically mounted but not in excess of one tire for each wheel and one spare for each motor vehicle.

(25) "Non-highway use" means any use of gasoline other than (i) for the propulsion of a registered motor vehicle, a commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates, or (ii) for the operation of machinery or equipment mounted on a commercial motor vehicle.

(26) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

(27) "Occupational mileage" means mileage driven by a person in carrying on an occupation or to and from a place where such occupation is carried on.

(28) "Official," as applied to a passenger automobile or motorcycle, means that such automobile or motorcycle is owned or leased by a Federal, State, local or foreign government or government agency, other than by the armed forces

of the United States or the armed forces of a State organized pursuant to section 61 of the National Defense Act, as amended.

(29) "Organized transportation plan" means a plan organized and administered by a joint management-labor committee, or some similar group or individual designated by agreement between or with the consent of management and labor for the purpose of transporting, with a minimum use of tires, all workers who require automobiles for transportation to and from their work.

(30) "Passenger automobile" means any motor vehicle, other than an ambulance, hearse, vehicle available for public rental, taxicab, jitney, or a motorcycle, which is built primarily for the purpose of transporting persons on the highways and has a rated seating capacity of seven (7) or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental.

(31) "Passenger-type tire" means any tire designed primarily for use on a passenger automobile excluding motorcycle tires and tires located outside the continental United States.

(32) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(33) "Ration," as the context requires, means either a right to acquire and use gasoline which is evidenced by coupons issued by a Board on the basis of an application, or the amount of gasoline acquired in exchange for such coupons or both.

(34) "Ration book" means any gasoline coupon book issued pursuant to Ration Order No. 5A or 5C.

(35) "Registered," as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or by a State, territorial or foreign government.

(36) "Scrap," as applied to a tire, means incapable of being repaired for use.

(37) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(38) "State" includes the District of Columbia.

(39) "State motor fuel tax administration" means the commission, board, department, or officer having charge of receiving and auditing the reports of taxes levied by a State on the transfer, receipt or use of gasoline.

(40) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion

of shipment, shall not be deemed to be a transfer to or by such carrier.

(41) "Transfer," as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(42) "Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

(43) "Vehicle available for public rental" means any registered motor vehicle leased from or held for rental by a motor vehicle rental agency.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

#### ADMINISTRATION, PERSONNEL AND JURISDICTION

§ 1394.7601 *Personnel.* (a) Ration Order No. 5C shall be administered by the Office of Price Administration through its War Price and Rationing Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 5C shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may, from time to time, delegate.

(b) The persons referred to in paragraph (a) of this section may be assisted in the issuance of basic rations (as prescribed in § 1394.7653) by the chief school officials of the several States, the city and county superintendents of schools, and by the persons who may be appointed to act as school site administrators and registrars. The school site administrators shall be appointed by the city or county school superintendents and the registrars shall be appointed by the school site administrators. The persons mentioned in this paragraph shall be under the supervision of the persons mentioned in paragraph (a) of this section and of the persons who appointed them.

(c) No person participating in the administration of Ration Order No. 5C shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

§ 1394.7602 *Jurisdiction of Boards over issuance of rations.* (a) For purposes of Ration Order No. 5C, a Board other than

a Plant Area Board or other Board specially designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments, shall have jurisdiction over:

(1) The issuance of basic rations: *Provided*, That during the period from November 9, 1942, to November 11, 1942, inclusive, such rations shall be issued only by registrars, in accordance with § 1394.7653;

(2) The issuance of rations (other than basic rations) for motor vehicles normally garaged or stationed in the area which the Board is designated to serve: *Provided*, That rations for fleet vehicles may, at the option of the applicant, be issued by the Board having jurisdiction over the area in which an office is maintained for directing the operations of such vehicles;

(3) The issuance of non-highway rations:

(i) For inboard motorboats, outboard motors or non-highway vehicles normally kept or stationed in the area which the Board is designated to serve;

(ii) For machinery or equipment located in the area which the Board is designated to serve;

(iii) For other non-highway use.

(4) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of paragraphs (1), (2) or (3) of this section; any person applying for a ration pursuant to this paragraph, for a registered or commercial motor vehicle, shall furnish the Board with the address of the place (if any) where such vehicle is normally garaged or stationed;

(5) The issuance of a ration for use with a motor vehicle, inboard motorboat, or outboard motor which is normally garaged, stationed or kept outside of the area included within the continental limits of the United States.

(b) For the purpose of Ration Order No. 5C, a Plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction over:

(1) The issuance of basic, supplemental, and special rations for the motor vehicles of workers employed in the specified industrial or extractive establishments which such Board is designated to serve.

(i) No such Board shall have jurisdiction to issue any basic, supplemental or special ration for the motor vehicle of a worker employed in industrial or extractive establishments which it is designated to serve if such worker has made application, during the time he was so employed, for a ration for such vehicle under Ration Order No. 5C to the Board having jurisdiction over the area in which such vehicle is normally garaged or stationed: *Provided however*, That such plant area or other specially designated Board shall have jurisdiction to issue such ration if the applicant, since the time of making application to the Board having jurisdiction over the area in which his vehicle was normally garaged or stationed, has moved his residence and the place at which his vehicle

is normally garaged or stationed to an area within the jurisdiction of another Board, and has not made application for such ration to such other Board.

(c) For the purposes of Ration Order No. 5C, no Board other than a Plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction over the issuance of a basic, supplemental or special ration to an applicant employed at such industrial or extractive establishments if such applicant has made application for a basic, supplemental or special ration to a Plant Area Board or other Board designated to serve such industrial establishment unless the applicant since the time of making application to such Board has changed his place of employment and is no longer in the jurisdiction of such Board.

(d) No person shall be entitled to receive or to use a ration issued by a Board which does not have jurisdiction over the issuance thereof in accordance with this section.

§ 1394.7603 *Action on applications.* The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall promptly notify the applicant of its decision.

§ 1394.7604 *Records of applications.* (a) All applications for basic rations submitted at an application site referred to in § 1394.7653 shall, when passed upon, be forwarded to the War Price and Rationing Board having jurisdiction over the area in which such application site is located.

(b) Except as provided in paragraph (c) of this section, each Board shall maintain a file of all applications for gasoline rations passed upon by it or received by it from any other Board or from any application site.

(c) A Board, after passing upon an application for a ration for use with a motor vehicle, made before it pursuant to paragraph (a) (4) of § 1394.7602, shall forward such application through the State Director to the Board having jurisdiction under paragraphs (a) (2) or (a) (3) of that section.

#### BASIC RATIONS

§ 1394.7651 *Basic rations.* A basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle during the period from November 22, 1942, or the date of issuance of the ration, whichever is later, to July 21, 1943, inclusive, except that no basic ration shall be issued for use with a passenger automobile or motorcycle which is:

(a) Owned or leased by a Federal, State, local, or foreign government, or government agency; or

(b) Part of a fleet of passenger automobiles or motorcycles; or

(c) Held by a motor vehicle dealer for sale or resale.

§ 1394.7652 *Basic ration books.* Class A coupon books, and Class D coupon books marked "Basic," shall be issued as basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Subject to the provisions of § 1394.7653 (d) each Class A and Class D ration book shall contain thirty-two (32) coupons. Each coupon contained in a basic ration book shall have a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below.

Coupons numbered	Valid period
3-----	November 2, 1942, to January 21, 1943, inclusive.
4-----	January 22, 1943, to March 21, 1943, inclusive.
5-----	March 22, 1943, to May 21, 1943, inclusive.
6-----	May 22, 1943, to July 21, 1943, inclusive.

Coupons in Basic Class D books shall be valid for the transfer of gasoline to a consumer at any time prior to July 22, 1943.

§ 1394.7653 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on Form OPA R-534. During the period from November 9, 1942, to November 11, 1942, inclusive, application shall be made at any application site designated by the Office of Price Administration. After November 11, application shall be made to a Board: *Provided*, That, except for good cause shown for failure to apply at an application site, application may not be made to a Board prior to November 25, 1942. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) The application must be signed by the registered owner of the vehicle for which a ration is sought and may not be signed by an agent: *Provided*, That the Board may accept an application signed by a duly authorized agent of the registered owner if the applicant for whom the agent is acting is physically unable to sign or is outside the jurisdiction of the Board with which application is filed.

(c) Each applicant for a basic ration shall state:

(1) The serial number of all tires mounted (including one spare) on the vehicle for which application is made; and

(2) The number and serial number of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(d) Pursuant to such application, a basic ration shall be issued during the period from November 9, 1942, to November 11, 1942, inclusive, by any registrar appointed under paragraph (a) or (b) of § 1394.7601. After November 11, a basic ration shall be issued by a Board.

The Board shall remove from any Class A book issued subsequent to November 22, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the "valid period" during which such book is issued. In the case of a Basic D book issued after November 22, 1942, one coupon shall be removed for each full eight days which have elapsed since November 22, 1942.

(e) No basic ration shall be issued by a registrar or a Board unless the applicant has certified in the application that no passenger-type tires required to be reported in such application pursuant to paragraph (c) (2) of this section are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption. No person shall be entitled to a basic ration if, at the time of issuance, the registered owner of the vehicle or any person living in his household and related to him by blood, marriage or adoption owns tires required to be reported in an application pursuant to paragraph (c) (2) of this section.

(f) No more than one basic ration may be issued for a vehicle, except as provided in §§ 1394.8007 and 1394.8103, and no person shall be entitled to more than one basic ration for the same vehicle, during the period from July 22, 1942, to July 21, 1943: *Provided*, That any person who has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued, or by reason of having removed such motor vehicle from the limitation area prior to November 22, 1942, may apply to a Board for reissuance thereof. Application for reissuance shall be made on Part A of Form OPA R-534, and the applicant shall attach thereto a certification in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof, the reason therefor, and the number of unused coupons remaining in the book at the time of surrender. In the event that the Board is satisfied that the applicant surrendered such a ration in good faith the Board shall issue a basic ration book to the applicant pursuant to the provisions of § 1394.7653: *Provided*, That no coupon book reissued pursuant to the provisions of this paragraph shall contain coupons in excess of the number of coupons contained in the coupon book surrendered.

(g) Notwithstanding any other provision of Ration Order No. 5C, the period of time during which basic rations may be issued at application sites referred to in § 1394.7653 may be extended by the Office of Price Administration, its War Price and Rationing Boards or such other administrative personnel as it may select.

#### SUPPLEMENTAL RATIONS

§ 1394.7701 *Supplemental rations.* (a) The following coupon books may be issued by a Board as Supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in § 1394.7702), to provide for occupational mileage driven in such vehicle by anyone, to the extent

that such mileage is allowed by the Board pursuant to § 1394.7704:

(1) Class B or Class C coupon books for use with passenger automobiles.

(2) Class D coupon books marked "Supplemental" for use with motorcycles.

(b) When issued as a supplemental ration, Class B books shall contain sixteen (16) coupons, and Class C and D books shall contain the number of coupons, specified in the tables set forth in § 1394.7705, necessary to provide the mileage allowed by the Board. Each coupon in a Class B, Class C or Supplemental Class D book shall have a value of one unit. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Board. Class B rations and books shall be valid only for the period ascertained pursuant to § 1394.7705. Class C and Supplemental Class D rations and books issued pursuant to Ration Order No. 5C shall be valid for a period of three months commencing on November 22, 1942, or on the date of issuance, whichever is later.

(c) Applicants for supplemental rations are deemed to have available 150 miles per month of occupational driving by using the basic ration to which they are entitled; and supplemental rations may be issued to provide only occupational mileage allowed by a Board in excess of 150 miles per month. However, no deduction for such 150 miles shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since a deduction of 150 miles from the total mileage allowed by the Board is automatically made when the Board applies the tables set forth in § 1394.7705 pursuant to which supplemental rations are to be issued.

§ 1394.7702 *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* No supplemental rations may be obtained or shall be issued for use with a passenger automobile or motorcycle for which no basic ration has been issued or which is:

(a) Owned or leased by a Federal, State, local or foreign government or government agency; or

(b) Part of a fleet of passenger automobiles or motorcycles; or

(c) Held by a motor vehicle dealer for sale or resale.

§ 1394.7703 *Application for supplemental ration.* (a) Application for a supplemental ration may be made to a Board on or after November 12, 1942, on Form OPA R-535, by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

(b) An applicant shall establish the average monthly occupational mileage driven within the continental United States and required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

(1) Driving between home and a fixed place of work in connection with the

principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) In the event that two or more passenger automobiles for which supplemental rations are desired, are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of § 1394.7704, a separate application for a supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdiction of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrangement, and such duplicate copies shall show, if possible, the action taken by the respective Boards on the originals thereof.

§ 1394.7704 Allowance of mileage. (a) Except as provided in paragraph (c) of this section occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of § 1394.7703 if the applicant establishes, in connection with the use of the vehicle for that purpose, either:

(1) That a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing

that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(3) In the event the applicant or principal user is employed at a power generation or transmission facility, public utility, transportation or communication facility, or agricultural, extractive, industrial, military or naval establishment at which more than one hundred (100) persons are employed, the application, if made for a ration to be used for transporting such applicant or principal user to and from such place of employment, must be certified as indicated thereon by an official in charge of an organized transportation plan at such establishment.

(4) In the event application is made for a supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving within the continental United States for any of the purposes listed in paragraph (b) of § 1394.7703 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for the three-months' period specified in paragraph (b) of § 1394.7703 and shall issue a supplemental ration, in accordance with the provisions of § 1394.7705, to provide such mileage: *Provided*, That the Board may not allow an average of more than 470 miles per month for any occupational mileage other than preferred mileage as defined in § 1394.7706. The Board may allow an average mileage in excess of 470 miles per month only if such excess consists of such preferred mileage.

(c) A Board having jurisdiction over an area which is adequately served by subway, elevated railroad, or railroad commutation service shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such subway, elevated railroad, or railroad commutation service would not be reasonably adequate for the purpose for which such mileage is claimed.

(d) The Board shall deduct from the mileage it allows for a passenger automobile, in accordance with paragraph (b) above, 150 miles per month for each additional passenger automobile (other

than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

§ 1394.7705 Issuance of supplemental rations. (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7704.

(1) In the case of a passenger automobile, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: one Class B book having the valid period specified in Table I for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 exceeds 470 miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table II for the mileage allowed.

(2) In the case of a motorcycle: one or more Class D books (to be marked "Supplemental") bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table I, if the mileage allowed is 470 miles per month or less, or specified in Table II, if the mileage allowed is in excess of 470 miles per month.

TABLE I—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 150 but not more than 470 miles per month]

Passenger automobile		Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks	Allowed mileage	Number of coupons to be issued in Supplemental "D" book
	(Months) (Weeks)		
0-150	(No "B" book)	0-150	(No Supplemental "D" book)
151-230	12	151-170	1
231-246	10	171-190	2
247-270	8	191-210	3
271-287	7	211-230	4
288-310	6	231-250	5
311-324	5	251-270	6
325-342	5	271-290	7
343-363	4	291-310	8
364-390	4	311-330	9
391-406	3	331-350	10
407-424	3	351-370	11
425-445	3	371-390	12
446-470	3	391-410	13
		411-430	14
		431-450	15
		451-470	16

<sup>1</sup> To be used only for vehicles entitled to basic rations.

TABLE II—PASSENGER AUTOMOBILES OR MOTORCYCLES

DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 470 miles per month]

Allowed mileage. (All in excess of 470 miles per month must be preferred mileage):	Number of Coupons (Class "C" or Supplemental Class "D" Book)	Allowed mileage. (All in excess of 470 miles per month must be preferred mileage)—Continued.	Number of Coupons (Class "C" or Supplemental Class "D" Book)
471-490.....	17	791-810.....	33
491-510.....	18	811-830.....	34
511-530.....	19	831-850.....	35
531-550.....	20	851-870.....	36
551-570.....	21	871-890.....	37
571-590.....	22	891-910.....	38
591-610.....	23	911-930.....	39
611-630.....	24	931-950.....	40
631-650.....	25	951-970.....	41
651-670.....	26	971-990.....	42
671-690.....	27	991-1,010.....	43
691-710.....	28	1,011-1,030.....	44
711-730.....	29	1,031-1,050.....	45
731-750.....	30	1,051-1,070.....	46
751-770.....	31	1,071-1,090.....	47
771-790.....	32	1,091-1,110.....	48

<sup>1</sup> To be used only for vehicles entitled to basic rations.

In the event allowed mileage exceeds 1,110 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons.

(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued hereunder.

(c) For the purpose of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

(d) No supplemental ration shall be issued by a Board unless the applicant certifies that the registered owner, or his agent, has certified that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment; and no person shall be entitled to a supplemental ration if, at the time of issuance, the registered owner or any person living in his household and related to him by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

§ 1394.7706 Preferred mileage. The mileage driven in a passenger automobile or motorcycle by the owner or a person entitled to the use thereof, necessary for carrying out one or more of the following purposes, shall be deemed preferred mileage:

(a) By a duly elected or appointed agent, officer, representative or employee of a Federal, State, local or foreign government or government agency, for performing the official business or carrying out an official function of such government or government agency; or by a duly

authorized official, employee, agent, or representative of the American Red Cross, for performing the official business of the American Red Cross, either in a passenger automobile or motorcycle owned or leased by the American Red Cross, or in a passenger automobile or motorcycle not owned or leased by the American Red Cross if compensation is paid by the American Red Cross for the performance of such business and for the use of such passenger automobile or motorcycle: *Provided*, That:

(1) No Board (unless otherwise instructed by the Office of Price Administration) shall allow preferred mileage to any agent, representative or employee of a Federal, State, local or foreign government or government agency (other than mileage to be driven in an official or fleet vehicle) unless the application for such ration has been certified by an officer of such government or government agency empowered to authorize or to supervise travel by such officer, representative or employee: *Provided*, That a Board may allow preferred mileage without requiring such a certification if it has received from a duly authorized official of such government or government agency a list approved by the Office of Price Administration, showing (i) those official duties and functions which cannot effectively be performed or carried on without travel by automobile or motorcycle, and (ii) the minimum number of miles of driving which are required therefor. A Board shall allow no preferred mileage, on the basis of any such list, for the performance of any official duty or function not provided on such list, nor to an extent greater than the minimum number of miles which are indicated as being essential to the performance of any such function.

(2) Daily or periodic travel between home or lodgings and a fixed place of work shall not (except as provided in subparagraph (3) and (4) hereof) be

deemed performance of official business or carrying out an official function.

(3) Travel by duly elected members of federal or state legislative bodies:

(i) Between their places of residence and the city or town of legislative session, or within such city or town and within their respective legislative districts in connection with their functions as legislators, except daily or periodic travel between home or lodgings and a fixed place of work; or

(ii) Elsewhere in pursuit of legislative business, shall be deemed the carrying out of an official function.

(4) Travel by a member of a War Price and Rationing Board between home or lodgings and a place at which such Board conducts its business, or compensated travel by a person engaged in the administration of the Selective Service System, whose services are not otherwise compensated, between home or lodgings and the place at which the business of the Selective Service System is conducted, shall be deemed performance of official business.

(b) By a school teacher or school official for the performance of school duties which require regular travel to more than one recognized educational institution.

(c) By a person for regularly transporting four or more pupils, students, teachers, or school employees to or from regular places of study, provided that alternative means of transportation are not adequate.

(d) For the transportation of mail on behalf of the United States Government.

(e) For delivery, other than delivery to the reader, of newspapers (not including magazines).

(f) For the transportation of non-portable equipment used in making newsreels for dissemination of information to the public, by a person regularly engaged in such activity.

(g) By a physician, surgeon, dentist, osteopath, chiropractor, or midwife, for making necessary professional calls outside his office if he regularly makes such calls, or for travel between offices maintained by him, but only if the applicant is licensed as such by the appropriate governmental authority.

(h) By a farm veterinary for rendering professional services at agricultural establishments, but only if the applicant is licensed by the appropriate governmental authority and regularly renders such professional services.

(i) By a medical interne, student of an accredited medical school or a public health nurse (but not including a private nurse) employed by or serving under the direction of a clinic or hospital, governmental agency, industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls.

(j) By an embalmer for rendering necessary services in connection with the preparation for interment of deceased persons, but only if the applicant is licensed as such by the appropriate governmental authority.

(k) By a practicing minister of any religious faith who regularly serves a congregation, to enable him to meet the

religious needs of the locality which he regularly serves, but not to go from home to place of worship; or by a practicing minister who regularly serves more than one congregation, to enable him to travel to the churches which he serves.

(l) By a religious practitioner, other than a minister, who is duly authorized by an organized religious faith to render services of a religious nature to members of such faith, for rendering such services to such members in the locality which he regularly serves, but not for travel from home to place of worship.

(m) By a farmer for transportation of farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm.

(n) By a person, including an employer, employers' organization, or labor organization, for the transportation of farm workers, commercial fishermen, seamen, or marine workers between their homes or lodgings and to, from or between their places of employment.

(o) By a worker, including an executive, technician or office worker (but excluding a person while engaged in promotional, merchandising, sales, landscaping or decorating activities, wholesale or retail delivery, and a member of the armed forces of the United States or military forces organized pursuant to section 61 of the National Defense Act, as amended), for necessary travel to, from, within or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishment or facilities.

(1) Naval, military or hospital establishments or facilities;

(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity, gas, steam, or water; or of irrigation, drainage, flood control or sanitation systems; or of telephone, telegraph, radio or communication systems;

(3) Industrial, extractive or agricultural establishments essential to the war effort, including: plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, or necessary part thereof; or of any raw, semi-processed or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools, machinery or appliances essential to the manufacture or use thereof; or of munitions or fuel; or of essential medical supplies or essential food or clothing.

(p) By an authorized agent of government or of management or labor, for transportation to, from, within or between the establishments or facilities listed in paragraph (o) hereof, in order to maintain peaceful industrial relations therein or to recruit or train workers listed in paragraph (n) or (o) of this section.

(q) By an engineer, architect, technician, construction worker, repair or

maintenance man who requires the use of a passenger automobile or motorcycle for performing, or for transporting materials or equipment necessary to perform, construction work; or by any of the above described persons who require the use of a passenger automobile or motorcycle to travel from one place to another (but not from home or lodgings to a fixed place of work) for performing, or for transporting materials or equipment necessary to perform, any of the following services: highway maintenance, or repair, or structural or mechanical installation, maintenance or repair, the extermination of vermin, or the exploration, discovery or exploitation of natural resources for the purpose of obtaining necessary war materials; or by a person who requires the use of a passenger automobile or motorcycle to travel from place to place (but not from home or lodgings to a fixed place of work) for performing highly skilled services necessary to the operation or functioning of the establishments or facilities described in paragraph (o) hereof: *Provided*, That preferred mileage may not be allowed pursuant to this paragraph to any person while engaged in promotional, merchandising or sales activities or retail or wholesale delivery, or to any person for the repair, maintenance, installation or construction of decorations or decorative equipment, or of novelty, amusement or entertainment devices, or of portable household equipment or furniture, or for landscaping.

(r) By members of the armed forces of the United States, or State military forces organized pursuant to section 61 of the National Defense Act, as amended, for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business where no military vehicle is available: *Provided*, That:

(1) The applicant must present to the Board a statement from his commanding officer which sets forth the following:

(i) The mileage sought is for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business;

(ii) No adequate quarters can be provided for the applicant at his post of duty or that the applicant's duties require frequent travel on official business;

(iii) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and,

(iv) The commanding officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible, consistent with the capacity of the vehicle.

(s) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams by a person regularly engaged in that business.

(t) By a person regularly engaged in the business of dealing in scrap materials for locating and accumulating

scrap metals, or other scrap materials essential to the war effort: *Provided*, That no preferred mileage shall be allowed under this paragraph unless the applicant presents to the Board a certification by the Regional Salvage Manager of the War Production Board, or the District Chief of the appropriate section of the Conservation Division of the War Production Board, that travel by the applicant for such purpose is essential to the war effort.

#### OFFICIAL AND FLEET RATIONS FOR OFFICIAL AND FLEET PASSENGER AUTOMOBILES AND MOTORCYCLES

§ 1394.7751 *Official and fleet rations for passenger automobiles and motorcycles.* (a) The following coupon books and coupons, for use with registered passenger automobiles and registered motorcycles which are owned or leased by a Federal, State, local or foreign government or government agency (other than by the armed forces of the United States or by State military forces organized pursuant to section 61 of the National Defense Act, as amended) or which are part of a fleet shall be issued by a Board as rations to persons entitled to receive them under the provisions of § 1394.7752 to provide for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754:

(1) Class B or Class C coupon books for use with passenger automobiles;

(2) Class D coupon books marked "Official" or "Fleet" for use with motorcycles;

(3) Bulk coupons issued pursuant to paragraph (b) of § 1394.8006.

(b) When issued as an official or fleet ration, Class B books shall contain sixteen (16) coupons and Class C and D books shall contain the number of coupons specified in the tables set forth in § 1394.7755, necessary to provide the mileage allowed by the Board. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Board. Class B rations and books shall be valid only during the period ascertained pursuant to § 1394.7755. Class C and official or fleet Class D rations and books shall be valid during a period of three months commencing on the date of issuance or November 22, 1942, whichever is later.

§ 1394.7752 *Persons entitled to official and fleet rations.* (a) Subject to the provisions of paragraph (b) hereof, the owner or the person entitled to the use of an official motor vehicle may obtain an "official" ration and the owner or the person entitled to the use of a registered passenger automobile or a registered motorcycle (other than an official motor vehicle) which is a part of a fleet may obtain a "fleet" ration, providing for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754.

(b) Such official or fleet ration shall not be issued and may not be obtained for use with a passenger automobile or motorcycle which is held by a motor vehicle dealer for sale or resale.

§ 1394.7753 *Application for official and fleet rations.* Application for official and fleet rations shall be made to a Board on or after November 9, 1942, on Form OPA R-551. An application may cover one or more vehicles and may be signed by an agent. An applicant shall establish the average monthly occupational mileage within the continental United States required for each vehicle covered in the application or required for each of a group of vehicles used interchangeably for carrying on the same or a related occupation or occupations during the three-month period beginning with the date on which the ration is required. Each application for an official or fleet ration shall contain a certification by the owner or by a responsible representative of the owner as to (a) the serial numbers of the tires mounted on each vehicle for which application is made, and (b) except in the case of an application for an official ration, the number and serial number of passenger-type tires (excluding motorcycle tires but including scrap tires) owned by the registered owner of the vehicles in excess of those mounted (including one spare per motor vehicle) on motor vehicles or equipment other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board.

§ 1394.7754 *Allowance of mileage.* (a) No occupational mileage shall be allowed by a Board unless the applicant establishes in connection with such mileage, either:

(1) That transportation is needed for such occupational purposes, and that no alternative means of transportation are available which would be reasonably adequate within the meaning of § 1394.7704; or

(2) That a bona fide ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles for such purposes, pursuant to which at least four persons (including the driver) will regularly be carried in the vehicle in connection with their occupations, and that transportation is required for such purposes: *Provided*, That the names and addresses of all persons (other than the drivers of the vehicles) participating in the ride-sharing arrangement shall be set forth on separate sheets and attached to the application: *Provided further*, That a Board having jurisdiction over an area which is adequately served by subway, elevated railroad or railroad commutation service shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant also establishes that the use of such subway, elevated railroad or railroad commutation service would not be reasonably adequate for the purpose for which such mileage is claimed.

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average occupational mileage per month determined by it to be required for driving within the continental United States, during the three-month period specified in § 1394.7753 and shall issue a ration in accordance with the provisions of § 1394.7755 to provide such mileage: *Provided*, That the

Board may not allow an average of more than 470 miles per month for any vehicle nor an average of more than 470 miles per month per vehicle for any group of vehicles, for any occupational mileage other than preferred mileage as defined in § 1394.7706.

§ 1394.7755 *Issuance of official and fleet rations.* (a) Official and fleet rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7754.

(1) In the case of passenger automobiles, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: Class B books having the valid period specified in Table III for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7754 exceeds 470 miles per month: Class C books bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table IV for the mileage allowed;

(2) In the case of motorcycles: Class D books (to be marked "fleet" if issued for use with a fleet motorcycle and "official" if issued for use with an official motorcycle) bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table III, if the mileage allowed is 470 miles per month or less, or specified in Table IV, if the mileage allowed is in excess of 470 miles per month.

TABLE III—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of not more than 470 miles per month]

Passenger automobiles		Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks		Number of coupons to be issued in Official or Fleet Class "D" book
	(Months)	(Weeks)	
0-80	12	0-20	1
81-106	9	21-40	2
107-137	7	41-60	3
138-160	6	61-80	4
161-174	5	81-100	5
175-192	5	101-120	6
193-213	4	121-140	7
214-240	4	141-160	8
241-256	3	161-180	9
257-275	3	181-200	10
276-295	3	201-220	11
296-320	3	221-240	12
321-340	2	241-260	13
340-354	2	261-280	14
355-420	2	281-300	15
421-470	2	301-320	16
		321-340	17
		341-360	18
		361-380	19
		381-400	20
		401-420	21
		421-440	22
		441-460	23
		461-470	24

<sup>1</sup>To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic rations.

TABLE IV—PASSENGER AUTOMOBILES OR MOTORCYCLES

DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION  
[For vehicles with an allowed mileage of more than 470 miles per month]

Allowed mileage	Number of coupons in Official or Fleet Class "C" or "D" book or books	Allowed mileage	Number of coupons in Official or Fleet Class "C" or "D" book or books
471-500	25	721-740	37
501-520	26	741-760	38
521-540	27	761-780	39
541-560	28	781-800	40
561-580	29	801-820	41
581-600	30	821-840	42
601-620	31	841-860	43
621-640	32	861-880	44
641-660	33	881-900	45
661-680	34	901-920	46
681-700	35	921-940	47
701-720	36	941-960	48

<sup>1</sup>To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic rations.

In the event allowed mileage exceeds 960 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 960 miles. Additional books may be issued if necessary to provide additional coupons.

(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued hereunder. If the applicant has requested that bulk coupons be issued to him, the Board shall issue such bulk coupons in lieu of coupons in books, in accordance with the procedure set forth in paragraphs (a) and (b) of § 1394.8006.

(c) For the purposes of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

(d) No fleet ration shall be issued by a Board unless the registered owner of the vehicle or vehicles for which such ration is required or his responsible agent, has certified in the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall be entitled to a fleet ration if, at the time of issuance, the registered owner of the vehicles for which the ration is sought owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

§ 1394.7756 *Interchangeable official or fleet ration books.* An applicant for an official or a fleet ration may request the Board to note on the ration books issued, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any official or fleet vehicles which are used inter-

changeably and which bear a clearly discernible official or fleet name, identification or designation. Any book on which such an identification is noted may be used, interchangeably, for all official or fleet vehicles bearing such identification.

§ 1394.7757 *Issuance of rations for use with vehicles operated on dealer plates.* (a) Notwithstanding any other provision of Ration Order No. 5C a ration may be issued by a Board to provide solely for the occupational mileage (other than for demonstration purposes) to be driven in an unregistered passenger automobile or motorcycle regularly operated on dealer or other interchangeable license plates if the operation of such vehicle on such plates is permissible under the law of the state issuing the plates.

(b) Such ration shall be issued in the same manner as fleet ration under the conditions provided in §§ 1394.7754 and 1394.7755 (a), (b), (c) and (d) and application for such ration shall be made to a Board on Form OPA R-551: *Provided*, That the certification therein contained as to ownership of tires by the registered owner of the vehicle shall be revised to constitute a certification as to tires owned by the owner of the vehicle. The applicant shall annex to the application a written statement showing the Federal Use Tax Stamp number and the engine number of such vehicle.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in accordance with the provisions of § 1394.7754, and shall issue a ration in accordance with § 1394.7755 (a), (b) and (c). The Board issuing the ration book shall, at the time of issuance, make a clear notation of the Use Tax Stamp number on the cover of such book and, in the space provided for the license number, shall insert the engine number of such vehicle and the words "dealer plates." The Board shall note on the cover of the book the name and address of the person to whom the book is issued and shall note on the book and on the application the date on which the book becomes valid and the date on which it expires.

#### TRANSPORT RATIONS

§ 1394.7801 *Transport rations.* (a) Subject to the provisions of § 1394.7802, transport rations shall be issued by a Board to permit the acquisition of gasoline required for the propulsion of registered and unregistered commercial motor vehicles and motor vehicles owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended. Except as otherwise provided in §§ 1394.7802 and 1394.7805, transport rations shall be issued for use during fixed calendar quarterly periods of three months, the first of which shall commence on January 1, 1943.

§ 1394.7802 *Persons entitled to transport rations.* Subject to the provisions of § 1394.7805, the owner or the person entitled to the use of a commercial motor vehicle for which a Certificate of War Necessity has been issued may obtain a

transport ration authorizing the acquisition of the maximum number of gallons of gasoline allowed for the operation of such vehicle for the quarterly period during which the ration is to be used, as set forth in such certificate. The owner or the person entitled to the use of a motor vehicle but which is owned or leased by the military or naval forces of the United States or the State military forces organized pursuant to section 61 of the National Defense Act, as amended, may obtain a transport ration authorizing the acquisition of the number of gallons of gasoline required for the operation of such vehicle during the quarterly period for which the ration is to be used.

§ 1394.7803 *Transport ration books.* (a) Class T-1 and Class T-2 coupon books and, in the case of motorcycles owned or leased by the armed forces, Class D books marked "Transport" shall be issued as transport rations. Coupons in Class T-1 and T-2 books shall each have a value of one unit.

(b) Coupons contained in a transport ration book shall authorize the transfer of gasoline to a consumer only during the period noted thereon by the Board.

§ 1394.7804 *Application for transport rations.* (a) Application for a transport ration may be made to a Board, on and after November 9, 1942, on Form OPA R-536. Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either of them. A single application may be used for each fleet of vehicles or each group of fleet vehicles for which the applicant seeks a transport ration. A separate application must be used for each vehicle which is not a part of a fleet.

(b) In the event application is made for a transport ration for use with a commercial motor vehicle for which a Certificate of War Necessity has been issued, the application shall be accompanied by the single unit certificate issued for the vehicle or, in the case of a fleet of commercial vehicles, by the fleet certificate issued for such fleet. If the applicant requires, during the period, less than the maximum number of gallons of gasoline allowed by such certificate for the vehicles covered by the application, the applicant shall state the amount of gasoline required by him.

(c) In the event application is made for a transport ration for use with a motor vehicle owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, the application shall state the number of gallons of gasoline required during the quarterly period for which the ration is sought for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought: *Provided*, That in the case of a ration for use prior to January 1, 1943 the application shall state the number of gallons of gasoline required for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought, during the period between the date on which the ration is required or Novem-

ber 22, 1942, whichever is later, and April 1, 1943.

§ 1394.7805 *Issuance of transport rations.* (a) Except as provided in paragraph (c) of this section, no transport ration shall be issued unless the applicant has presented to the Board, at the time of application, a currently valid single unit certificate or, in the case of a fleet, a fleet certificate issued for the fleet for which a ration is sought. Except as provided in § 1394.7806, no transport ration may be issued which will allow the applicant to acquire gasoline in excess of the maximum allowed by such certificate for the quarterly period for which the ration is sought and no transport ration shall be issued more than thirty (30) days prior to the beginning of the quarterly period during which it is to be used: *Provided*, That transport rations issued for use prior to January 1, 1943, shall not allow an amount of gasoline (other than gasoline allowed pursuant to § 1394.7806) in excess of the maximum number of gallons of gasoline allowed by the certificate for the remaining portion of the year 1942 and the first quarter of 1943.

(b) The Board shall examine the single unit certificate or the fleet certificate submitted and shall insert at the appropriate place provided in the application the maximum number of gallons of gasoline allowed by such certificate for the period for which the ration is sought. The Board shall allow the maximum number of gallons of gasoline set forth in the certificate for the period or periods for which the ration is sought, or the quantity of gasoline required by the applicant during such period as stated in the application, whichever is less. The Board shall issue Class T-1 or T-2 books or bulk coupons in sufficient number to provide the number of gallons of gasoline allowed by it.

(c) In the event application is made for a ration for use with a motor vehicle which is owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, the Board shall not require the presentation of a Certificate of War Necessity and shall issue Class T-1 or T-2 books or, in the case of motorcycles, D books marked "Transport" containing coupons in sufficient number to provide the number of gallons of gasoline requested for the fixed quarterly period during which the ration is to be used, or, in the case of a ration to be used prior to January 1, 1943, the Board shall issue books containing coupons in sufficient number to provide the number of gallons of gasoline requested for the operation of the vehicle during the period between the date on which the ration is required or November 22, 1942, whichever is later, and April 1, 1943.

(d) The Board shall, when issuing Class T-1, T-2 or D books as transport rations, remove and cancel all coupons in excess of the number required to supply the gallonage allowed. The Board shall note on the face of the books the date of issuance or November 22, 1942, whichever is later, and the date of ex-

piration of such books. At the time of issuance of any transport ration for use with a vehicle for which a Certificate of War Necessity is required to be presented, the Board shall note on the face of the single unit certificate the Board number, the period for which the ration is issued, the serial number of the ration book or books and the initials of the person issuing such books. In the case of a fleet certificate the Board shall note on the reverse side thereof the same information and shall also note the total gallonage for which coupons are issued, and the name or number and address of the issuing Board. If the applicant has requested that bulk coupons be issued to him, and if the applicant meets the requirements of paragraph (a) of § 1394.8006, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested.

(e) No transport ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used with any vehicle which does not comply with the orders of the Office of Defense Transportation, nor with any vehicles on which the tires have not been inspected and approved in accordance with any applicable rule, regulation, or order of the Office of Defense Transportation, or of the Office of Price Administration.

§ 1394.7806 *Transport ration for equipment mounted on commercial motor vehicles.* Notwithstanding any other provisions of Ration Order No. 5C, the applicant for a ration for use with a commercial motor vehicle upon which is mounted and permanently attached machinery or equipment which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the motor vehicle may set forth in his application for a transport ration for such vehicle the amount of gasoline needed for the operation of such machinery or equipment during the period for which the transport ration is sought. The Board shall ascertain and allow the amount of gasoline needed for such purpose during such period and shall include in the transport ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate such machinery or equipment during such period.

§ 1394.7807 *Interchangeable transport ration books.* An applicant for a transport ration for use with fleet vehicles may request the Board to note, on the ration books issued, a clearly discernible name or other identification of the fleet or, if the vehicles bear no clearly discernible name or identification, the serial number of the fleet certificate issued for such vehicles, in lieu of the registration number of a particular vehicle. The Board may grant such a request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation or, in the absence of such designation, with respect to any vehicles for which a fleet certificate has been issued. Any book on which a fleet identification or fleet

certificate number is noted may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such fleet certificate.

§ 1394.7808 *Temporary transport rations.* (a) Any person requiring gasoline for the operation of a commercial motor vehicle who has made application for a Certificate of War Necessity but who has received no notice of any action thereon may apply between November 15, 1942, and December 31, 1942, inclusive, for a temporary transport ration pursuant to the provisions of paragraph (b) of this section, and no Certificate of War Necessity shall be required to be presented in connection therewith.

(b) An application for a temporary transport ration may be made, in duplicate, to any Board during the period from November 15, 1942, to December 31, 1942, inclusive. Such application shall be made on Form OPA R-536, and may be made by an agent. The applicant shall state the mileage and gallonage required for the operation of such motor vehicle from the date the ration is required to December 31, 1942, inclusive, and shall specify the address of the Local Allocation Office of the Office of Defense Transportation with which the application for a Certificate of War Necessity has been filed, the date on which such application was filed, and the address of the Board with which his application pursuant to § 1394.7804 is to be filed. The applicant shall also state that no ration pursuant to § 1394.7805 has been issued, and that he has received no notice of any action on his application for a Certificate of War Necessity for the vehicle or vehicles for which a ration is sought. The word "temporary" shall be clearly noted on the application.

(c) The Board shall determine the number of gallons of gasoline required during such period for the operation of such motor vehicle. The Board shall then issue "T-1" or "T-2" books containing coupons in sufficient number to provide the gallonage needed. Such books shall expire at 12:01 A. M. on January 1, 1943.

(d) In the event that the Board issuing the temporary ration is not the Board with which the application for a transport ration pursuant to § 1394.7804 is to be filed, it shall return to the applicant the duplicate of such temporary application with its notations endorsed thereon. The applicant shall forthwith forward such duplicate to the Board with which the application pursuant to § 1394.7804 is to be filed. The original of such temporary application shall be transmitted to such Board by the issuing Board.

(e) No transport ration may be issued under § 1394.7805, for use prior to January 1, 1943, to any person obtaining a ration pursuant to this section: *Provided*, That if the Certificate of War Necessity for the vehicle for which such ration was issued allows gallonage for the period ending December 31, 1942, greater than the quantity allowed by the temporary transport ration issued for such period, a further transport ration may be issued representing such difference.

#### SPECIAL RATIONS

§ 1394.7851 *Application for special ration.* (a) The owner or person entitled to the use of a motor vehicle, or of a boat or outboard motor who finds that transportation in such vehicle, or boat, is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board for a special ration. Application for a special ration on behalf of an individual may not be signed by an agent. A special ration may be issued for any period up to six months from the date of application.

(b) Special rations shall be issued in order to permit the acquisition of gasoline for one or more of the following purposes:

(1) For use with a passenger automobile, motorcycle, or motorboat:

(i) To obtain necessary medical attention or therapeutic treatment or to procure necessary food or supplies;

(ii) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof; or to return such a vehicle or boat to the regular place of residence of the person entitled to the use thereof on November 22, 1942 if such vehicle or boat has been continuously away from such place of residence since that date: *Provided*, That if such place of residence and such vehicle or boat were, on November 22, 1942, within the limitation area, no such ration shall be issued unless such vehicle or boat has been continuously away from the regular place of residence of the person entitled to the use thereof since August 22, 1942;

(iii) To move such vehicle or boat to a place of storage upon repossession or upon seizure by a Government authority;

(iv) To deliver such vehicle or boat after bona fide sale thereof or pursuant to a bona fide lease of more than ninety (90) days;

(v) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purpose.

(2) For use with a passenger automobile or motorcycle:

(i) To operate such vehicle in the course of manufacture or assembly for the purpose of testing such vehicle or moving it within or between plants engaged in its manufacture or assembly;

(ii) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(iii) To carry persons to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes

essential to the prosecution of his candidacy;

(iv) To operate such vehicle for the purpose of bona fide tests or experiments contributing to the war effort, which require the use of such vehicle therein.

(3) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for purposes of demonstration.

(c) Application shall be made on Form OPA R-552 and the application shall state, in addition to such other information as may be required;

(1) The purpose for which a special ration is sought and the period (not exceeding six months) during which such ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat, or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) If application is made pursuant to paragraph (b) (1) (i) or (iv) or paragraph (b) (2) (ii) or (iii) of this section, the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

(5) The number of miles of driving, or, in the case of a boat or outboard motor, the amount of gasoline, claimed to be essential to the accomplishment of the purpose or purposes stated during the period for which the special ration is needed.

§ 1394.7852 *Form and issuance of special rations.* (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That a ration (if any) previously issued for such vehicle, boat or outboard motor is not reasonably adequate or cannot be used for such purpose;

(3) That transportation is necessary to the accomplishment of such purpose; and

(4) That no reasonably adequate alternative means of transportation are available, if proof thereof is required by paragraph (c) of § 1394.7851.

(b) If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose or purposes stated from the date of its decision to the end of the period (not exceeding six months) for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "special" any book which it so issues. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it

determines should be granted in accordance with the provisions of this paragraph.

(c) No special ration may be issued for the operation of a vehicle if such operation violates any order of the Office of Defense Transportation.

#### NON-HIGHWAY RATIIONS

§ 1394.7901 *Persons entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the amount of gasoline required for such purpose, except as provided in paragraphs (b) and (c) of § 1394.7904. Non-highway rations shall be issued for three-month periods.

§ 1394.7902 *Non-highway ration books.* (a) Class E and Class R coupon books shall be issued as non-highway rations. Coupons in Class E and Class R books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the three-month period noted on such books by the Board.

(b) Each non-highway ration book issued for use with a motorboat for non-occupational purposes in the limitation area or in the States specified in paragraph (b) of § 1394.7904 shall be so designated on the inside cover.

§ 1394.7903 *Application for non-highway ration.* (a) Application for a non-highway ration may be made to a Board on or after November 9, 1942, on Form OPA R-537. Application may be signed by an agent.

(b) The applicant shall state the amount of gasoline needed for non-highway use during the three-month period following the date on which such ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

§ 1394.7904 *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the three-month period referred to in paragraph (b) of § 1394.7903, and, subject to the provisions of paragraphs (b) and (c) of this section, shall issue to the applicant one or more Class E or Class R books, or any combination of them, containing a sufficient number of coupons to enable the applicant to acquire the amount of gasoline so determined to be necessary for such period. The Board shall remove from the book and cancel any coupons in excess of the number allotted.

(b) If application is made for a non-highway ration for use with an inboard motorboat or outboard motor operated wholly or in part for a non-occupational purpose within the limitation area or within any of the states of Georgia, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New York, Ohio, Kentucky, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska or Kansas, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but in any event not more than one hundred and twenty-five (125) gallons;

(2) In the case of an outboard motor, the number of gallons equal to two and one-half times the manufacturer's rated horsepower of such motor, but not in excess of twenty (20) gallons.

The Board shall, in such case, issue a separate book for such non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on such book that it is issued for a non-occupational purpose. For purposes of this paragraph non-occupational uses shall include use of a motor boat or outboard motor for sightseeing, guiding pleasure parties or conducting fishing parties other than to procure fish for sale or processing.

(c) If application is made for a non-highway ration for the operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or inboard motorboat) the Board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

(d) Except as provided in paragraph (a) of § 1394.8103, no more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any three-month period.

(e) Each applicant for a non-highway ration who acquires such gasoline for consumption free from state motor fuel taxes, or who applies for refunds of such taxes paid with respect to gasoline used for non-highway purposes, shall execute the application for non-highway rations in duplicate. The Board shall transmit the duplicate copy of such application, with a record of its action thereon, through the State Director to the State Motor Fuel Tax Administration of the State in which the gasoline is to be procured. If after examination by the Tax Administrator of such application, unexplained discrepancies are noted between the amount of gasoline issued as a non-highway ration and the amount of gasoline as to which tax exemption is permitted or refunds of taxes made, such discrepancies shall be reported to the State Director of the Office of Price Administration for appropriate action.

#### ISSUANCE OF COUPON BOOKS AND ACKNOWLEDGMENTS OF DELIVERY BY THE OFFICE OF PRICE ADMINISTRATION, WASHINGTON, D. C.

§ 1394.7951 *Issuance of ration books by the Office of Price Administration.* (a) Coupon books of all types designated in Ration Order No. 5C may be issued by the Office of Price Administration, Washington, D. C., in its discretion, to the Army, Navy, Marine Corps, Coast Guard and the law-enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this section which requires coupon books for use by such officers, agents or employees, shall make written application therefor to the Office of Price Administration, Washington, D. C., and shall state the number and type of books required, and the use for which such books are intended.

(c) If it grants the application, the Office of Price Administration, Washington, D. C., will issue such books in blank.

§ 1394.7952 *Acknowledgments of delivery.* (a) Forms OPA R-544 and OPA R-544 Revised, for acknowledgment of delivery, to be used for the acquisition of gasoline by or on behalf of the Army, Navy, Marine Corps, Coast Guard, Maritime Commission and War Shipping Administration of the United States, will be issued by the Washington Office to the Washington headquarters of such agencies. Any such form bearing the signature of an authorized officer, agent or employee of any such agencies shall be valid as an authorization of transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated.

(b) In the event that an acknowledgment of delivery form should not be available, gasoline may be transferred into the fuel tank of a motor vehicle clearly identifiable as owned by or leased to one of such agencies, in exchange for an emergency acknowledgment on an official letterhead of the agency on whose behalf the gasoline is acquired, or on any other form if such a letterhead is unavailable, if such emergency acknowledgment supplies the information required by Form OPA R-544 Revised and is signed by an authorized officer, agent, or employee of such agency; such emergency acknowledgment shall show the address of the activity of the agency on whose behalf such emergency acknowledgment was issued. Such emergency acknowledgment may be used as an evidence for the purpose of replenishment by the transferor.

(c) Any Board by which such acknowledgments are received shall submit them within thirty (30) days to the activity of the agency named thereon, for verification. In the event any acknowledgment or emergency acknowledgment is found by such agency to have been used improperly, or by an unauthorized person, the agency will immediately notify the Board from which it was received, and such Board shall notify the State Director or District Manager of such facts for appropriate action.

(d) An acknowledgment or other evidence shall be transmitted in exchange for all gasoline received directly by one of the agencies authorized to use such acknowledgment, even though part of such gasoline may be intended for transfer to, or may be transferred to, a facility such as a Post Exchange or Ships' Service Store for transfer to consumers for non-official use.

#### GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS AND TIRE INSPECTION RECORDS

§ 1394.8001 *Appearance before Boards.* The Board may require any applicant for

a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

§ 1394.8002 *Presentation of registration card.* (a) Except as provided in paragraph (b) of this section, no gasoline ration (other than a transport, official, fleet or non-highway ration or a ration issued pursuant to § 1394.7757 or pursuant to subparagraphs (1) (iii) (iv) (v), (2) (i) (iv) and (3) of paragraph (b) of § 1394.7851) shall be issued for any motor vehicle unless a registration card or registration certificate authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the registrar or the Board, as the case may be.

(b) If no currently valid registration card or registration certificate has been issued or is outstanding for such motor vehicle, or if such card or certificate has been lost, stolen or destroyed, and such motor vehicle is currently registered for operation on public highways under the law of the Federal government or of any State, territorial or foreign government, the applicant may sign and submit a certification, on such form as may be designated by the Office of Price Administration, stating the reasons why no registration card or registration certificate is outstanding. If the Board (or the registrar) is satisfied that such motor vehicle is currently registered but that no registration card or registration certificate therefor has been issued or is outstanding, it may issue a gasoline ration for such vehicle. Such certification shall be filed with the application for such ration.

§ 1394.8003 *Notation on registration cards.* At the time of issuing a gasoline ration in connection with which the presentation of a registration card is required pursuant to paragraph (a) of § 1394.8002, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the back of the motor vehicle registration card or registration certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book (if any) issued. If a ration has been issued on the basis of a temporary registration card or registration certificate, the applicant shall submit the permanent card or certificate, when issued, to a Board, for such notation. If a ration is issued without presentation of a registration card or registration certificate pursuant to the provisions of paragraph (b) of § 1394.8002, no notation will be made at the time of issuance of the ration but the applicant shall submit such card, within five (5) days of issuance of such card or certificate, to a Board for such notation.

§ 1394.8004 *Notation on ration books, applications and coupons.* (a) At the time of issuance of any ration book for a registered or commercial motor vehicle, the person issuing such book shall, unless an official or a fleet identification is used, make a clear notation on the cover thereof, in ink, indelible pencil or by typewriter, of the registration number, if any, of the vehicle for which it is issued,

and the name and address of the owner of such vehicle. The Board shall make a notation on the cover of such book (other than a basic book) and on the application therefor, of the date on which it becomes valid and of its expiration date.

(b) At the time of issuance of a non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

(c) The person to whom a ration book is issued for use with a motor vehicle (other than an interchangeable book issued for an official or a fleet vehicle) shall note on the face of such book in the space provided therefor the serial number of the Use Tax Stamp, if any, issued for such vehicle.

(d) Each person to whom a ration book has heretofore been or is hereafter issued shall clearly write in ink (or in the case of interchangeable coupon books issued for official or fleet vehicles, shall clearly write in ink or stamp in ink) on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon, the following information:

(1) In the case of A, B, C, D, T-1 or T-2 books; license number and state of registration of the vehicle for which such ration was issued, except that in the case of interchangeable coupon books issued for official or fleet vehicles the information shall be the official or fleet designation (or the Certificate of War Necessity number in the case of commercial vehicles not bearing fleet designations) and the state and city or town in which the principal office of the fleet operator is located.

(2) In the case of E and R books or bulk coupons; his name and address as they appear on the front cover of the ration book.

(e) Each person to whom bulk coupons have heretofore been or are hereafter issued shall clearly write his name and address in ink on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon.

§ 1394.8005 *Change in motor vehicle registration number.* (a) The holder of a ration book or tire inspection record issued for a registered motor vehicle (other than a ration book bearing an official or a fleet identification) shall, upon any change in the registration number of such vehicle, submit such ration book and record either to an appropriate State motor vehicle registration official or to a Board for the purpose of having the notation thereon changed to correspond to the new registration number. The book or record shall be submitted to such official at the time of issuance of the new registration number, or to such Board within five (5) days thereafter; if such submission is made to a Board, the registration card or registration certificate (or in lieu thereof, an appropriate certification in such form as may be designated by the Office of Price Administration) evidencing the

new registration number shall be presented with the book or record. A State official to whom such book or record is presented may, and a Board to which such book or record is presented shall, obliterate the registration number appearing thereon and note thereon, in ink, indelible pencil or by typewriter, the new registration number issued for such vehicle. Notation on such new registration card shall also be made, as prescribed in § 1394.8003. Such notation shall be countersigned or initialed by the person making the change.

(b) The holder of any book bearing an official or fleet identification shall upon any change in the name, identification or designation of such official or fleet vehicles, submit such book to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such official or fleet vehicles, the Board shall change the designation on such book to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

§ 1394.8006 *Authorization of bulk purchase.* (a) Any person who establishes to the satisfaction of a Board that he maintains a storage tank for supplying gasoline to one or more motor vehicles operated by him or for non-highway use, and that he has maintained such tank for such purposes prior to July 1, 1942, or that it has since become necessary to maintain a storage tank or to acquire gasoline in a tank, tank truck, drum, or other container for supplying gasoline to such vehicles or for such use, may, when applying for a ration, request the Board to issue such ration in the form of bulk coupons, or partly in bulk coupons and partly in coupon books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

(b) If applicant establishes the facts required by paragraph (a) hereof, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested: *Provided*, That, with respect to applications for supplemental rations, or for official or fleet rations for passenger automobiles or motorcycles, as provided in §§ 1394.7705 or 1394.7755, the Board shall first determine the type, number and expiration date of the coupon books to which the applicant is entitled; it shall then issue bulk coupons, to the extent requested by the applicant, having a gallonage value equal to the value in units of the coupons in the coupon books to which the applicant is entitled and in lieu of which such bulk coupons are issued; such bulk coupons shall expire on, and may not be used for the transfer of gasoline to a consumer after, the date on which such coupon books would expire: *Provided further*, That bulk coupons shall not be issued unless the applicant establishes the necessity for acquiring two hundred and fifty (250) gallons or more per month by bulk transfer,

§ 1394.8007 *Lost or destroyed coupons or coupon books.* (a) In the event of theft, accidental loss, destruction or mutilation of any coupon book or bulk coupons, the holder thereof may apply to the Board having jurisdiction under § 1394.7602, for replacement thereof.

(b) Such application shall be made in writing, under oath or affirmation, and shall set forth:

(1) The name and address of the applicant;

(2) The class, date and place of issuance and expiration date of such book or coupons;

(3) A description of the motor vehicle, boat, equipment or process for which the book or coupons were issued;

(4) A statement of the number and type of unused coupons so lost, destroyed or mutilated;

(5) A description of the manner and circumstances of the theft, loss, destruction or mutilation.

(c) If the Board is satisfied that such book or coupons have been stolen, lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, it may, in its discretion, issue a duplicate book or duplicate bulk coupons of the same class and in the same quantity as those sought to be replaced; it shall clearly note on the cover of any duplicate book issued the same expiration date, if any, that appeared on the original book.

(d) No person receiving a duplicate book or coupons under paragraph (c) hereof shall use, attempt to use, or permit the use of the original book or coupons, but shall surrender such original book or coupons, if damaged or mutilated, to the Board at the time of issuance of the duplicate book; in the event that a stolen book or stolen coupons are recovered, or a lost book or lost coupons are found after duplicates have been issued, such original book or coupons shall be surrendered to the Board forthwith.

§ 1394.8008 *Disposition of lost coupon books.* (a) Any person who finds a gasoline coupon book, coupon or other evidence shall, within five (5) days, surrender such coupon book, coupon or other evidence to a Board.

(b) The Board to which a coupon book, coupon or other evidence is surrendered pursuant to paragraph (a) of this section shall forward such coupon book, coupon or other evidence through the State Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon or other evidence.

§ 1394.8009 *Issuance of tire inspection records.* (a) Upon the issuance of any basic, official or fleet ration (or a ration issued pursuant to the provisions of § 1394.7757) during the period between November 9, 1942 and December 12, 1942, inclusive, the Board or registrar, as the case may be, shall issue one tire inspection record on Part B of Form OPA R-534 for each vehicle for which a ration is issued unless a tire inspection

record has previously been issued for such vehicle.

(b) During the period between November 9, 1942, and December 12, 1942, inclusive, the registered owner (or an agent of the registered owner, as provided in § 1394.7653) of a motor vehicle for which a basic ration has been issued pursuant to Ration Order No. 5A may apply on Form OPA R-534 for a tire inspection record. The applicant shall set forth the serial numbers of the tires mounted (including one spare per motor vehicle) on the vehicle for which the tire inspection record is sought. The Board shall issue one tire inspection record for each vehicle for which a basic ration has been issued pursuant to Ration Order No. 5A: *Provided*, That no such record shall be issued unless the registered owner or, under the conditions permitted by paragraph (b) of § 1394.7653, an agent of the registered owner, certifies as required by the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of the registered owner and related to him by blood, marriage or adoption, other than tires reported on Form OPA R-17 or R-17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(c) During the period between November 9, 1942, and December 12, 1942, inclusive, the registered owner or a responsible representative of the registered owner of a fleet vehicle for which a fleet ration has been issued pursuant to Ration Order No. 5A, or a person to whom a ration has been issued pursuant to § 1394.1309 of Ration Order No. 5A, may make application on Form OPA R-551 for a tire inspection record. The applicant shall set forth the number of vehicles for which such rations are outstanding, the number and serial numbers of the tires mounted (including one spare per motor vehicle) on each such vehicle, and shall execute the certificate with respect to tires owned by the registered owner of the vehicles for which such fleet rations have been issued (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A with respect to tires owned by the owner of the vehicle). The Board shall issue one tire inspection record for each such vehicle as to which there is outstanding a currently valid ration pursuant to Ration Order No. 5A: *Provided*, That no tire inspection record shall be issued pursuant to the provisions of this paragraph unless the registered owner or a responsible representative of the registered owner (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A, the person to whom the ration was issued) certifies, as required by the application, that the registered owner of the vehicle or vehicles described in the application (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A, the owner of the vehicle, owns no passenger type tires (excluding motorcycle tires but including scrap tires) other than tires reported on Form OPA R-17 or R-17 Revised, or reported by a

manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(d) After December 12, 1942, no tire inspection record shall be applied for pursuant to this section unless the applicant shows good cause why such record was not applied for on or before December 12, 1942.

§ 1394.8010 *Presentation of tire inspection records and records required to be maintained by Office of Defense Transportation.* (a) After December 12, 1942, no supplemental, official or fleet ration or ration issued pursuant to the provisions of § 1394.7757 shall be issued or renewed unless the applicant presents to the Board a tire inspection record on Part B of Form OPA R-534 for each vehicle for which a ration is sought indicating that odometer readings have been taken and that the tires on such vehicle have been inspected and approved in accordance with the requirements of Ration Order No. 1A: *Provided*, That in the event the applicant shows that the required readings, inspections or approvals could not be taken, made or obtained, because of the serious illness of the applicant or the physical condition or location of the vehicle, the Board may in its discretion issue a ration if the current inspection shows no evidence of abuse or neglect of any of the tires upon the vehicle.

(b) On and after March 1, 1943, no transport ration shall be issued for use with a motor vehicle for the operation of which a Certificate of War Necessity is required unless the applicant presents to the Board a record of inspections or a certificate as to inspections showing inspections as required by the Office of Defense Transportation.

§ 1394.8011 *Denial of rations.* (a) No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.46 of Ration Order No. 5 or § 1394.1406 of Ration Order No. 5A for refusal to surrender a ration card, book, coupon or other evidences upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Ration Order No. 5C, while his name remains thus recorded.

(b) Any Board which has reason to believe that any applicant for a ration has used a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was issued, or used any other ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration could be obtained under Ration Order No. 5A or Ration Order No. 5C, or has violated the provisions of §§ 1394.8171, 1394.8175, or 1394.8181, may refuse to issue a ration to or renew a ration of any such applicant and may declare that he shall not be eligible to receive a ration for such period as it shall deem appropriate in the public interest. In any such case of refusal to issue or renew a ration, the Board shall serve upon such person a written statement of the grounds upon

which the ration was denied, and shall state therein the effective period of such denial.

§ 1394.8012 *Earliest effective date of rations.* Notwithstanding any other provision of Ration Order No. 5C, no ration shall be issued pursuant to Ration Order No. 5C for use prior to November 22, 1942.

§ 1394.8013 *Consumer declaration of gasoline on hand.* A Board may require any applicant for a supplemental, fleet, official, transport or non-highway ration to set forth on his application the amount of gasoline held by him other than gasoline in the fuel supply tank of a motor vehicle, motorboat or equipment, and other than gasoline held by a dealer or distributor for transfer, or gasoline obtained in exchange for valid coupons or other evidences. No deduction may be made by the Board in issuing a ration on account of any such gasoline on hand.

#### RENEWAL OF RATIOMS AND ISSUANCE OF FURTHER RATIOMS

§ 1394.8051 *Renewal of rations.* (a) Rations shall expire as provided in §§ 1394.8054 (b), 1394.8102, and 1394.8103. At any time within thirty (30) days prior to the expiration of any ration, or at any time thereafter, application for a renewal of a ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application in the applicant's gasoline needs, or in the nature, amount, and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a renewal thereof (except in the case of a basic, special or transport ration) may be made by executing the renewal certificate on such original application. The applicant shall in such case note on such renewal certificate any changes in the nature or amount of his use since the date of the original application. An applicant may renew a transport ration by filling in the pertinent information on the face of the form for the period for which the ration is required and executing the renewal certificate: *Provided*, That if the Certificate of War Necessity, if any, effective at the time of the original ration, has been revoked or modified in any manner the applicant shall execute a new application.

(c) When renewing a ration prior to the expiration date of a current ration of the same class, the Board shall note on the application and on the front cover of the coupon book (if any) representing such renewed ration the date on which such book shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in §§ 1394.8052 and 1394.8053, no ration of any class may be renewed for use prior to (or may be used prior to) the expiration of the current ration of the same class.

§ 1394.8052 *Issuance of further ration for use prior to expiration date of current ration.* (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class (other than a basic ration) issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.8054.

(d) No further supplemental ration under § 1394.7705, or official or fleet ration under § 1394.7755, or non-highway ration, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage or gallonage to which he would be entitled under the provisions of paragraph (b) of § 1394.7704, or paragraph (b) of § 1394.7754, or § 1394.7904 as the case may be. No further transport ration shall be granted pursuant to this section which would allow a vehicle or fleet for the operation of which a Certificate of War Necessity is required more gasoline than the maximum amount authorized by the Certificate of War Necessity issued for such vehicle or fleet.

§ 1394.8053 *Special cases.* (a) Any person to whom a ration of a class specified in paragraph (b) of this section has been issued, who finds that the vehicle or vehicles for which such ration was granted cannot be operated for fifteen (15) miles (or, in the case of a motorcycle, for forty (40) miles) or more on a gallon of gasoline, may apply for a further ration for use prior to the expiration of such current ration.

(b) Such application shall be made in the same manner as the application for the current ration and may be granted only if such current ration is in one of the following categories:

(1) A supplemental ration based on an allowed mileage in excess of 470 miles per month;

(2) An official or fleet ration, issued pursuant to § 1394.7755.

(3) A transport ration other than one issued on the basis of a Certificate of War Necessity.

(c) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The nature of the use of the vehicle or vehicles for which the further ration is sought and the driving conditions under which such vehicle or vehicles are operated;

(3) The reason or reasons why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle or vehicles for which the application is made are in sound mechanical condition and are being operated in such manner as to secure maximum economy of gasoline.

(d) If the Board determines that the vehicle or vehicles for which application is made are being operated in such fashion as to obtain the maximum mileage per gallon of gasoline reasonably possible, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.8054.

(e) No further supplemental ration under § 1394.7705, or official or fleet ration under § 1394.7755, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage to which he would be entitled under the provisions of paragraph (b) of § 1394.7704, or paragraph (b) of § 1394.7754, as the case may be.

§ 1394.8054 *General provisions.* (a) All of the provisions of Ration Order No. 5C applicable to the issuance of an original ration shall apply to the renewal of a ration and to the issuance of a further ration pursuant to §§ 1394.8051, 1394.8052 and 1394.8053, except as otherwise expressly provided in those sections.

(b) Except as provided in paragraph (c) of this section, when granting a further ration for use prior to the original expiration date of a current ration, pursuant to the provisions of §§ 1394.8052 or 1394.8053, the Board shall redetermine the expiration date of such current ration. Such redetermination shall be based on the Board's estimate of the date on which such current ration will be exhausted. The Board shall thereupon note such redetermined expiration date on the application for such current ration and on the coupon books issued therefor. The redetermined date shall be deemed the expiration date of such current ration for all the purposes of Ration Order No. 5C. The further ration shall then be issued in accordance with the provisions of paragraph (c) of § 1394.8051.

(c) When granting a further ration as a transport ration for use prior to the expiration date of the current ration the Board shall allow subject to the provisions of paragraph (d) of § 1394.8052, the amount of gasoline required by the applicant prior to the expiration of the calendar quarterly period during which the further ration is to be used.

#### EXPIRATION, REVOCATION AND REDETERMINATION OF RATIOMS

§ 1394.8101 *Surrender of expired coupons.* (a) No ration may be used and no coupon book shall be valid for the

transfer of gasoline to a consumer after the expiration thereof.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all unused coupons representing such ration.

§ 1394.8102 *Expiration of rations.* All basic rations shall expire at midnight, July 21, 1943. All transport rations shall expire at midnight of the last day of the calendar quarterly period for which they are issued except that transport rations issued for use prior to January 1, 1943, shall expire at midnight, March 31, 1943. Other rations shall expire as noted on the books or applications.

§ 1394.8103 *Expiration of rations upon cessation of use, change in ownership, revocation of Certificates of War Necessity.* (a) Upon cessation of use or change of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the issuing Board, by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment may apply for a ration therefor on his own behalf, in accordance with the applicable provisions of Ration Order No. 5C: *Provided*, That such transferee may not obtain a ration unless a bona fide transfer is involved.

(b) Upon cessation of use of a ration (other than a basic ration) for a purpose for which such ration may be obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the issuing Board by the person to whom such ration was issued.

(c) Upon revocation by the Office of Defense Transportation of any Certificate of War Necessity all rations issued for use with the vehicle or vehicles to which such certificate pertains shall expire.

§ 1394.8104 *Coupon books property of Office of Price Administration; Summary revocations.* (a) All coupon books, bulk coupons, inventory coupons, and other evidences are, and when issued shall remain, the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon book, bulk coupon, inventory coupons or other evidences during suspension or pursuant to revocation or cancellation, whenever it deems it to be in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person to whom a ration has been issued has been bound by it to have violated an order of such Office, and upon recommendation by such Office that a ration or any part thereof, issued to such person, be revoked, the Office of Price Administration may revoke such ration, or such part thereof, pursuant to the provisions of paragraph (a) of this section.

(c) In the event that any person to whom a ration has been issued is convicted by a court of competent jurisdiction of driving a motor vehicle at a speed in excess of thirty-five (35) miles per hour, the issuing Board, upon receipt of a certified copy of the judgment of conviction or other official certification as to the fact of such conviction, may revoke the ration of such person and order such person to surrender to it all of his coupons or coupon books.

(d) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board, and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue such ration in lieu of the ration revoked.

§ 1394.8105 *Revocation of ration after hearing.* (a) When any Board has reason to believe that any holder of a ration has used a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was issued, or used any other ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration could be obtained under Ration Order No. 5A or Ration Order No. 5C, or has violated the provisions of §§ 1394.8171, 1394.8175, or 1394.8181, it, or any other Board acting at its request, may serve written notice of hearing upon such person. Such notice shall be served at least three days prior to the date fixed for such hearing. The notice shall state the time and place of the hearing, the charges against the holder of the ration, and the purpose for which the hearing is to be held. If the holder of the ration admits the charges or fails to appear at the hearing, or if the Board determines on the basis of the evidence presented before it at the hearing that such person has committed any of the acts specified above, the Board shall by order revoke, for a period which shall be stated therein, the rations issued to him in whole or in part and direct him to surrender to it the coupons or coupon books issued to him to the extent required to make such revocation effective: *Provided*, That if any person whose ration was revoked for failure to appear at the hearing shows good cause to the Board for such failure, within five days from the effective date of the order, the revocation of his ration shall be cancelled and the Board shall grant him a full hearing on the charges made. A copy of the order of revocation shall promptly be served on the holder of a ration personally or by mail directly to his last known address, and copies thereof shall be sent to the District and State offices which have jurisdiction over the area in which the Board is located. Such order shall, if personally served, become effective twenty-four (24) hours after such service, and if served by mail, three (3) days after the date of mailing. The Board may designate one or more of its members to perform the functions prescribed in this paragraph.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) of this section may, within five (5) days after the effective date thereof, request a hearing on the charges and a review of such order by filing a statement of objections to the order with the Board which issued it. Within three (3) days after receipt of the statement the Board shall forward it, together with the application and a copy of the notice served to the District Office, or if there is no District Office with jurisdiction over the area in which the Board is located, to the State Director. Within three (3) days after receipt of such statement from the Board the District Manager, or the State Director, as the case may be, shall set a date for a hearing on the charges and at least three (3) days prior to the hearing notify the holder of the ration personally or by registered mail directed to his last known address of the time and place set for the hearing. Such hearing shall be conducted by a presiding officer appointed by the Regional Administrator or by such person as he may designate to make such appointment. The presiding officer may administer oaths and affirmations and rule on the admission and exclusion of evidence. The provisions of paragraphs (b) (3) and (4) of § 1394.8109 shall apply in the conduct of such hearing.

If after such hearing it is determined by the District Manager, or State Director (as the case may be), that the ration holder has used a special ration for a purpose other than that for which it was issued or any other ration for a purpose other than the one for which such ration could be obtained or has violated the provisions of §§ 1394.8171, 1394.8175 or 1394.8181, he shall affirm the order or modify it to provide for such revocation in whole or in part as he shall deem appropriate. If he finds that the charges have not been proved he shall rescind the order. A copy of his decision shall promptly be served upon the person against whom the order was issued and upon the Board.

(c) The District Manager or the State Director, as the case may be, may for good cause shown upon application by the holder of the ration, stay or suspend the operation of any order issued pursuant to the provisions of paragraph (a) of this section pending the hearing and determination of the proceedings provided for in paragraph (b) hereof.

(d) An appeal from an affirmation or modification of the order of the Board may be taken by the holder of the ration by filing in the Office of the Secretary, Office of Price Administration, Washington, D. C., a notice of appeal, which may be accompanied by any affidavits or briefs which the person filing the notice desires to submit. Within a reasonable time after the filing of the notice of appeal, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind or stay the order, or direct that a further hearing be held.

(e) Whenever an order issued by a Board pursuant to the provisions of this section has been rescinded or modified, the Board shall, if any part of the ration has been surrendered, reissue all or part

of such ration for the remaining portion of the period for which such ration was originally issued, or shall order the surrender of additional evidences, in accordance with the decision modifying such order.

§ 1394.8106 *Effective period of order revoking ration.* Whenever any Board, pursuant to the provisions of § 1394.8104 (b) or (c) or § 1394.8105 (a), has revoked the ration of a ration holder in whole or in part, no ration shall be issued to such person or to any other persons for his use, and no ration theretofore issued to him or to any other person for his use shall be renewed during the period of such revocation, except in accordance with the provisions of such order, or as otherwise provided in Ration Order No. 5C.

§ 1394.8107 *Restoration of revoked rations upon application.* A person whose ration has been revoked in whole or in part and who has surrendered coupons and coupon books to any Board as required by an order of the Board pursuant to the provisions of §§ 1394.8104 (c) or 1394.8105 (a) may apply in writing to the State Director for a restoration of his ration. Such application shall be granted if the State Director finds that the violation on the basis of which such ration has been revoked was excusable under the circumstances, or that the reissuance of the ration is necessary to the war effort or in the interest of public health or safety. In such case, the State Director shall direct the Board which revoked such ration to issue to such person, and such Board shall issue, any ration to which he may be entitled under the provisions of Ration Order No. 5C.

§ 1394.8108 *Presentation of registration cards upon revocation of ration and notations thereon.* Whenever a ration is revoked in whole or in part and the person to whom such ration has been issued is directed to surrender any coupons or coupon books pursuant to the provisions of Ration Order No. 5C, such person shall, if the ration was issued for the operation of a motor vehicle, present the registration card or registration certificate, if any, of the motor vehicle for which such ration was issued, at the time of surrendering to the Board such coupons or coupon books. The Board shall make a clear notation in ink, indelible pencil, or by typewriter on the back of the motor vehicle registration card or certificate stating that such ration has been revoked, or, if it has been revoked in part, the extent to which it has been revoked.

§ 1394.8109 *Authority of Regional Administrators, State Directors and District Managers to suspend and revoke rations and require the surrender of coupon books and coupons.* (a) The several Regional Administrators of the Office of Price Administration within their respective regions, and such State Directors or District Managers as may be designated by the Regional Administrators for such purpose, are authorized to determine whether any ration, coupon book, or any bulk, inventory, or other coupon (whether or not such book was

issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) should be suspended, cancelled, revoked, recalled, or surrendered, and may, after a hearing held in accordance with the provisions of this section, suspend, cancel, revoke, recall, or require the surrender of any such ration, coupon book, or coupon in any case in which the Regional Administrator, State Director, or District Manager, as the case may be, finds either:

(1) That a ration holder was not entitled to receive the ration issued; or

(2) That a ration holder has violated any provision of Ration Order No. 5A or 5C; or

(3) That a person has transferred, assigned, received or accepted, or has in his possession any coupon book or coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or a part of a ration book) otherwise than in accordance with the provisions of Ration Order No. 5A or 5C.

(b) (1) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(2) Notice of any hearing to be held pursuant to this section shall be served on the respondent not less than three (3) days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent, and the purpose for which the hearing is to be held.

(3) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses.

(4) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(5) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(c) Any holder of a ration against whom an order is issued pursuant to the provisions of this section, on the ground that he was not entitled to such ration on the basis of the facts stated in the application, may appeal to the Regional Administrator from an order of a District Manager or State Director, and to the Deputy Administrator in charge of Rationing from an order or decision of the Regional Administrator on such appeal. In making any such appeal the

appellant shall file with the official who issued the order appealed from, a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appellant to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appellant, in writing, of his decision.

(d) Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (c) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for reconsideration of such order. Such petition may be accompanied by any affidavits or briefs which the person filing such petition desires to submit. Within a reasonable time after the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

§ 1394.8110 *Redetermination of rations other than basic and transport rations in connection with applications for tires, tubes, or recapping service.* When application is made by the holder of a supplemental, fleet or official ration, or a ration issued pursuant to § 1394.7757 of Ration Order No. 5C or § 1394.1309 of Ration Order No. 5A, for a recapping service or for a tire or tube, the Board shall reconsider the application on the basis of which such ration was issued to determine whether the applicant is entitled, pursuant to Ration Order No. 5C, to the ration held by him. If such application is not available at the Board the Board shall require the applicant to file a new application. If the Board finds the applicant to be entitled, under Ration Order No. 5C to a ration of a different class or different allowed mileage than the ration held by him it shall require the applicant to surrender such ration and shall issue a ration of the class and mileage to which the Board finds the applicant to be entitled.

GENERAL PROVISIONS WITH RESPECT TO TRANSFERS AND USE

RESTRICTIONS ON TRANSFERS

§ 1394.8151 *Restriction on transfer to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or distributor shall transfer or offer to transfer gasoline to a consumer, and no consumer shall accept a transfer of gasoline from a person other than a dealer or distributor, except as provided in §§ 1394.8157, 1394.8158, and 1394.8210.

§ 1394.8152 *Transfers to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in §§ 1394.8154, 1394.8155, and 1394.8156.

§ 1394.8153 *Transfers to consumers in exchange for coupons.*—(a) *Coupons in books issued for registered and commercial motor vehicles.* Transfer may be made and accepted in exchange for coupons contained in Class A, B, C, D, T-1, or T-2 books, only under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the amount of gasoline transferred: *Provided*, That if the transferee is able to accept only a portion of the amount of gasoline represented by the unit value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented and only if a sticker corresponding to the class of book presented is conspicuously displayed on such vehicle, as required by the provisions of § 1394.8165, except that on presentation of a Class A book, transfer may be made into the fuel tank of a motor vehicle on which a Class B, or C sticker is displayed: *Provided*, That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further*, That bulk transfer may also be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply; in such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer for identification.

(3) Transfer may be made only during the valid period noted on the cover of the book presented or, in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made.

(4) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (d).

(b) *Coupons in non-highway books.* Bulk transfer may be made in exchange for coupons contained in Class E and R books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to

the presentation of the coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E or R book may be made into the fuel tank of, or knowingly made for use in, a registered motor vehicle, commercial motor vehicle, or a motor vehicle held by a motor vehicle dealer for sale or resale or operated on dealer or other interchangeable plates, nor shall any such transfer be made into, or knowingly made for use in, the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(3) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (d).

(c) *Bulk coupons.* Transfer may be made in exchange for bulk coupons as follows:

(1) The transferor must require surrender, at the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred: *Provided*, That in the case of any delivery made in the absence of the transferor or his agent, by barge, pipe line, tank car, or other carrier, or in the absence of the transferee or his agent, coupons need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within seven (7) days after delivery.

(2) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (e).

§ 1394.8154 *Transfers in exchange for Acknowledgment of Delivery.* Transfer may be made in exchange for an acknowledgment of delivery, on Form OPA R-514, or OPA R-544 Revised, or in exchange for an emergency acknowledgment issued in lieu thereof, in accordance with the provisions of § 1394.7952.

§ 1394.8155 *Transfers for export.* (a) Any person (other than a licensed distributor) who desires to obtain gasoline for export to any insular or territorial possession of the United States, or to any foreign country, may execute and submit Part A of an Export Certificate on Form OPA R-560, in duplicate, to any Board. Such certificate shall state the amount of gasoline required for export, the proposed date and port of exportation and the name and address of the person desiring to export the gasoline. The Board shall retain the duplicate copy of the certificate and shall endorse and return the original copy to such person. The original copy, bearing the endorsement of the Board, shall constitute an evidence to authorize the transfer of the amount of gasoline stated thereon: *Provided*, That such certificate bearing the endorsement of an authorized official of the Federal government or any agency thereof shall be valid without endorsement by a Board, as an evidence to authorize the transfer to such government or agency for the purpose of export, or for re-transfer by such government or agency for such purpose.

(b) Within thirty (30) days after submission to and endorsement of such certificate by a Board, the person who has acquired gasoline pursuant to the provi-

sions of paragraph (a) of this section shall submit to the Board which endorsed the certificate, a copy of a Shippers' Export Declaration (Commerce Form 7525) bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated has been exported. The Board shall attach the copy of the declaration submitted to the copy of the certificate on file. If the Board is not satisfied with the authenticity of the copy of the declaration, or in the event none has been presented to the Board within thirty (30) days after endorsement of the certificate, the Board shall send the file of the case to the Office of Price Administration in Washington, D. C., for investigation.

(c) Any dealer or intermediate distributor who has exported gasoline from within the limitation area, or who has exported gasoline from outside the limitation area on or after November 22, 1942, to an insular or territorial possession of the United States or to a foreign country, who has not acquired such gasoline pursuant to the provisions of paragraph (a) of this section, may obtain replenishment for the amount of gasoline exported by executing and presenting to a Board Part B of an export certificate on Form OPA R-560 submitting therewith a copy of a Shippers' Export Declaration (Commerce Form 7525), bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated was so exported. The Board, if it is satisfied with the authenticity of the copy of such declaration, shall endorse such certificate and return it to such person, and shall retain a copy of the declaration for its files. Such certificate bearing the endorsement of a Board shall be valid to authorize a transfer of the amount of gasoline thereon stated, and may be used by the transferor of such gasoline as evidence for purposes of replenishment.

(d) No person acquiring gasoline pursuant to the provisions of paragraph (a) of this section may use such gasoline for any purpose other than for export to an insular or territorial possession of the United States or to a foreign country.

(e) Nothing in this section shall be construed to authorize the export of gasoline other than in accordance with the laws and regulations of the Board of Economic Warfare or of any other department or agency of the United States.

§ 1394.8156 *Emergency transfers.* (a) Transfer may be made in exchange for an emergency receipt on Form OPA R-555, of the amount of gasoline stated thereon, subject to the provisions of paragraphs (b) and (c) of this section.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health or valuable property, may obtain such gasoline by signing an emergency receipt on Form OPA R-555, in duplicate, and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a registered motor vehicle, he shall also state the

license number of the vehicle in which such gasoline is to be used.

(c) Any dealer or distributor who has transferred gasoline in exchange for an emergency receipt, shall transmit such emergency receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, shall issue to him, in exchange therefor, inventory coupons equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such receipt in its own files and shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the receipt. If the Board is not satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, it shall not issue to him any inventory coupons therefor. In such case, the Board shall return one copy of the emergency receipt to the dealer or distributor, and shall transmit the second copy of such receipt to the State Director for appropriate action.

(d) Any Regional Administrator of the Office of Price Administration who finds that there has been such delay in the issuance of rations as of November 22, 1942, as to jeopardize the movement of trucks, busses, or other essential vehicles for which no basic ration is issuable, may by declaration designate the States within his region in which such delay has occurred and specify the types of vehicles affected thereby. Such declaration shall continue in effect until December 4, 1942, or such earlier date as he may determine. During the effective period of such declaration, the operator of a vehicle of a type specified therein, licensed or operated in a State designated therein, may acquire gasoline for use in such vehicle by signing an emergency receipt on Form OPA R-555, in duplicate: *Provided*, That gasoline may be so acquired for a vehicle only during the interval between the date of application for a ration for such vehicle and the date of receipt or denial of such ration. Any dealer who has made a transfer of gasoline in exchange for an emergency receipt pursuant to this paragraph shall transmit such receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located and such Board shall issue inventory coupons to him, in exchange for such receipt, in accordance with the procedure specified in paragraph (c) of this section.

§ 1394.8157 *Transfer of vehicle, boat or equipment.* Nothing in Ration Order No. 5C shall be deemed to forbid the transfer of gasoline in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and bona fide transfer of such vehicle, boat or equipment; or the use by the transferee in such vehicle, boat or equipment of gasoline actually in the fuel supply tank thereof at the time of transfer.

§ 1394.8158 *Transfer of consumer establishments; transfer by operation of*

*law.* (a) Nothing in Ration Order No. 5C shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, in conjunction with a lawful and bona fide transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) is made, shall forthwith report such transfer and the amount of gasoline involved, to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred: *Provided*, That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided*, That he may consume such gasoline only for the purpose for which such ration may be issued or, in the case of a special ration, for a purpose for which such ration was issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

§ 1394.8159 *Rights of parties to contracts for transfer of gasoline.* If the performance of any contract or agreement for the transfer of gasoline is prevented by Ration Order No. 5A or 5C, no party thereto shall be liable for failure to perform such contract or agreement: *Provided*, That any persons who has received or has had the benefit of any deposit or other consideration on account of such contract, shall be liable upon demand to return such deposit or other consideration or to pay the fair value thereof, in the event the consideration has been materially altered in condition or cannot be returned.

§ 1394.8160 *Signature on coupon book.* No coupon book may be used until the person to whom such book is issued has signed the certification provided for therein.

#### PROHIBITED ACTS

§ 1394.8161 *General restrictions on use.* (a) No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a supplemental, official, fleet, or non-highway ration, or ration issued pursuant to the provisions of § 1394.7757, has been issued may use or permit the use of such ration for a purpose other than one for which such ration could be obtained pursuant to the ration order under which it was issued.

(b) No transport ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used other than for a purpose permitted by, or to an extent greater than that permitted by, the Certificate of War Necessity issued for such vehicle.

§ 1394.8162 *Change of occupation of ration holder.* The holder of a ration based on allowed mileage in excess of 470 miles per month shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds reason to believe that such motor vehicle will no longer be used for a preferred purpose listed in § 1394.7706, it shall notify such holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 470 miles per month) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in § 1394.7706, it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose listed in § 1394.7706, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration (if any) as it determines that the holder is entitled to receive on the basis of his new application and in accordance with the provisions of §§ 1394.7705 or 1394.7755, as the case may be.

§ 1394.8163 *Restriction on use of rations or gasoline for racing or exhibition purposes.* No ration shall be issued or used, and no gasoline shall be used, or knowingly transferred for use, for the operation of any boat in the limitation area, or in the States set forth in § 1394.7904 (b), or of any motor vehicle in exhibitions or races for public entertainment or prizes.

§ 1394.8164 *Restriction on use of rations or gasoline for sightseeing purposes.* No supplemental, official or fleet ration, or ration issued pursuant to § 1394.7757, shall be issued or used, and no gasoline shall be used or knowingly transferred for use, for the operation of any motor vehicle, under charter or otherwise, for sightseeing purposes.

§ 1394.8165 *Display of stickers.* No person may use a Class A, B, C, T-1 or

T-2 coupon book, other than one representing a special ration, issued for a registered or commercial motor vehicle unless a sticker identifying the class of ration issued for use with such vehicle, in such form as may be prescribed by the Office of Price Administration, is affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times, but the display of such sticker shall be in accordance with the laws of the State in which such vehicle is operated. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying such additional ration.

§ 1394.8166 *Restrictions on blending of gasoline.* No person other than a licensed distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

§ 1394.8167 *Restrictions on consumption of gasoline.* (a) Except as provided in § 1394.8157, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or other valid evidences authorizing a transfer to a consumer: *Provided*, That:

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations in the limitation area and in the States set forth in § 1394.7904) gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942.

(2) Any consumer may use gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942, for the operation of a registered or commercial motor vehicle, or for non-occupational boat operation in the limitation area and in the States set forth in § 1394.7904 (b) if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred: *Provided*, That, gasoline placed in the fuel supply tank of such vehicle or boat within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942, may be used therein without restriction.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard or Maritime Commission or the War Shipping Administration of the United States.

§ 1394.8168 *Transfers from fuel tank to fuel tank of vehicles and boats forbidden.* No gasoline contained in the fuel tank of any motor vehicle, inboard motorboat, outboard motor or non-highway equipment shall be transferred therefrom to the fuel tank of any registered or commercial motor vehicle, or of any inboard motorboat or outboard

motor operated for nonoccupational purposes in the limitation area or in the States set forth in § 1394.7904 (b).

§ 1394.8169 *Discrimination by dealers and distributors.* (a) On and after November 22, 1942, no distributor shall discriminate in the transfer of gasoline among distributors or dealers lawfully entitled to acquire gasoline under Ration Order No. 5C. Any refusal on the part of a distributor to transfer gasoline to a distributor or dealer to whom he has made a transfer on or subsequent to May 15, 1942, shall be prima facie evidence of a discrimination: *Provided*, That nothing herein shall be construed to require a transfer of gasoline which would result in a violation of any statute enacted or contract made to protect a trade-mark or trade name; nor a transfer to any dealer or distributor of an amount of gasoline in excess of that permitted by any regulation or order of any department or agency of the United States.

(b) On and after November 22, 1942, no dealer or distributor shall discriminate, in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of Ration Order No. 5C.

§ 1394.8170 *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for use with such vehicle.

§ 1394.8171 *Limitation on speed.* (a) No person shall use or permit the use of gasoline in the operation of a motor vehicle at any rate of speed in excess of thirty-five (35) miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health or public safety.

§ 1394.8172 *Tire certification, inspection and surrender of excess tires.* After December 12, 1942, no person shall use or permit the use of gasoline in a passenger automobile or motorcycle for which a basic, supplemental, fleet or official ration, or a ration pursuant to the provisions of § 1394.1309 of Ration Order No. 5A or § 1394.7757 of Ration Order No. 5C has been issued, unless a certification of passenger-type tires has been filed under § 1394.8009 of Ration Order No. 5C, nor unless a tire inspection record has been issued and is currently maintained as required by the Office of Price Administration; nor may gasoline be used on and after November 22, 1942, in any such passenger automobile or motorcycle, other than an official vehicle, if the registered owner (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A or § 1394.7757 of Ration Order No. 5C, if the owner) of such vehicle owns passenger type tires other than tires reported on OPA Form R-17 or R-17 Revised or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. On and after

November 22, 1942, no person shall use or permit the use of gasoline in a motor vehicle for which a basic ration has been issued, if any person living in the household of the registered owner and related to such owner by blood, marriage or adoption owns passenger type tires other than tires reported on OPA Form R-17 or R-17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) or motor vehicles or equipment.

§ 1394.8173 *Use in violation of Ration Order 1A.* No person shall use gasoline for the operation of any motor vehicle which results in use of tires in violation of Ration Order No. 1A.

§ 1394.8174 *Tires unlawfully acquired.* No person shall use gasoline for the operation of any motor vehicle which results in use of any tire or tube acquired in violation of Ration Order No. 1A.

§ 1394.8175 *Abuse or neglect of tires.* No person shall use gasoline in a motor vehicle in such a manner as to result in abuse or neglect of any tire or tube. Driving of a motor vehicle beyond the point where tires are recappable may be found to be abuse within the meaning of this section.

§ 1394.8176 *Offers, solicitations, attempts, or agreements.* No person shall solicit, offer, attempt, or agree to do any act in violation of Ration Order No. 5C.

§ 1394.8177 *Rations not transferable.* (a) No person shall transfer or assign any ration, and no person shall accept such transfer or assignment.

(b) No person shall transfer or assign and no person shall accept a transfer or assignment of any coupon book or any bulb, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except in accordance with the provisions of Ration Order No. 5C.

(c) No person shall have in his possession any coupon book or bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except the person, or the agent of the person, to whom such book, coupon, or certificate was issued or by whom it was acquired in accordance with the provisions of Ration Order No. 5C.

(d) Notwithstanding the provisions of this section, a ration, other than a special ration, may be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

(e) The provisions of paragraphs (a), (b), and (c) of this section shall not be applicable to public officials acting in the performance of their official duties.

§ 1394.8178 *Mutilation, destruction, or counterfeiting of coupon books or certificates.* (a) No person other than

a person authorized pursuant to Ration Order No. 5C shall deface, mutilate, alter, burn or otherwise destroy any coupon book or bulk, inventory or other coupons (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence.

(b) No person shall counterfeit or forge any coupon book, or bulk, inventory, or other coupon, or any other evidence.

(c) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited coupon book or bulk, inventory or other coupon or other evidence.

(d) Any defacement, mutilation or alteration of a coupon or ration book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid. The detachment of any coupon from a ration book, except in accordance with the provisions of § 1394.8153, shall render such coupon invalid.

(e) The provisions of paragraphs (a), (c), and (d) of this section shall not be applicable to public officials acting in the performance of their official duties.

§ 1394.8179 *Compliance with O. D. T. orders.* No person owning or controlling any motor vehicle shall use or permit the use of gasoline therein for operations in violation of any order, rule or regulation issued by the Office of Defense Transportation.

§ 1394.8180 *Applicability of order to rations issued under Ration Order No. 5A.* All rations issued pursuant to Ration Order No. 5A, which remain in effect beyond November 21, 1942, shall be subject to the same restrictions, prohibitions, and conditions of use as though they were issued pursuant to Ration Order No. 5C.

§ 1394.8181 *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 5C, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading. Any Board discovering such an untrue statement of fact, or any such omission to state any such fact shall report it and transmit the evidence thereof, to the State Director or District Manager for appropriate action, whether or not such Board has proceeded with respect thereto under the provisions of § 1394.8105.

#### REPLENISHMENT AND AUDIT

##### REGISTRATION OF PLACE OF BUSINESS

§ 1394.8201 *Registration of inventory and capacity.* (a) Every dealer and intermediate distributor shall take a physical inventory of his total gasoline supplies on hand as of 12:01 a. m., November 22, 1942, and shall, on November 23 or 24, 1942, register (on Form OPA R-545) with the Board having jurisdiction of the area in which such a place of business is located, at the hours provided by the Board, the following mat-

ters, together with such other information as may be required:

(1) His name, firm name, business address and type of business.

(2) His total gasoline storage capacity.

(3) His total inventory of gasoline on hand as of 12:01 a. m., November 22, 1942.

(4) A certification as to the truth of each of the foregoing items of information.

(b) Separate registration shall be made by such dealer or intermediate distributor for each place of business operated by him at which gasoline is transferred, and shall be made at each respective Board having jurisdiction of the area in which each such place of business is located.

(c) Every licensed distributor who operates a place of business at which functions corresponding to those of a dealer or intermediate distributor are performed, and which, under the terms of § 1394.7551 (a) (17), is deemed to be a part of his facilities as a licensed distributor, and every person who receives gasoline from a licensed distributor on consignment for purposes of sale, shall register each such place of business (on Form OPA R-545) on November 23 and 24, 1942, with the Board having jurisdiction of the area in which each such place of business is located: *Provided*, That neither the inventory of gasoline on hand nor the gasoline storage capacity shall be registered, but only the name of the licensed distributor or consignee operating such place of business, a statement that the place of business is operated by a licensed distributor or by a consignee, and a certification as to the truth of this information.

(d) Notwithstanding the provisions of paragraph (a), (b) and (c) of this section, no dealer or distributor whose place of business has been registered with a Board pursuant to the provisions of Ration Order No. 5A shall, except as provided in §§ 1394.8220, 1394.8224, 1394.8225 and 1394.8226, again register such place of business or receive inventory coupons representing the unfilled gasoline storage capacity of such place of business: *Provided*, That any licensed distributor who registered, pursuant to the provisions of Ration Order No. 5A, facilities which, under the terms of § 1394.7551 (a) (17), are deemed for purposes of Ration Order No. 5C to be a part of his facilities as a licensed distributor, and received inventory coupons for the unfilled gasoline storage capacity of such facilities, shall reregister such facilities on November 23 or 24, 1942, as licensed distributor facilities, and surrender to the Board for cancellation inventory coupons or other evidences equal in gallonage value to the coupons originally issued to represent his unfilled gasoline storage capacity.

§ 1394.8202 *What constitutes gasoline on hand.* The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which

did not arrive at his place of business prior to 12:01 a. m., November 22, 1942. Gasoline shipped to a dealer or intermediate distributor prior to November 22, 1942, but received by him at any time after November 21, 1942, shall be deemed to be gasoline transferred to him subsequent to November 21, 1942, and shall require an exchange therefor of coupons or other evidences in the manner provided in §§ 1394.8207 and 1394.8209.

§ 1394.8203 *What constitutes gasoline storage capacity.* The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums or other movable containers: *Provided, however,* That a dealer or intermediate distributor who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

§ 1394.8204 *Issuance of registration certificates.* The Board, on determining that the information submitted by the registrant is correct, and that the registrant is in fact engaged in business as a dealer or distributor, shall by authorized signature approve the certificate, file Part B thereof, and return Part A of the certificate to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies, and shall present it as an identification at the time of transacting business with any Board.

§ 1394.8205 *Issuance of inventory coupons.* (a) The Board shall, at the time of its approval of the registration certificate of a dealer or intermediate distributor, issue to the registrant inventory coupons in an amount equal to the number of gallons, if any, by which the total gasoline storage capacity for each place of business exceeds the total inventory of gasoline on hand. A one-hundred gallon inventory coupon or a quantity of Class A coupons may at any time subsequent to registration be exchanged at any Board by a dealer or intermediate distributor for an equivalent amount of one-gallon inventory coupons.

(b) In any case in which the total inventory of gasoline on hand exceeds the total gasoline storage capacity of the registrant's place of business, the Board shall require the registrant to surrender for cancellation, and the registrant shall so surrender, at the earliest possible moment thereafter, consumer coupons or other evidences equal in gallonage value to the amount of gasoline by which his inventory of gasoline on hand as of 12:01 a. m., November 22, 1942 exceeds his total gasoline storage capacity.

§ 1394.8206 *Restriction on use of inventory coupons.* (a) Every dealer and intermediate distributor shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the amount of consumer coupons or other evidences available for exchange: *Provided, however,* That one-gallon inventory coupons may be used to make up the difference between the number of gallons in any

delivery and the number of gallons represented by the nearest composable sum of the values of consumer coupons or other evidences.

(b) Every dealer and intermediate distributor shall clearly write in ink on the reverse side of each inventory coupon issued to him, the name and address of his establishment as shown on his certificate of registration, and no inventory coupon shall be used in exchange for gasoline, and no gasoline may be transferred in exchange for inventory coupons, unless such notations appear on such coupons.

#### RESTRICTIONS ON TRANSFERS BETWEEN DEALERS AND DISTRIBUTORS

§ 1394.8207 *Restriction on transfers.* Except as provided in § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to any other dealer or distributor and no dealer or distributor shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences, at the time of the actual delivery of the gasoline or in advance thereof, equal in gallonage value to the amount of the gasoline so transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal in gallonage value to the adjusted quantity of gasoline so transferred: *Provided, however,* That coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors unless in the course of transit between such licensed distributors the gasoline is delivered to a dealer or intermediate distributor for redelivery to the transferee: *Provided further,* That transfers of gasoline may be made only in exchange for coupons bearing the notations required by paragraphs (d) and (e) of § 1394.8004 and paragraph (b) of § 1394.8206.

§ 1394.8208 *Same: Other applicable provisions.* Nothing in Ration Order No. 5C shall be construed to authorize any transfer of gasoline which would be in contravention of any regulation or order of any department or agency of the United States.

§ 1394.8209 *Absentee deliveries: Third party deliveries.* Where a distributor elects to make delivery of gasoline during hours when the transferee is not open for business, the transferee shall, where the exact amount of delivery is known in advance, mail or deliver in advance to the distributor, or, at the discretion of the distributor, within twenty-four (24) hours of delivery, coupons or other evidences equal in gallonage value to the amount, or adjusted amount, of the delivery. Where delivery of gasoline to a dealer or intermediate distributor is made by common or contract carrier or by pipe line, or where the billing for gasoline transferred is not received by the transferee at the same time as or prior to receipt of the transfer by him, the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver in advance to his distributor coupons or other evidences equal in gallonage value to the amount, or adjusted amount, of the delivery, or may,

at the discretion of the transferor, forward to the transferor within five (5) days after receipt of such delivery an amount of coupons or other evidences equal in gallonage value to the number, or adjusted number, of gallons so delivered.

§ 1394.8210 *Upstream transfers.* (a) Any distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor, other than in connection with a transfer to him of the place of business of such dealer or intermediate distributor, shall deliver to such dealer or intermediate distributor a quantity of coupons or other evidences equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Except as provided in paragraph (c) of this section, any dealer or distributor who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver for cancellation to the Board having jurisdiction over the area in which the place of business of such dealer or distributor is located a quantity of coupons or other evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired, and the quantity of gasoline so acquired. The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the State Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such statements. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other notations as may be required, note on the face of the coupon books issued, and on the application, the expiration date of the ration, which shall be the same expiration date as that applicable to the ration originally issued.

(c) If gasoline is transferred by a military or naval post or station to a facility such as a post exchange or ships' service store for transfer to consumers for non-official use, and if such facility is a li-

censed distributor, such facility shall not surrender coupons or other evidences to a Board as required in paragraph (b) of this section, but shall merely attach coupons or other evidences acquired from consumers to its monthly State motor fuel tax report. If a military or naval post or station transfers gasoline directly to consumers such post or station shall execute a State motor fuel tax report in the manner required of licensed distributors, and shall attach thereto all coupons or other evidences acquired from consumers in exchange for such gasoline.

§ 1394.8211 *Preservation of coupons; Coupon sheets.* Each dealer and distributor shall affix all coupons received by him to a coupon sheet (Form OPA R-120) in the manner directed thereon, prior to any transfer of such coupons. Separate coupon sheets shall be maintained for coupons of each separate type, only coupons of the same class and gallonage value being attached to any one such sheet.

§ 1394.8212 *Preservation of acknowledgments; Summaries of acknowledgments.* Each dealer and distributor shall attach the acknowledgments of delivery delivered to him by authorized purchasers to a Summary of Coupons and Other Evidences (Form OPA R-541), on which he shall enter in order for each such acknowledgment the date of purchase, name of purchaser, and number of gallons sold.

§ 1394.8213 *Summary of Coupons.* Each dealer and distributor shall, prior to every delivery by him of coupons or other evidences, except exchange certificates, to a transferor of gasoline, prepare in duplicate on Form OPA R-541 a Summary of Coupons and Other Evidences in the manner directed thereon, certifying the number of each type of coupon or other evidences to be delivered. The original of this summary shall be delivered to the transferor attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year. All such summaries received by a distributor upon his delivery of gasoline to a dealer or intermediate distributor shall be recapitulated in his own summary, one such summary equaling the total gallonage represented by all coupons and other evidences (less the gallonage represented by exchange certificates, except as provided in § 1394.8214) forwarded by him. Summaries received by a distributor from dealers or intermediate distributors shall be included with the coupons and other evidences attached thereto when forwarded by him.

§ 1394.8214 *Exchange of coupons for certificates.* A distributor may at any time deliver to a Board coupons or other evidences (including exchange certificates) and obtain in return an exchange certificate or certificates equal to the gallonage value of the valid coupons or other evidences remitted. The remitter shall attach to such coupons or other evidences a Summary of Coupons and Other Evidences on Form OPA R-541, on which such evidences shall be listed by type and

value, in addition to the summaries already attached thereto by the dealer or distributor from which such coupons or other evidences were received. In any case in which a distributor desires to exchange one or more exchange certificates for a greater number of exchange certificates, or certificates of different value, he shall, in addition to the summary for the certificates to be exchanged, prepare and submit summaries showing the types and values of the evidences to be represented by the exchange certificates to be issued. The Board shall furnish him in return one or more exchange certificates (Form OPA R-548) equal in gallonage value to the total gallonage value of the coupons or other evidences remitted by him: *Provided, however,* That every licensed distributor shall segregate all coupons or other evidences remitted by him according to the States to which are due the State motor fuel taxes on his own transfers which such coupons or other evidences represent, shall prepare a separate Summary of Coupons and Other Evidences for each such State, and shall receive from the Board a separate exchange certificate for each such State. The Board shall on request furnish more than one such certificate for transfers within any given State, each representing any fraction of the total gallonage value remitted for such State, so long as the sum of all such certificates equal the total gallonage value of the coupons or other evidences remitted. Exchange certificates shall be prepared in duplicate by the Board and shall be signed both by the distributor and by an authorized member or agent of the Board. The Board shall retain for its files the duplicate copy of each exchange certificate issued by it.

§ 1394.8215 *Transfer and surrender of expired coupons.* (a) No dealer shall accept from a consumer in exchange for a transfer of gasoline any Class S ration coupon issued pursuant to Ration Order No. 5A, or any Class A coupon the period of validity of which, as shown on the face thereof, has expired; and no such coupon shall be an evidence of any gallonage value, except on coupon sheets to which it has been attached prior, in the case of Class S coupons, to November 22, 1942, or in the case of Class A coupons, to the expiration of its period of validity.

(b) Every dealer or distributor who has in his possession or control any Class S ration coupons on or after November 22, 1942, or any Class A ration coupons the valid period of which has elapsed, shall dispose of such coupons in preference to others in his possession or control, when exchanging coupons for transfers of gasoline or for exchange certificates, or when otherwise disposing of coupons pursuant to the terms of Ration Order No. 5C.

(c) On and after December 2, 1942, but not later than December 7, 1942, in the case of Class S ration coupons, and on and after ten (10) days but not later than fifteen (15) days after the expiration dates of Class A ration coupons, each dealer or distributor who has in his possession or control Class S or ex-

pired Class A ration coupons shall surrender such coupons to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to a distributor in exchange for such coupons one or more exchange certificates, in accordance with the provisions of § 1394.8214. The Board shall issue to a dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After December 7, 1942, in the case of Class S ration coupons, and after fifteen (15) days from the expiration date of any Class A ration coupon, such coupons are void, and no gasoline may be transferred in exchange therefor, and no exchange certificate, inventory coupons, or other evidence may be issued to a dealer or distributor in exchange for Class S or expired Class A ration coupons.

§ 1394.8216 *Certification of shortage.* Dealers and intermediate distributors shall be permitted from time to time to apply by certification (on Form OPA R-549) for replenishment for losses of gasoline through evaporation, handling, accident, or other extraordinary circumstance, and for unavoidable loss of coupons or other evidences. The certification of shortage shall be submitted to the Board having jurisdiction of the area in which such dealer or intermediate distributor has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation of reasons therefor. If, on consideration of the certification presented and of such other facts as it may require of the applicant, the Board finds that the applicant has incurred the shortages claimed, that such shortages were not incurred as a result of any acts performed in violation of Ration Order No. 5A or 5C, and that any claimed shortage of gasoline is reasonable, the Board shall file the certification and issue to the applicant a quantity of inventory coupons equal to the amount of the proven shortage. A copy of the certification may be retained by the dealer or intermediate distributor for his records.

#### RECORDS AND AUDITS

§ 1394.8217 *Records to be kept by dealers and intermediate distributors.* At the time of making any delivery of gasoline to any dealer or intermediate distributor, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the transferee and the date and quantity of the transfer; and every such transferee shall retain at his place of business for a period of at least one year from the date of his receipt of such gasoline the invoice, delivery ticket, or other evidence so furnished him.

§ 1394.8218 *Reports by licensed distributors.* (a) Every licensed distributor shall prepare an additional copy of each of his monthly State motor fuel tax reports (and supporting schedules), which he shall submit to the State motor fuel tax administration at the time and

in the manner required by such administration for the usual monthly report, and shall attach to such copy a single exchange certificate, except as provided in paragraph (c) of § 1394.8210, in an amount equal to the total gallonage value of coupons or other evidences for which he is required to account for the period for which such return is made. Gasoline which has been shipped and billed in exact amount to a transferee during a calendar month, and which is included by the licensed distributor in the State motor fuel tax report for such month, shall be treated both by the transferor and transferee as gasoline transferred during such month, even though actual receipt of such gasoline by the transferee may take place during the following calendar month.

(b) The licensed distributor shall also prepare in triplicate a reconciliation statement (Form OPA R-550), reconciling the difference between the gallonage value of the exchange certificate so submitted and the total gallonage disposed of by him as reported by the tax return. He shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy of the reconciliation form at his place of business for a period of not less than one year; *Provided, however*, That, where special hardship results from the necessity of submitting the reconciliation form at the time that the State motor fuel tax report is due, application may be made, showing all relevant facts, to the Office of Price Administration, Washington, D. C., for leave to defer, for a period of not more than ten (10) days, the submission of the additional copy of his motor fuel tax report, the attached certificate, and the reconciliation form.

(c) Any licensed distributor who is not required by the State to which he is required to account for State motor fuel taxes to include his monthly opening and closing gasoline inventories in his motor fuel tax return shall take a physical inventory of his gasoline on hand at the beginning or ending of each month, and shall include in such inventory all gasoline in transit and billed to him. Such distributor, in addition to other information which may be required, shall include such monthly opening and closing gasoline inventories on the reconciliation form prepared by him.

(d) Licensed distributors required to make reports pursuant to Ration Order No. 5A for the month of November, 1942, shall make one combined report for such month including all transactions during such month covered by Ration Order No. 5A and Ration Order No. 5C. Licensed distributors not required to make reports pursuant to Ration Order No. 5A shall not make a separate report under Ration Order No. 5C for the month of November, 1942, but shall include all transactions from November 22 through November 30, 1942 in their report for the month of December, 1942, in accordance with the provisions of this section.

§ 1394.8219 *Audit by State motor fuel tax administration.* On completion of its usual office audit of a licensed distributor's monthly motor fuel tax report, each

State motor fuel tax administration will by authorized signature either verify or note errors on the additional copy of the tax report received by it, will inspect the reconciliation form and attached exchange certificate in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will, within the shortest possible time, forward the additional copy of the tax return, the attached certificates or other evidences and the original of the reconciliation form and supporting statements, to the Control and Audit Unit, Gasoline Rationing Branch, Office of Price Administration, Washington, D. C. In the event of discovery of any error, discrepancy, misrepresentation or other irregularity in the monthly report by later inspection or audits, the motor fuel tax administration will notify the Control and Audit Unit of all the facts relating to any such irregularity.

#### NEW REGISTRATIONS

§ 1394.8220 *Registration of new or reopened place of business.* Any dealer or distributor who opens or reopens a place of business not currently registered by such dealer or distributor under the provisions of § 1394.8201, shall, prior to receipt or transfer of any gasoline at such place of business, register such place of business in the manner provided in § 1394.8201, and shall be issued, if not a licensed distributor, inventory coupons equal in gallonage value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

§ 1394.8221 *Cessation of business.* Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the certificate of registration of such place of business and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of such place of business.

§ 1394.8222 *Acquisition of place of business from licensed distributor.* Any person acquiring a place of business from a licensed distributor for continued operation for the transfer of gasoline may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall obtain from such licensed distributor, and such distributor shall furnish, the certificate of registration, if any, for such place of business. The transferee shall, immediately after the transfer, deliver such certificate to the Board having jurisdiction of the area in which such place of business is located, and shall endorse such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall constitute a certification by the transferee that he has acquired the place of business described in such certificate and the total quantity of gasoline on hand at such place of business as of the time of trans-

fer. The transferee shall then register as of the time of acquisition of such place of business in the manner provided in §§ 1394.8201 to 1394.8205, inclusive, at the Board having jurisdiction of the area in which such place of business is located, prior to receipt or transfer of any gasoline at such place of business.

§ 1394.8223 *Acquisition of dealer's or intermediate distributor's place of business.* Any person who acquires for continued operation for the transfer of gasoline a place of business from a dealer or intermediate distributor may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall, at the time of acquisition, obtain from such dealer or intermediate distributor, and such dealer or intermediate distributor shall furnish, the certificate of registration of such place of business and coupons or other evidence equal in gallonage value to the unfilled gasoline storage capacity as of the time of transfer of such place of business. The transferee of such place of business shall, immediately after the transfer, deliver to the Board having jurisdiction of the area in which the place of business is located, the certificate of registration so delivered, and, if the transferee is a licensed distributor, shall also deliver at such time the coupons or other evidence acquired by him from such dealer or intermediate distributor, and shall endorse such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall constitute a certification by the distributor that he has acquired from the transferor of such place of business the place of business described in such certificate, the total quantity of gasoline on hand at such place of business, and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity of such place of business as of the time of transfer. The place of business so acquired shall be registered by the transferee in accordance with the provisions of §§ 1394.8201 to 1394.8205, inclusive, as of the time of acquisition thereof.

§ 1394.8224 *Surrender or revocation of license of licensed distributor.* Any licensed distributor who ceases to do business as such, although continuing in the business of transferring gasoline, shall, on the day on which he ceases to do business as a licensed distributor, register as a dealer or intermediate distributor, as the case may be, in the manner provided by § 1394.8201 to 1394.8205, inclusive, each of his places of business which has not already been so registered, certifying to the Board the total gasoline storage capacity of and the quantity of gasoline on hand at each such place of business as of the date on which he ceased to do business as a licensed distributor.

§ 1394.8225 *Newly licensed distributor.* Any dealer or intermediate distributor who becomes a licensed distributor shall forthwith deliver to the Board having jurisdiction of the area in which such place of business is located the certificate of registration as a dealer or intermediate distributor of such place of business and coupons or other evidences equal in gal-

lonage value to the total unfilled capacity of the gasoline storage facilities of such place of business as of the date on which he commenced operations as a licensed distributor, and shall register as a licensed distributor in accordance with the provisions of paragraph (c) of § 1394.8201.

§ 1394.8226 *Change of storage capacity.* Any dealer or intermediate distributor in any manner altering the total gasoline storage capacity of his place of business shall deliver for cancellation to the Board having jurisdiction of the area in which such place of business is located, his currently valid certificate of registration, and shall register for and obtain a new certificate of registration in the manner provided by §§ 1394.8201 to 1394.8204 inclusive. The Board shall attach to its copy of the new certificate the original and copy of the cancelled certificate. If the total gasoline storage capacity of the place of business is decreased, the dealer or intermediate distributor shall surrender to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of such decrease. If the total gasoline storage capacity of such place of business is increased, the Board shall issue to the dealer or intermediate distributor a quantity of inventory coupons equal in gallonage value to the amount of such increase.

#### INSPECTIONS

§ 1394.8227 *Inspection of records and facilities.* All records, reports, forms, accounts, or other documents required by Ration Order No. 5A or Ration Order No. 5C to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees, by the employees of any State motor fuel tax administration, and by such other personnel as the Office of Price Administration may designate. Such inspection may be made at the place of business of any such person during regular business hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

#### ADJUSTMENTS AND APPEALS

§ 1394.8251 *Adjustments of errors made by registrars.* (a) Any person who claims that a registrar improperly refused to issue a basic ration book or made an error in issuing a basic ration book on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a basic ration book was denied or was incorrectly issued to him by a registrar, by reason of an error in his application, may make a new application, to a Board, for a basic ration book. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application, or, if such original application cannot expeditiously

be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made, by the applicant or by the registrar, it shall issue a basic ration book, or correct the book issued by the registrar, or issue a new book in place of the one issued by the registrar, or take such other action in accordance with the provisions of Ration Order No. 5C, as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having a unit value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced.

§ 1394.8252 *Appeals from decisions of boards.* Any person may appeal from an adverse decision of a Board. Except as provided in § 1394.8105, such appeals shall be taken only in accordance with the provisions of Procedural Regulation No. 9 issued by the Office of Price Administration.

#### ENFORCEMENT

§ 1394.8301 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 5C or who otherwise knowingly furnishes false information to any Board or any other agent, employee or officer of the Office of Price Administration or falsifies or who conceals or covers up a material fact, by any trick, scheme or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 5C may upon conviction be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 5C may upon conviction be fined not more than \$10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

§ 1394.8302 *Suspension orders.* Any person who violates this Ration Order No. 5C may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any gasoline or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

#### EFFECTIVE DATES

§ 1394.8351 *Effective dates.* (a) Ration Order No. 5C shall become effective on November 9, 1942 except that the provisions of §§ 1394.8151 to 1394.8180, inclusive, and the provisions of §§ 1394.8201 to 1394.8227 inclusive, shall become effective November 22, 1942.

(b) On and after November 22, 1942, Ration Order No. 5C, §§ 1394.7501 to 1394.8351, inclusive, supersedes Ration Order No. 5A, 7 F.R. 5225, July 9, 1942, as amended: *Provided however,* That Ration Order No. 5A and all amendments thereto shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms thereof prior to November 22, 1942.

Issued this 6th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11601; Filed, November 6, 1942; 5:00 p. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A]

#### TIRES, TUBES, RECAPPING, AND CAMELBACK

*Preamble.* This Ration Order No. 1A is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's Special Committee to study the rubber situation.

The Committee's report states:

We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bulling through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't. \* \* \* Only actual needs, not fancied wants, can or should be satisfied."

This order, along with the new Mileage Rationing: Gasoline Regulations, (Ration Order No. 5C) puts into practice the various recommendations of the Committee. These recommendations include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles

3. Prompt and strict enforcement of a nation-wide speed limit not exceeding thirty-five miles an hour.
4. Compulsory periodic tire inspection.

The Mileage Rationing: Tire Regulations (Ration Order No. 1A) controls the use, care and acquisition of tires, tubes, and recapping services for all types and classes of rubber borne motor vehicles.

Control over commercial motor vehicles is shared with the Office of Defense Transportation. The mileage to be allowed for and the consequent wear of tires by trucks, taxis and like vehicles used for transporting property or available for rental or hire will be determined by the Office of Defense Transportation and evidenced by Certificates of War Necessity. Whether or not such commercial motor vehicles shall receive tires or recapping services remains the responsibility of the Office of Price Administration. Tires and camelback for these vehicles require crude rubber. The present supply of tires and camelback for commercial motor vehicles is now gravely limited. It may not be possible, therefore, to furnish tires or recapping services for every vehicle for which a Certificate of War Necessity is issued by the Office of Defense Transportation, and only the most essential commercial motor vehicles can be designated as eligible for tires or recapping services.

The situation with respect to passenger automobiles, although acute, at present allows a less stringent solution. Unlike truck-type camelback, camelback suitable for recapping passenger automobile tires can be manufactured almost entirely from reclaimed rubber. By rationing all tires, new and used, and all recapping services, and by strictly controlling the mileage driven by passenger automobiles through gasoline rationing, we can, within quota limits periodically fixed, make it possible to provide tires or recapping services for essential mileage. All passenger automobile gasoline rations other than the basic ration are strictly tailored in accordance with need, with a maximum allowance of 470 miles of occupational driving for all who do not fall within those classes of essential users described in the preferred mileage list. The passenger automobile is an integral part of the nation's transportation system and must be kept running. As pointed out by the Committee: "Necessary civilian needs are a part of the war effort. With the increased availability of motor transportation men have moved their residences farther from their place of work. With the growth and spread of war plants and demands for war workers, housing facilities of city and town have become overcrowded, increasing the transportation needs of the country. Nor can public transportation systems alone meet that need. The Committee has remarked:

We realize full well that beyond some point we cannot limit the amount of (passenger car) transportation \* \* \* without severe effects on our war program. Indeed we have been given estimates that point to the fact that unless 50 percent of our normal car mileage can be maintained our normal productive effort would be seriously retarded.

In order to maintain our essential passenger-car mileage and to prevent a collapse of the transportation system, idle tires must be put to use. To protect that system, none may hoard. Tires must be spread among all who need them. To accomplish this every idle tire must be made available for use. The Government has undertaken a purchase plan designed to bring into the market and make available for use every idle tire. A second means of using to the greatest advantage our existing supply of tires, is to preserve and restore those tire carcasses that are in need of recapping. These tires if recapped in time can continue to be used for essential purposes; if not recapped in time they become useless scrap. As said by the Committee, "The nation is now driving on rubber borrowed from a happier past. Without recaps and replacements the majority of civilian cars would be forced off the road by irreplaceable tire failures."

Conservation measures to protect our present stock of rubber now on running wheels, both of commercial motor vehicles and passenger automobiles have been stressed by the Committee. As such a measure the Mileage Rationing: Tire Regulations institute a system of compulsory periodic tire inspection. The equipment and tires of each car will be checked periodically to make sure that the tires are being used as efficiently as possible and to insure that they will not be used beyond the stage where they can be recapped. The War Price and Rationing Boards are empowered to treat driving over 35 miles per hour as evidence of tire abuse.

Each car owner should limit the use of his car to the most essential purposes. There is no assurance that the rubber supply will be sufficient to cover even the most essential needs, and further restrictions may be necessary in the future. This will depend in large part upon whether or not the American public rigidly restricts its driving habits, and uses the utmost care to prevent any abuse or neglect of its tires. In the words of the Committee report, "we have the choice: discomfort or defeat. There is no middle course."

Accordingly, pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1Q, issued November 6, 1942.

It is hereby ordered, That:

SCOPE OF RATION ORDER NO. 1A

- Sec.  
1315.151 Territorial limitations.  
1315.152 Effect on other ration orders.

DEFINITIONS

- 1315.201 Definitions.

ADMINISTRATION, PERSONNEL, AND JURISDICTION

- 1315.301 Administration and personnel.  
1315.302 Jurisdiction of War Price and Rationing Boards.  
1315.303 Jurisdiction of Plant Area Boards or other Boards.

QUOTAS

- 1315.401 Quotas.  
(a) Quotas to be fixed.  
(b) Quotas not to be exceeded by Boards.

- Sec.  
1315.401 Quotas—Continued.  
(c) Basis for Board consideration.  
(d) Passenger automobile spare tires.  
(e) List B commercial motor vehicles.

PROOF OF NEED AND ELIGIBILITY

- 1315.501 General proof of need.  
(a) Immediate need.  
(b) No abuse or neglect.  
(c) Unlawful mileage.  
(d) Ply construction.  
(e) No available tire or tube.  
(f) No excess tires.  
1315.502 Additional proof of need for passenger automobile.  
(a) Gasoline ration.  
(b) Inspection record.  
1315.503 Eligibility of passenger automobile.  
(a) Reconsideration of gasoline ration.  
(b) Redetermination of supplemental, fleet or official gasoline ration.  
(c) Eligibility determined on basis of adjusted gasoline ration.  
(d) Exceptions to eligibility; mileage not governing.  
1315.504 Additional proof of need for commercial motor vehicle.  
(a) Certificate of War Necessity.  
(b) Importance to war effort, public health or safety.  
(c) Comparative need.  
(d) Recapping if possible.  
(e) Passenger-type tires unavailable or wasteful.  
(f) No other vehicle available.  
1315.505 Eligibility of commercial motor vehicle.  
(a) List A.  
(b) List B.  
(c) Truck-type camelback.  
1315.506 Eligibility of farm implement, industrial equipment, and non-highway vehicle.  
(a) Eligibility requirements.  
1315.507 Eligibility for emergency reserve of tires and tubes.  
(a) Eligibility requirements.  
(b) Conditions.  
(c) Inspection and proof of sale.  
1315.508 Eligibility for allotment of camelback.  
(a) Amount to which recapper entitled.  
(b) Limitation upon applications.  
1315.509 Eligibility for allotment of Grade III tires.  
(a) Applicant must be a dealer.  
(b) Amount of allotment.  
(c) One allotment only.  
1315.510 Eligibility of recappers for curing tubes.

APPLICATIONS AND CERTIFICATES

- 1315.601 Application for certificates.  
(a) Who may execute and file.  
(b) Contents of application.  
(c) Presentation of Tire Inspection Record.  
(d) Presentation of Certificate of War Necessity.  
(e) Certification by applicant.  
1315.602 Filing of applications.  
(a) Tires and tubes for consumers.  
(b) Emergency reserve for consumers.  
(c) Curing tubes for recappers.  
(d) Allotment of camelback for recappers.  
(e) Allotment of Grade III tires for dealers.

- Sec. 1315.603 Certification by inspector prior to filing application.  
 (a) Inspection of tires and tubes.  
 (b) Thorough inspection required.  
 (c) No compensation to be paid for inspection.
- 1315.604 Investigation of facts by Board.  
 (a) Power of the Board.  
 (b) Additional information.
- 1315.605 Notation of reasons for action.
- 1315.606 Applicant to be notified of decision of Board.
- 1315.607 Form of certificates to be issued.  
 (a) For tires, tubes and recapping service.  
 (b) For emergency reserve.  
 (c) For curing tubes.  
 (d) For allotment of camelback.  
 (e) For allotment of Grade III tires.
- 1315.608 Certificates non-transferable.
- 1315.609 Execution and issuance of certificate.  
 (a) Execution of certificates.  
 (b) Issuance of certificates.
- 1315.610 Action by certificate holders.  
 (a) Use of certificate.  
 (b) Replaced tires or tubes to be turned in.  
 (c) Signing of certificates.
- 1315.611 Action by suppliers.  
 (a) Turn in of tire or tube prerequisite to transfer.  
 (b) Certificate to be completed.  
 (c) Delivery pursuant to certificate.
- 1315.612 Splitting of certificates.
- REVOCATION OF CERTIFICATES OR RIGHT TO USE TIRES
- 1315.651 Revocation of certificates.
- 1315.652 Revocation of certificates issued by mistake.
- 1315.653 Revocation of certificates or declaration of ineligibility after hearing.  
 (a) Procedure by Board.  
 (b) Review by District Manager or State Director.  
 (c) Stay of action by District Manager or State Director.  
 (d) Appeal to Washington Office.  
 (e) Action by Board on remand.
- 1315.654 Effective period of Board Order.
- 1315.655 Restoration of certificate or eligibility upon application.
- 1315.656 Authority of Regional Administrators, State Directors and District Managers to revoke certificates or to forbid acquisition or use of tires or tubes.  
 (a) When procedure available.  
 (b) Kind of order which can be made.  
 (c) Hearing procedure.  
 (d) Appeal to Regional Administrator.  
 (e) Appeal to Washington Office.
- 1315.657 Refusal of certificates.
- INSPECTION OF PASSENGER AUTOMOBILE TIRES
- 1315.701 Periodic inspection.  
 (a) Check of serial numbers.  
 (b) Report on mileage and condition of tires.
- 1315.702 Inspection of tire transferred on passenger automobile.
- 1315.703 Compensation to be paid for inspection.
- 1315.704 Shifting of tires.
- 1315.705 Replacement of lost Tire Inspection Records.
- PROHIBITED AND PERMITTED TRANSACTIONS
- 1315.801 Prohibitions.
- 1315.802 Mounting or use of tires or tubes.  
 (a) Mounting or use generally.  
 (b) Mounting from stock prohibited.
- Sec. 1315.803 Transfer to consumers upon certificate.  
 (a) By retailers.  
 (b) By manufacturers or wholesalers.  
 (c) No tire in stock.  
 (d) Tire requiring repair or recapping.  
 (e) By warehousemen.
- 1315.804 Dealer and manufacturer transfers.  
 (a) Establishments under common ownership.  
 (b) Changes of location.  
 (c) Tires or tubes.  
 (1) Restrictions on transfers by manufacturers.  
 (2) Restrictions on transfer of Parts B.  
 (3) Permitted replenishment of tires or tubes.  
 (4) Allotment of Grade III tires.  
 (5) Transfers by dealers without certificates.  
 (6) Transfer of legal title without certificate.  
 (d) Camelback.  
 (1) Allotment.  
 (2) For recapping.  
 (3) Restrictions on transfer of Parts B.  
 (4) Permitted replenishment of camelback.  
 (5) Recapping of Army and Navy tires.  
 (6) For remilling.  
 (7) For curing.  
 (e) Transfer of dealer's business.  
 (f) Transfers to sectional warehouses.  
 (g) Transfers to dealer's warehouses.
- 1315.805 Acquisition for retransfer purposes.  
 (a) Persons who may acquire.  
 (1) Exercise of governmental rights or powers.  
 (2) Decedents' estates.  
 (3) Judicial process.  
 (4) Salvage.  
 (5) Subrogation upon payment of claim.  
 (6) Security transfers.  
 (b) Reports of transfers for retransfer purposes.  
 (c) Required retransfers.
- 1315.806 Transfers without certificate, special authorization, or notice.  
 (a) Transfers to Defense Supplies Corporation.  
 (b) Changes in location.  
 (c) Transfers on vehicles.  
 (d) Transfers for repair, mounting, or inspection.  
 (e) Return of lost or stolen tires, tubes, or camelback.  
 (f) Exchange of tires or tubes.  
 (g) Turn-in of tires or tubes to be replaced.  
 (h) Transfers for recapping.  
 (i) Transfer of recappable tire to recapper.  
 (j) Camelback to dealers and manufacturers.  
 (k) Transfers to and from carriers.  
 (l) Transfer to and from public warehouses.  
 (m) Mounting of original equipment.
- 1315.807 Miscellaneous transactions.  
 (a) Territories and possessions of the United States.  
 (b) Secret Service.  
 (c) Transfers and use for testing.  
 (d) Change-overs.  
 (e) Destroyed or damaged stock.
- Sec. 1315.807 Miscellaneous transactions—Con.  
 (f) Transfers by Defense Supplies Corporation.  
 (g) Tires, tubes, or camelback held in customs.
- 1315.808 Transfers to certain governmental agencies, manufacturers of vehicles or for export, and receipts.  
 (a) Transfer to certain governmental agencies or for port.  
 (b) Transfer to manufacturers of vehicles.  
 (c) Receipt.
- 1315.809 Authorization to become a dealer.
- OTHER PROHIBITED ACTS
- 1315.901 Offenses.  
 (a) Mutilation and forgery of certificates.  
 (b) Illegal transfer of certificates.  
 (c) Illegal use and possession of certificates.  
 (d) Possession of forged certificates.  
 (e) Illegal possession or use of tires.  
 (f) Abuse of tires.  
 (g) Speed limitation.  
 (h) Tire Inspection Record.  
 (i) Declaration of tires.  
 (j) Illegal use of gasoline.  
 (k) Violation of other orders.  
 (l) False statements.  
 (m) Attempts.
- RECORDS AND REPORTS
- 1315.1001 Records by Boards, State and Regional Offices.
- 1315.1002 Posting names of successful applicants.
- 1315.1003 Disposition of parts of certificates and receipts.  
 (a) Certificates or receipts for tires, tubes or camelback.  
 (1) Part A.  
 (2) Part B.  
 (3) Part C.  
 (4) Part D.  
 (b) Receipt for replaced tires or tubes.  
 (c) File of certificates and receipts.
- 1315.1004 Records of consumers operating five or more vehicles.
- 1315.1005 Records and reports of transfers.  
 (a) Records of transfers to and from dealers, manufacturers and warehousemen.  
 (b) Reports of transfers for retransfer purposes.  
 (c) Report of transfer of dealer's business.  
 (d) Manufacturer's records in lieu of Form R-12.
- 1315.1006 Records and reports on camelback orders to recap Army and Navy tires.  
 (a) Disposition of purchase orders and requisitions.  
 (b) Reports by camelback manufacturer or dealer.
- 1315.1007 Inventories of sellers of tires, tubes and vehicles.
- 1315.1008 Inventories of sectional warehouses.
- 1315.1009 Production records of manufacturers.
- 1315.1010 Inventories and records of recappers and camelback dealers.  
 (a) Monthly inventory.  
 (b) Record of allotment of camelback.  
 (c) Record of transfers of molds.
- 1315.1011 Preservation and filing of records.
- 1315.1012 Notice of legal proceedings.

Sec.	
1315.1013	Report of violations.
APPEALS	
1315.1101	Who may appeal.
1315.1102	Procedure.
ENFORCEMENT	
1315.1151	Criminal prosecutions.
1315.1152	Suspension orders.
1315.1198	Effective date of Ration Order No. 1A.

AUTHORITY: §§ 1315.151 to 1315.1198, inclusive, issued pursuant to Pub. Law No. 671, 76th Cong., as amended by Pub. Law No. 89, 77th Cong., and by Pub. Law No. 507, 77th Cong., Pub. Law No. 421, 77th Cong., E.O. 9125, 7 F.R. 2719, issued April 7, 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, *supra*.

#### SCOPE OF RATION ORDER NO. 1A

§ 1315.151 *Territorial limitations.* Ration Order No. 1A shall apply in every state, territory or possession of the United States and the District of Columbia.

§ 1315.152 *Effect on other ration orders.* Ration Order No. 1A shall not be construed to permit any act which would be in violation of any other ration order promulgated by the Office of Price Administration.

#### DEFINITIONS

§ 1315.201 *Definitions.* (a) For the purpose of this Ration Order No. 1A:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board established by the Office of Price Administration; or a Plant Area Board or other Board established by the Office of Price Administration and designated by it to serve the workers in specified industrial or extractive establishments.

(3) "Bus" means a vehicle built or rebuilt primarily for the purpose of transporting persons and having a rated seating capacity of ten or more.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.

(5) "Certificate," unless the context requires otherwise, means a certificate issued by a Board or other person or agency designated by the Office of Price Administration authorizing the acquisition of any tire, tube, recapping service or camelback.

(6) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 21.

(7) "Commercial motor vehicle" means any of the following vehicles for which a Certificate of War Necessity is required pursuant to General Order ODT No. 21 and any exemptions, exceptions or permits thereunder or amendments thereto: (i) a straight truck, a combination truck-tractor and semi-trailer, a full trailer, any combination thereof, or any other rubber-tired vehicle, excluding a motorcycle or airplane, built or rebuilt primarily for the purpose of transporting property and propelled or drawn by mechanical power; and (ii) any of the following propelled or drawn by mechanical

power and used in the transportation of persons upon the highways: any bus, any ambulance or hearse, any taxicab or jitney, and motor vehicle, except a motorcycle, available for public rental, any station wagon or suburban carry-all available for hire or public rental, or any other motor vehicle except a passenger automobile or motorcycle.

(8) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(9) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes or camelback.

(10) "Fleet," when the term is used in connection with a passenger automobile or motorcycle, indicates that such vehicle is one of three or more passenger automobiles or three or more motorcycles owned by or leased to and used by the same person or organization principally in connection with the same or related occupations; or as applied to a commercial motor vehicle, that such vehicle is one of three or more commercial motor vehicles owned or operated by the same person.

(11) "Grade I," as applied to tires, means a new tire as herein defined, other than a Grade II or Grade III tire.

(12) "Grade II," as applied to tires, means: (i) A new tire for which the Office of Price Administration has established a maximum price of less than 85 percent of the maximum price for tires set forth in paragraphs (a), (b), (f), and (n) of §§ 1315.110 and 1315.111 of Revised Price Schedule No. 63 issued by the Office of Price Administration, (ii) a damaged new tire which is serviceable either with or without repair, (iii) a new tire found to be defective in the manufacturer's final inspection and upon which tire the manufacturer has placed a permanent special identification mark to indicate its defective condition, (iv) a new tire removed from the wheel of a vehicle, from which tire the mold marks have disappeared by reason of wear, or (v) a new tire manufactured prior to January 1, 1938.

(13) "Grade III," as applied to tires, means a used or recapped tire, or a tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(14) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, other than a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(15) "Manufacturer" means any person engaged in the business of manufacturing tires, tubes or camelback.

(16) "Mold" means any recapping mold, or any curing table or curing chamber designed to recap a tire.

(17) "Motorcycle" means a motor-driven vehicle designed for operation on three wheels or less, but does not include a tractor or bicycle.

(18) "Motorcycle tire" means a tire of a size 4.50-18 or smaller, and designed primarily for use upon a motorcycle.

(19) "New," as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(20) "Official," as applied to a passenger automobile, means that such automobile is owned by or leased to a Federal, State, local or foreign government or government agency, other than the armed forces of the United States or the armed forces of a State organized pursuant to section 61 of the National Defense Act as amended.

(21) "Passenger automobile" means any motor vehicle (other than an ambulance or hearse, a vehicle available for public rental, a taxicab or jitney), built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental, or any motorcycle.

(22) "Passenger-type camelback" means Grade F camelback as defined by the War Production Board.

(23) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(24) "Person" means any individual, partnership, corporation, association, government, government agency or subdivision, or any other organized group or enterprise.

(25) "Recapper" means any person engaged in the business of recapping.

(26) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(27) "Recapping service" means the recapping of a certificate holder's tire or a transfer by a dealer or a manufacturer to a certificate holder of a recapped tire in exchange for a recappable tire carcass.

(28) "Regional Office" means a Regional Office established by the Office of Price Administration.

(29) "Retailer" means any dealer other than a wholesaler.

(30) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(31) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(32) "State" means any State, Territory, or possession of the United States, or the District of Columbia.

(33) "State Director" means a State Director appointed by the Office of Price Administration.

(34) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on any passenger automobile, bus, motorcycle, farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes.

(35) "Transfer" means any change in right, title, interest, possession or control, including, but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment, and hypothecation.

(36) "Truck-type camelback" means Grade A or Grade C camelback as defined by the War Production Board.

(37) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on any passenger automobile, bus, motorcycle, farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes.

(38) "Used," as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more.

(39) "Vehicle" means a passenger automobile, bus, motorcycle, farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes.

(40) "Wholesaler" means any person engaged in the business of selling tires or tubes exclusively to dealers, or to dealers and consumers who control the use of five or more vehicles using tires.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

#### ADMINISTRATION, PERSONNEL, AND JURISDICTION

§ 1315.301 *Administration and personnel*—(a) *Personnel*. Ration Order No. 1A shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 1A shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may from time to time delegate.

(b) *Self interest shall disqualify official*. No person participating in the administration of Ration Order No. 1A shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

§ 1315.302 *Jurisdiction of War Price and Rationing Boards*. A Board shall have jurisdiction to receive and act upon applications with respect to:

(a) A vehicle normally stationed or garaged within the area served by the Board, unless such vehicle is subject to the jurisdiction of a different Board as provided in paragraph (c) or in § 1315.303.

(b) A vehicle temporarily located within the area served by the Board, if such vehicle requires tires or tubes immediately for its continued operation and application cannot practicably be made to the Board normally having jurisdiction;

(c) The establishment, maintenance or increase of an emergency reserve of tires and tubes

(1) If the applicant is a State and has its seat of government within the area served by the Board, or

(2) If the applicant, other than a State, has his principal place of business within the area served by the Board;

(d) Authority to acquire an allotment of camelback, if the applicant has his principal place of business within the area served by the Board;

(e) Authority to acquire an allotment of Grade III tires, if the establishment for which such authority is sought is located within the area served by the Board;

(f) Authority to acquire a tube for use solely in recapping, if the mold for which the tube is sought is located within the area served by the Board.

§ 1315.303 *Jurisdiction of Plant Area Boards or other Boards*. A plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction to receive and act upon applications with respect to a passenger automobile, where the applicant works at the establishment which the Board has been designated to serve, unless the current gasoline ration for the automobile was issued by the War Price and Rationing Board having jurisdiction over the area in which such automobile is normally garaged or stationed at the time application under this order is made.

#### QUOTAS

§ 1315.401 *Quotas*—(a) *Quotas to be fixed*. The Office of Price Administration, Washington, D. C., may from time to time set and allocate quotas and reserve quotas fixing the maximum number of tires or tubes and the maximum amount of recapping services or camelback for the acquisition of which certificates may be issued, and may administer, adjust, and revoke such quotas.

(b) *Quotas not to be exceeded by Boards*. No Board shall issue a certificate for the acquisition of tires, tubes, recapping services, or camelback in excess of its quotas.

(c) *Basis for Board consideration*. If the Board has before it applications from persons eligible for tires, tubes, or recapping service which in its judgment satisfy all the conditions of this order but which together call for the issuance of certificates for tires, tubes, or recapping service in excess of the applicable quota of the Board, the Board, in determining which of the competing needs are to be satisfied, shall be governed by the relative importance to the war program, public safety, and public health, of the operation of a vehicle in one use as compared with the importance of the operation of a vehicle in another use. The Board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires, tubes, or recapping service are sought, and all other information which comes to its knowledge. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

(d) *Passenger automobile spare tires*. No Board shall issue a certificate for a spare tire (other than for recapping service only) to an applicant for a passenger automobile for which there has been issued only a basic ration currently valid under Ration Order No. 5C, unless the mileage driven in such vehicle is neces-

sary for carrying out one or more of the purposes described in § 1394.7706 of Ration Order No. 5C, except between the twenty-fifth and the last day of a month, and then only if there are no pending applications for tires for running wheels using passenger-type tires. A certificate for recapping service for a spare tire may be issued at any time.

(e) *List B commercial motor vehicles*. No Board shall issue a certificate for recapping service or a tube for a commercial motor vehicle eligible under § 1315.505 (b) (List B), except between the twenty-fifth and the last day of a month. No such certificate shall be granted if there is pending any application for recapping service or tube for a commercial motor vehicle eligible under § 1315.505 (a) (List A) which has not been satisfied.

#### PROOF OF NEED AND ELIGIBILITY

§ 1315.501 *General proof of need*. No Board shall grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under either §§ 1315.503, 1315.505, 1315.506, or 1315.507 and in addition meets each of the following conditions:

(a) *Immediate need*. That the tire, tube, or recapping service for which application is made is to equip a vehicle held for use and not for resale and is:

(1) To equip a vehicle which requires tires or tubes because of alteration, or reconstruction, or which, for reasons satisfactory to the Board, does not already have the number of tires permitted for such vehicle by the Office of Price Administration; or

(2) To replace a lost or stolen tire or tube; or

(3) To replace a tube which cannot be repaired, or a tire which cannot be repaired or recapped or which would be unsafe when recapped for operation at the speeds at which the applicant may reasonably be expected to operate; or

(4) To replace a tire or tube which is not serviceable for the use to which the vehicle is to be put; or

(5) To recap a tire which requires recapping or which will require recapping by the date the applicant may reasonably be expected to secure recapping.

(b) *No abuse or neglect*. That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace or recap. However, the Board may waive this condition if it finds that the community or the nation would suffer serious loss if the application were denied.

(1) The Board may consider, among other things, as evidence of tire abuse:

(i) That the vehicle for which a certificate is sought has been operated at a speed in excess of thirty-five (35) miles per hour; or

(ii) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for a tire, failure to replace a tire as promptly as possible or driving for unnecessary purposes or when other means of transportation are available.

(c) *Unlawful mileage.* That the applicant has not used the tires or tubes which he seeks to replace on a vehicle which has been used for purposes prohibited by or for mileage in excess of that allowed under Ration Order No. 5C.

(d) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(e) *No available tire or tube.* That the applicant, other than a Federal, State, local, or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include emergency reserves acquired in accordance with § 1315.507, tires or tubes reported on OPA Form R-17 or R-17 (revised) or reported by a manufacturer to the War Production Board, or tires or tubes in a public warehouse and removable only upon certificate.

(f) *No excess tires.* That the applicant owns, possesses or controls no tires, the ownership, possession or control of which would render him ineligible for a Basic, Fleet, or dealer's ration under Ration Order No. 5C.

§ 1315.502 *Additional proof of need for passenger automobile.* In addition to meeting all the conditions of § 1315.501, an applicant for a tire, tube, or recapping service for a passenger automobile must meet the following conditions:

(a) *Gasoline ration.* That he has a gasoline ration currently valid under Ration Order No. 5C for a passenger automobile;

(b) *Inspection record.* That the applicant has a Tire Inspection Record, signed by an authorized tire inspector, showing that the required tire inspections have been made; and that either the serial number of the tire to be replaced has been entered upon such record or the applicant has Part D of a certificate authorizing acquisition of such tire: *Provided, however,* That the Board may waive the requirement that applicant have a Tire Inspection Record showing the required tire inspections if the applicant can establish that serious illness of the applicant or the physical condition or location of the automobile made it impossible to obtain the required inspections, and if the current inspection shows no evidence of abuse or neglect of any of the tires or tubes upon the vehicle.

§ 1315.503 *Eligibility of passenger automobile—(a) Reconsideration of gasoline ration.* When application is made for a tire, tube, or recapping service for a passenger automobile, the Board shall reconsider the applicant's gasoline ration before passing upon his application. Such reconsideration shall be made as follows:

(1) *Basic ration.* When only a basic gasoline ration has been issued for the passenger automobile, the applicant shall set forth in his application for tires, in addition to such other information as may be required, information concerning the uses to be made of the passenger automobile.

(2) *Supplemental ration.* If the applicant has a current supplemental ration, the Board shall reconsider the application for such ration for such vehicle, if available at the Board. If such application is not available at the Board, the applicant shall provide such information upon OPA Form R-535 as to his occupation and mileage requirements as the Board may require.

(3) *Fleet and official ration.* When application is made for a tire, tube, or recapping service for a fleet passenger automobile, or a passenger automobile owned by or leased to a Federal, State, local, or foreign government or governmental agency, the Board shall reconsider the application for the current Fleet or official ration, if available at the Board. If such application is not available at the Board, the applicant shall provide such information upon OPA Form R-551 as to the use and mileage requirements of such vehicle as the Board may require.

(b) *Redetermination of supplemental fleet or official gasoline ration.* If upon reconsideration of the gasoline ration as provided in paragraphs (a) (2) and (a) (3) of this section, the Board finds that the applicant has been granted either a larger or a smaller gasoline ration than he is entitled to under Ration Order No. 5C, or a ration of a class other than that to which he is entitled under Ration Order No. 5C, it shall recall excess gasoline coupons or issue an additional or a different gasoline ration for the corrected mileage: *Provided, however,* That no gasoline coupons shall be recalled if application is made for a fleet or official passenger automobile using an interchangeable gasoline ration book, but such mileage redetermination shall be used as a basis for determining whether the applicant is entitled to a Grade I, Grade II, or a Grade III tire.

(c) *Eligibility determined on basis of adjusted gasoline ration.* When the Board has adjusted an applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire, tube, or recapping service on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the following table:

Total gasoline mileage	Kind of tire or recapping service	Kind of tube
660 or less miles per month....	Recapping service with passenger-type camelback if applicant has a recappable tire carcass; otherwise a Grade III tire.	New or used at applicant's option.
661 to 1,000 miles per month....	Recapping service with passenger-type camelback if the applicant has a recappable tire carcass; otherwise a Grade II or Grade III tire at applicant's option.	New or used at applicant's option.
1,000 miles per month or over..	Recapping service with passenger-type camelback if the applicant has a recappable tire carcass; otherwise a Grade I, Grade II or Grade III tire at applicant's option.	New or used at applicant's option.
For fleet passenger automobiles or official passenger automobiles for which interchangeable gasoline ration books have been currently issued.	Recapping service with passenger-type camelback if applicant has a recappable tire carcass; otherwise a Grade III tire.	New or used at applicant's option.

*Provided,* That an applicant applying for a fleet or official passenger automobile for which an interchangeable gasoline ration book has been currently issued may receive a certificate for a Grade II or Grade I tire only if he establishes that the particular vehicle will be operated for the requisite number of (560 or 1,000) miles per month; *And provided further,* That, in applying the mileage requirements stated in this paragraph, mileage allowed on a special ration shall not be included.

(d) *Exceptions to eligibility, mileage not governing.* (1) An applicant may obtain a certificate for any grade of tire or tube if he clearly establishes that he must answer emergency calls which require him to operate a passenger automobile at high rates of speed, and that the vehicle is:

(i) Used exclusively for maintaining fire-fighting services or in investigation or patrolling necessary to the maintenance of public police services; or

(ii) Used for making necessary professional calls by a physician, surgeon, chiropractor, osteopath, midwife, or dentist, licensed as such by the appropriate governmental authorities and regularly rendering necessary professional services

of an emergency nature outside his office; or

(iii) Used as an emergency maintenance vehicle by a public utility and is clearly and permanently marked as such.

(2) An applicant whose allowed gasoline mileage would entitle him to either a Grade I or Grade II tire may be limited to a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I or Grade II tire.

(3) An applicant who applies for an "obsolete type" tire or a tire to be mounted on a motorcycle to replace a tire which cannot be recapped, either because of its physical condition or the lack of adequate recapping facilities, shall be entitled to a certificate for a new tire of an "obsolete type," or a new motorcycle tire, but only if a currently valid supplemental gasoline ration is outstanding for the vehicle for which such tire is sought or, in the absence of a currently valid supplemental gasoline ration for such vehicle, if the mileage driven in such vehicle is necessary for carrying out one or more of the purposes described in § 1394.7706 of Ration Order No. 5C. As applied to tires, the term

"obsolete type" means passenger-type tires of the following sizes only:

3.30-18	5.25-20
3.50-18	5.50-20
3.85-18	6.00-20
5.25-18	6.00-6.50-20
5.25-5.50-18	6.50-20
5.50-18	7.00-20
6.00-18	4.40-4.50-21
6.50-18	4.40-21
7.00-18	4.50-21
7.50-18	4.75-21
4.50-19	5.00-21
4.75-19	5.25-21
4.75-5.00-19	6.00-21
5.00-19	6.50-21
5.25-19	7.00-21
5.25-5.50-19	5.00-22
5.50-19	6.00-22
6.00-19	7.50-14
6.00-6.50-19	28 x 3
6.50-19	30 x 3
7.00-19	30 x 3 1/2
7.50-19	31 x 4
3.30-20	32 x 4
3.85-20	32 x 4
4.50-20	32 x 4 1/2
4.75-20	33 x 4 1/2
4.50-4.75-5.00-20	34 x 4 1/2
5.00-20	35 x 5

§ 1315.504 *Additional proof of need for commercial motor vehicle.* In addition to meeting all the conditions of § 1315.501, an applicant for a tire, tube, or recapping service for a commercial motor vehicle must meet the following conditions:

(a) *Certificate of War Necessity.* That he holds a currently valid Certificate of War Necessity, if required, with respect to such vehicle and that the tires have been currently inspected and passed as required by General Order ODT No. 21; and

(b) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire, tube, or recapping service are essential to the war effort, the public health or the public safety. The applicant's need, standing alone, no matter how pressing, shall not be a basis for granting a certificate; and

(c) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires, tubes, or recapping service needed to perform functions deemed by the Board to be more essential to the war effort, public health or public safety than the functions performed by the applicant; and

(d) *Recapping if possible.* That, if the applicant is seeking to replace a tire, it is not capable of being recapped or that it cannot be recapped for safe use at the speeds at which the applicant may reasonably be expected to operate; and

(e) *Passenger-type tires unavailable or wasteful.* That if application is made for a truck-type tire, a passenger-type tire of suitable size is not available, or that the use of a passenger-type tire would constitute a waste of rubber; and

(f) *No other vehicle available.* That, if application is made with respect to a commercial motor vehicle eligible under § 1315.505 (a) (List A), all other commercial motor vehicles owned or controlled by the applicant are either eligible under § 1315.505 (a) (List A) or cannot practicably be used to perform the services for which a certificate is sought.

§ 1315.505 *Eligibility of commercial motor vehicle—(a) List A.* A certificate for any grade or type of tire or tube, or for recapping service may be granted only for a commercial motor vehicle which meets the applicable conditions of §§ 1315.501 and 1315.504, and which is used exclusively for one or more of the following purposes:

(1) As an ambulance, for the transportation of injured or sick persons.

(2) The transportation of mail on behalf of the United States Government.

(3) Maintaining fire-fighting services.

(4) Patrolling or investigation necessary to the maintenance of public police services.

(5) Maintaining garbage disposal and other sanitation services, disposing of refuse, maintaining sewage systems, and similar purposes.

(6) Towing house trailers from the place of manufacture to sites where such trailers are necessary to house workers directly engaged in war production, but only if no other housing is available, the haul is 200 miles or less, and the house trailers cannot be transported by rail.

(i) A Board shall not issue a certificate where any haul exceeds 200 miles, except upon the written consent of the State Director.

(7) Transporting passengers as part of the services rendered to the general public by a transportation system from which the general public may obtain service upon payment of a standard fare, if such services are rendered along regular routes or with regular schedules.

(i) No certificate shall be issued for a vehicle used for sightseeing trips or similar excursions.

(8) Transporting students, teachers, or other school employees between their homes, or regular stops, and regular places of instruction.

(9) Transporting workers (including executives, technicians, or office workers) to, from, within or between the establishments or facilities listed below, where other practicable means of transportation are not available:

(i) Naval, military, or hospital establishment or facilities;

(ii) Establishments or facilities of common carriers, or other carriers performing services essential to the community or to the war effort; or plants engaged in the production or distribution of light, power, electricity, gas, steam, or water; or irrigation, drainage, flood control, or sanitation systems; or telephone, telegraph, radio, or other communication systems; or construction projects;

(iii) Industrial, extractive, or agricultural establishments essential to the war effort, including plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, munitions, fuel, essential medical supplies or essential food or clothing or necessary part thereof; or of any raw, semi-processed, or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools,

machinery, or appliances essential to the manufacture or use thereof.

(10) Transporting the following persons:

(i) Prisoners, insane, mentally disordered, or mentally incompetent persons and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by an authorized officer of the law or other government official charged with the custody of such persons;

(ii) A jury and its official custodians and other authorized court attendants, provided such transportation is furnished upon written request to the operator of the vehicle by the presiding judge of the court in which such jury is serving;

(iii) Military or naval personnel (including State military forces organized pursuant to section 61 of the National Defense Act, as amended), or persons participating in organized recreational activities at military or naval establishments, to and from such establishments, where other practicable means of transportation are not available, provided such transportation is furnished upon written request to the operator of the vehicle by the commanding officer of such establishment;

(iv) Selectees to and from examining or induction centers of the Army, where other practicable means of transportation are not available, provided such transportation is furnished upon written request to the operator of the vehicle by an authorized official of the Selective Service System;

(v) Children under 18 years of age and their attendants to and from summer camps, where other practicable means of transportation are not available, provided the operator of the vehicle shall first obtain the written approval of the Regional Recreation Representative of the Office of Defense Health and Welfare Services;

(vi) Persons between their homes and their places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation are not available;

(vii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities.

(11) To transport disabled members of the armed forces to or from any hospital where their disabilities are treated, or to transport persons for the purpose of donating blood, provided that no public means of transportation are available or that such persons cannot practicably use such means of transportation.

(12) To transport persons by taxicab or jitney under license issued by the appropriate governmental authority, provided the applicant presents to the Board his signed statement that he has complied with all applicable orders of the Office of Defense Transportation. No tire or tube obtained on a certificate issued under this subparagraph (12) shall be used on any taxicab or jitney unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is permanently and conspicuously marked as a taxicab or jitney;

(iii) Does not "cruise" for the purpose of seeking fares;

(iv) Is not used for sightseeing purposes; and

(v) Is not used for the purpose of making commercial deliveries of property.

(13) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer.

(14) For transportation, by contract or private carriers, of the following kinds of property:

(i) Ice and fuel.

(ii) Materials and equipment for necessary construction projects or for necessary mechanical, plumbing, electrical, heating, structural, or highway maintenance or repair (other than the installation, maintenance, or repair of such household equipment and furniture as are portable, or such incidental non-structural and non-mechanical maintenance as the cleaning of office buildings, landscape gardening, and similar activities).

(iii) Waste and scrap materials such as waste paper, scrap iron, scrap rubber, and similar commodities which may be used again in production.

(iv) Such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety. No certificate shall be issued, except to a common carrier, for transportation of such commodities to the ultimate consumer for personal, family, or household use, or for transportation to any person of alcoholic beverages, soft drinks and similar beverages, tobacco products, ice cream, confection, candy, flowers, toys, novelties, jewelry, furs, radios, phonographs, musical instruments, or any luxury goods, or for furnishing transportation for incidental maintenance service or for the purpose of repairing any such effects, equipment, furniture or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or other establishment, except as such transportation or deliveries can be made in conjunction with and incidental to the transportation of commodities or services recognized as eligible herein, without diverting the vehicle from its normal route or schedule. Certificates may be issued under this subdivision for tires or tubes to equip a commercial motor vehicle used to deliver newspapers at wholesale only.

(b) *List B.* A certificate for recapping service only, or for a tube, may be granted for a commercial motor vehicle which meets the applicable requirements of § 1315.501 and 1315.504 and is used for any important purpose not included in § 1315.505 (a) (List A), subject to the following conditions:

(1) Certificates may be granted under this paragraph only for recapping service, or for a tube, to equip commercial motor vehicles performing functions which the Board may find to be essential to the community, such as hearses, vehicles delivering milk, bread, or other foods to the ultimate consumer for personal, family or household use, and other vehicles performing services not provided for in § 1315.505 (a) (List A).

(2) No certificate shall be granted under this paragraph if the transportation services can be obtained by using horse-drawn vehicles.

(3) The Board shall issue certificates under this paragraph only between the twenty-fifth day and the last day of a month. No such certificate shall be granted if its issuance would exceed the the quota applicable to recapping services or tubes, or if there is pending any application for such services or tubes for a commercial motor vehicle eligible under § 1315.505 (a) (List A) which has not been satisfied.

(c) *Truck-type camelback.* No certificate shall be issued authorizing the acquisition of truck-type camelback for recapping a tire to be mounted on any station wagon or on a passenger vehicle originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus or unless the vehicle is a taxicab or jitney.

§ 1315.506 *Eligibility of farm implement, industrial equipment and non-highway vehicle.*—(a) *Eligibility requirements.* A certificate authorizing the acquisition of a tire, tube, or recapping service necessary to equip a vehicle which meets the applicable conditions of § 1315.501 and is designed and used as one of the following may be granted, provided tires are essential for its operation:

(1) A farm tractor or other farm implement.

(i) Tractors or combines may be issued certificates for the purchase of tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only: *Provided, however,* That if an implement or front wheel tractor tire of suitable size is not available, the Board may issue a certificate for a Grade III passenger-type tire.

(ii) Notwithstanding the provisions of § 1315.501 (a) (3), certificates for the purchase of rear wheel tractor tires and not certificates for recapping service may be issued, even though the applicant possesses a recappable carcass.

(2) Industrial, mining and construction equipment, other than passenger automobiles or commercial motor vehicles.

(3) Non-highway vehicles for road-grading, earth-moving, or similar off-the-road purposes.

§ 1315.507 *Eligibility for emergency reserve of tires and tubes.*—(a) *Eligibility requirements.* A Board may issue emergency certificates on OPA Form R-20 or regular certificates on OPA Form R-2 (revised) to enable any person who owns, operates, or controls a vehicle which meets the conditions of para-

graph (b) of this section to establish, increase or maintain an emergency reserve of tires and tubes equivalent to ten percent of the number of running wheels on vehicles which satisfy the requirements of paragraph (b) (3).

(b) *Conditions.* An applicant must meet the following conditions:

(1) That all commercial motor vehicles which he owns, operates, or controls, are operated exclusively for one or more of the purposes specified in § 1315.505 (a) (List A);

(2) That the vehicle for which application is made is eligible under §§ 1315.503 or 1315.505 (a) (List A);

(3) That over 50 percent of the vehicle's mileage results from regular operations in runs of more than fifty (50) miles from the closest source controlled by the applicant at which tires and tubes are available for his immediate use and more than fifty (50) miles from the place where such vehicle is garaged or normally stationed;

(4) That the vehicle is owned by a State, or is owned or operated by an applicant who has been granted by the Interstate Commerce Commission either a certificate of public convenience and necessity as a common carrier or a permit as a contract carrier.

(i) The holder of a certificate or permit issued by the Interstate Commerce Commission may apply only for those vehicles which he owns and operates.

(ii) An owner of vehicles who is not the holder of a certificate or permit issued by the Interstate Commerce Commission may apply for an emergency reserve based only on those vehicles leased for exclusive use for a period of at least six months to the holder of a certificate or permit issued by the Interstate Commerce Commission: *Provided,* That the owner may permit the lessee to act as his agent in the physical distribution of the tires, tubes, or certificates among the lessee's vehicles during the term of the lease.

(iii) Application under this section shall be made by the State, and not by any subdivision or agency of the State.

(5) That the total number of tires and tubes which he owns and which are or can be mounted on his vehicles eligible under § 1315.503 or § 1315.505 (a) (List A) (excluding tires on running wheels and one spare of a given size for each vehicle operated for such purposes), amounts to less than ten percent of the running wheels on vehicles which satisfy the requirements of paragraph (b) (3).

(i) For the purposes of this computation a dual wheel shall be treated as two wheels.

(ii) An applicant who has increased the number of his vehicles operated for purposes specified in § 1315.503 or § 1315.505 (a) may apply to the Board for an emergency reserve based on such increase. He shall not be required to trade in or sell any tire or tube upon acquiring tires, tubes, or certificates to increase his emergency reserve, since such acquisition is not for replacement but is an addition to his stock.

(6) That he has satisfied all the applicable provisions of §§ 1315.501, 1315.502, and 1315.504.

(c) *Inspection and proof of sale.* An applicant who has been found by a Board to be entitled to an emergency reserve under paragraph (b) may, in order to replenish his allowable stock of tires or tubes, apply for a certificate for a tire, tube or recapping service. The applicant must present a certification by an inspector on OPA Form R-21 for each tire or tube to be recapped or replaced. The Board may issue a certificate on OPA Form R-2 (revised) for a tire, tube or recapping service. If the Board issues an emergency certificate on OPA Form R-20 for tires or tubes, the applicant must deliver to the Board a proof of sale on OPA Form R-22 for each tire or tube to be replaced, prior to receiving such certificate. Separate certificates must be issued for tires and for tubes in all cases.

§ 1315.508 *Eligibility for allotment of camelback*—(a) *Amount to which recapper entitled.* A certificate authorizing the acquisition of camelback may be issued to an applicant who is a recapper, but who is not a manufacturer of camelback. Such certificate shall authorize the applicant to acquire:

(1) Truck-type camelback for each mold operated by him and capable of recapping truck-type tires, sufficient to enable him to have the amount of truck-type camelback specified in the following table, less the combined total of:

(i) His inventory of such camelback as of midnight, February 18, 1942, irrespective of its location, and

(ii) The amount of such camelback authorized by the Board prior to October 12, 1942, as his initial allotment of such camelback, and

(iii) The amount of such camelback that he acquired from any person after February 18, 1942, without certificate:

Type of mold	Tire recapping capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual.....	7.50-20 or larger.....	1,000	Truck.
Individual.....	5.50-17, 30 x 5 or larger, but not 7.50-20 or larger.....	300	Truck.
Multiple.....	7.50-20 or larger.....	1,500	Truck.

(2) Passenger-type camelback for each mold operated by him and capable of recapping passenger-type tires, sufficient to enable him to have the amount of passenger-type camelback specified in the following table, less the combined total of:

(i) His inventory of such camelback as of midnight March 22, 1942, irrespective of its location, and

(ii) The amount of such camelback authorized by the Board prior to October 12, 1942, as his initial allotment of such camelback, and

(iii) The amount of such camelback that he acquired from any person subsequent to March 22, 1942, without certificate:

Type of mold	Tire recapping capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual.....	Smaller than 7.50-20.....	1,500	Passenger.
Multiple.....	Smaller than 7.50-20.....	1,000	Passenger.

(b) *Limitation upon applications.* An applicant who has obtained a certificate from the Board authorizing him to acquire camelback under this section may not thereafter file another application, except for authority to purchase camelback for molds which he acquired subsequent to the issuance of the certificate.

§ 1315.509 *Eligibility for allotment of Grade III tires*—(a) *Applicant must be a dealer.* The Board may issue a certificate authorizing any applicant who is a dealer to acquire an allotment of Grade III tires for each establishment operated by him for which OPA Form R-17 has been filed in the quarter preceding his application, or for each establishment operated by him for which he was not required to file OPA Form R-17 under § 1315.1007 (b), or for each establishment which has been established pursuant to an authorization of the Office of Price Administration since October 1, 1942.

(b) *Amount of allotment.* Each applicant may be allotted one Grade III tire for each \$1,000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which the allotment is sought, but no allotment shall be in excess of two hundred (200) Grade III tires and any applicant shall be entitled to at least twelve (12) Grade III tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires (including Parts B of certificates authorizing the acquisition of Grade III tires which he received in exchange for Grade III tires, but upon which he has not yet obtained replenishment) as of the date of his application.

(c) *One allotment only.* The Board shall grant only one allotment to an applicant for each establishment for which an allotment is sought.

§ 1315.510 *Eligibility of recappers for curing tubes.* Any recapper may file an application for authority to acquire tubes for use solely in recapping. The applicant must establish that he does not have more than one serviceable air bag or tube of the required size for each mold operated by him and that the tube applied for is necessary to the operation of the mold. No recapper shall be authorized to acquire in any one calendar month more than four tubes for each mold operated by him.

#### APPLICATIONS AND CERTIFICATES

§ 1315.601 *Application for certificates*—(a) *Who may execute and file.*

Any person may file with the Board having jurisdiction an application for a certificate authorizing the acquisition of tires, tubes, recapping services or camelback. Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the jurisdiction of the appropriate Board. No member or employee of the Board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The Board may require that principal and agent, or owner and operator join in an application.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the Board; (2) facts showing need and eligibility for the tires, tubes, recapping service or camelback for which application is made; and (3) such additional information and commitments as may be required by the application or by the Board.

(c) *Presentation of Tire Inspection Record.* Any applicant for a certificate who is required to have a Tire Inspection Record (OPA Form R-534-B) shall present to the Board such record at the time of filing his application. If the serial numbers of any tire shown on the Tire Inspection Record are different from those previously entered on the record, the applicant shall produce the Part D of a certificate authorizing the acquisition of such tire.

(d) *Presentation of Certificate of War Necessity.* Any applicant for tires, tubes or recapping service for a commercial motor vehicle shall present to the Board a currently valid Certificate of War Necessity, if required, for such vehicle.

(e) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the Board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

§ 1315.602 *Filing of applications*—(a) *Tires and tubes for consumers.* Applications for certificates authorizing the acquisition of tires, tubes or recapping service (other than to establish, increase or replenish an emergency reserve) shall be filed with the Board having jurisdiction under § 1315.302 or § 1315.303 of Ration Order No. 1A. A separate application must be filed on OPA Form R-1 (revised) for each vehicle.

(b) *Emergency reserve for consumers.* Applications for certificates authorizing the acquisition of tires, tubes or recapping service to establish, increase or replenish an emergency reserve shall be filed on OPA Form R-19 with the Board for the area in which the applicant's principal place of business is located or, in the case of a State, in which its seat of government is located.

(1) If the applicant changes the location of his principal place of business, subsequent applications shall be filed with the Board for the area in which his new principal place of business is located and the records of the applicant's prior applications shall be forwarded to such Board.

(c) *Curing tubes for recappers.* Applications for certificates authorizing the acquisition of tubes to be used in molds shall be filed on OPA Form R-1 (revised) with the Board for the area in which the mold is located.

(d) *Allotment of camelback for recappers.* Applications for certificates authorizing the acquisition of an allotment of camelback shall be filed on OPA Form R-9 (revised) with the Board for the area in which the principal place of business of the applicant is located.

(e) *Allotment of Grade III tires for dealers.* Applications by a dealer for certificates authorizing the acquisition of an allotment of Grade III tires shall be filed on OPA Form R-45 with the Board for the area in which the establishment for which the allotment is sought is located.

§ 1315.603 *Certification by inspector prior to filing application—(a) Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by a Board, until an inspector authorized by the Office of Price Administration has currently inspected the tires or tubes to be replaced or recapped and has executed and signed the "Certification by Inspector" contained in OPA Form R-1 (revised). This paragraph shall not apply when application is made for the following purposes:

- (1) To establish or increase an emergency reserve; or
- (2) To acquire a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted in § 1315.501 (a); or
- (3) To replace a lost or stolen tire or tube.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact, and no inspector shall certify that a tire can be recapped unless he removes the tire from the wheel or rim. The Board may in its discretion require an additional inspection and certification by an inspector named by the Board.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector, or any other person, for the service of removing and replacing a tire when such service is necessary for inspection purposes:

*Schedule of fees for removing and replacing tires*

Type of tire	Fee
(1) Passenger car tires, each	\$0.50
(2) Small truck tires (7.50-20 or smaller), each	.75
(3) Large truck tires (larger than 7.50-20), each	1.00
(4) Additional charge for removing inside dual truck tires (larger than 7.50-20)	.50

§ 1315.604 *Investigation of facts by Board—(a) Power of the Board.* Before issuing a certificate the Board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the Board may make inquiries and investigations and may require an applicant to appear in person or by agent at the office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by § 1315.501 (a) and which he has purchased or contracted to purchase, the Board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The Board must be satisfied from such affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

§ 1315.605 *Notation of reasons for action.* Whenever the Board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number, grade, and type of tires or tubes, or the type of recapping service or camelback shall be noted upon the application.

§ 1315.606 *Applicant to be notified of decision of Board.* After acting upon an application the Board shall promptly notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

§ 1315.607 *Form of certificates to be issued.* The Board may issue the following certificates to an applicant who has established need and eligibility under this Ration Order No. 1A:

(a) *For tires, tubes, and recapping service.* OPA Form R-2 (revised) authorizing an applicant to acquire tires, tubes, or recapping service, other than for the purpose of acquiring tires or tubes to establish, increase, or replenish an emergency reserve. Separate certificates shall be issued for tires and for tubes and for recapping service.

(b) *For emergency reserve.* OPA Form R-20 authorizing an applicant to acquire tires or tubes in order to establish, increase or replenish an emergency reserve.

(c) *For curing tubes.* OPA Form R-2 (revised) authorizing an applicant to acquire tubes to be used in molds.

(d) *For allotment of camelback.* OPA Form R-10 (revised) authorizing an applicant to acquire an allotment of camelback.

(e) *For allotment of Grade III tires.* OPA Form R-46 authorizing an applicant to acquire an allotment of Grade III tires.

§ 1315.608 *Certificates non-transferable.* No certificate or any part thereof may be transferred except as authorized by Ration Order No. 1A or by the Office

of Price Administration, or in exchange for tires, tubes, recapping service or camelback.

§ 1315.609 *Execution and issuance of certificate—(a) Execution of certificates.* It shall be the responsibility of the Board, prior to issuing any certificate, to fill in Part A and Part B of the certificate setting forth the information required, except that the item on OPA Form R-20 which calls for the specification of the sizes of the tires or tubes to be purchased, need not be filled in unless requested by the applicant. It shall also be the responsibility of the Board to indicate on Parts C and D of the certificate issued the number of the Board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated to act as issuing officer.

(1) The Board shall indicate on the certificate the tubes or the serial number of the tires to be replaced (including scrap tires or tubes), which the applicant must turn in. If the tire to be replaced is a recappable carcass, the Board shall write on the certificate after the serial number of such tire "recappable carcass".

(i) The applicant shall turn in all tires and tubes to be replaced, except when he is having his tire recapped, or if he can establish that he has no tires or tubes to turn in because he is establishing or increasing an emergency reserve, is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by § 1315.501 (a), is replacing a lost or stolen tire or tube, or is a government agency forbidden by law to make such disposition.

(2) The Board shall indicate on the certificate the exact number, type, grade, and size of the tires or tubes, or the amount and type of recapping service or camelback which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the Board shall issue the certificate by delivering or mailing it to the applicant or his agent.

(1) If the certificate to be issued by the Board is for recapping service, the Board shall note on Parts A and B thereof whether the certificate entitles the applicant to truck-type camelback or to passenger-type camelback, as provided in § 1315.505 (c), and shall mark Part B thereof "good for (truck or passenger-type) camelback only".

(2) If the certificate to be issued by the Board is for implement tires, the Board shall mark Part B thereof "good for implement or tractor tires only".

(3) If a consumer desires to obtain tires or tubes stored by him in a public warehouse, he shall inform the Board of this fact, and, if the Board issues a certificate to him, it shall tear off and destroy Part B of such certificate.

§ 1315.610 *Action by certificate holders—(a) Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purposes specified thereon. After the expiration date thereon, the certificate shall

be void and the applicant shall surrender it to the issuing Board.

(b) *Replaced tires or tubes to be turned in.* (1) If the certificate indicates that a tire or tube being replaced must be turned in and does not indicate that such tire is a recappable carcass, the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire or tube by mail, or withdraws it from a public warehouse, he shall within five days thereafter deliver the replaced tire or tube to a dealer. In every case in which a tire or tube being replaced by mail is turned in to a dealer, the applicant shall, within five days after receiving the replacement, file with the Board which issued the certificate OPA Form R-3 certifying that the replaced tire or tube has been turned in to a dealer.

(2) If the tire turned in is a recappable carcass, a dealer who is not a recapper shall transfer such tire to a recapper in exchange for a proof of sale on OPA Form R-22.

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes, recapping services or camelback specified thereon. The same person shall sign Parts B, C and D of OPA Form R-2 (revised) where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C or D of OPA Form R-2 (revised).

§ 1315.611 *Action by suppliers—(a) Turn in of tire or tube prerequisite to transfer.* If the applicant is required to turn in a tire or tube, no dealer shall transfer any tire or tube pursuant to the certificate until the applicant has turned in to him the tire or tube to be replaced, except in the case of purchase by mail.

(b) *Certificate to be completed.* No dealer or warehouseman shall transfer tires, tubes or camelback until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer or warehouseman to whom the certificate has been surrendered shall deliver to the person indicated thereon, or to his agent, the exact number, type, grade and size of tires or tubes or the type of recapping service or camelback set forth on the certificate.

(1) Any dealer may, in exchange for a certificate for a Grade I tire, transfer to the holder thereof a Grade I or Grade II tire.

§ 1315.612 *Splitting of certificates.* A certificate holder who is unable to acquire from one supplier all the tires, tubes, recapping service or camelback which he has been authorized to acquire shall return the certificate to the issuing Board and the Board shall thereupon cancel the returned certificate and issue

as many certificates as are necessary to permit the acquisition of such tires, tubes, recapping service or camelback from several suppliers.

#### REVOCATION OF CERTIFICATES OR RIGHT TO USE TIRES

§ 1315.651 *Revocation of certificates.* Any certificate, part of a certificate or authorization issued under Ration Order No. 1A shall be subject to revocation, cancellation, suspension, correction or modification by a Board or other agent designated for this purpose by the Office of Price Administration, Washington, D. C.

§ 1315.652 *Revocation of certificates issued by mistake.* Any certificate issued to a person not entitled thereto on the basis of the facts stated in the application and which has not been used by the person to whom it was issued, may be revoked by the issuing Board and the Board may order that such certificate be surrendered to it. If in such a case the Board finds that the certificate holder is entitled to a tire or tube of a different grade or type, it shall, subject to quota limitations, issue a certificate for such tire or tube in lieu of the certificate revoked.

§ 1315.653 *Revocation of certificates or declaration of ineligibility after hearing.* (a) *Procedure by Board.* When a Board has reason to believe that a consumer (1) has made a false statement in an application for a certificate, (2) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained, or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, or (3) has violated any provision of § 1315.901 (f) or (g), it or any other Board acting at its request may serve written notice of hearing upon such consumer and may recall any certificate issued to such consumer pending the determination of the proceedings before the Board. The notice shall be served at least three days prior to the date fixed for such hearing, and shall state the time and place of the hearing, the charge against such person, and the purpose for which the hearing is to be held. If the person against whom the proceeding is instituted admits the charges or fails to appear at the hearing, or if the Board determines on the basis of the evidence presented before it at the hearing that the consumer has committed any of the acts above specified, the Board shall by order revoke the certificates, if any, issued to him and direct him to surrender them to the Board, unless the certificates have been surrendered to a dealer, and declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest: *Provided*, That if any person against whom an order was issued for failure to appear for hearing shows good cause to the Board, within five days from the effective

date of the order, for such failure, the order shall be rescinded and the Board shall grant him a full hearing on the charges made. A copy of the Board's order shall promptly be served on the person against whom it is issued personally or by registered mail directed to his last known address, and copies thereof shall be sent to the district and state offices which have jurisdiction over the area in which the Board is located. Such order shall, if personally served, become effective twenty-four (24) hours after such service, or if served by mail, three (3) days after the date of mailing. The Board may designate one or more of its members to perform the functions prescribed in this paragraph.

(b) *Review by District Manager or State Director.* Any person against whom an order has been issued pursuant to the provisions of paragraph (a) of this § 1315.653 may within five (5) days after the effective date thereof request a hearing on the charges and a review of such order by filing a statement of objections to the order with the Board which issued it. Within three (3) days after receipt of the statement the Board shall forward it, together with the application and a copy of the notice served to the District Office or, if there is no District Office with jurisdiction over the area in which the Board is located, to the State Director. Within three (3) days after receipt of such statement from the Board, the District Manager, or the State Director, as the case may be, shall set a date for a hearing on the charges and at least three (3) days prior to the hearing notify the person requesting the hearing personally or by registered mail directed to his last known address of the time and place set for the hearing. Such hearing shall be conducted by a presiding officer appointed by the Regional Administrator or by such person as he may designate to make such appointment. The presiding officer may administer oaths and affirmations and rule on the admission or exclusion of evidence. The provisions of paragraphs (c) (3) and (4) of § 1315.656 shall apply in the conduct of such hearing. If after such hearing it is determined by the District Manager or State Director (as the case may be) that the person requesting the hearing is a consumer and (1) has made a false statement in an application for a certificate, (2) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, or (3) has violated any provision of § 1315.901 (f) or (g), he shall affirm the order but may extend or reduce the period of ineligibility established by the Board as he may deem appropriate in the public interest. If he finds that the charges have not been proved he shall rescind the order. A copy of his decision shall promptly be served upon the person against whom the order was issued and upon the Board.

(c) *Stay of action by District Manager or State Director.* The District Manager or the State Director (as the case may be) may for good cause shown upon application by the person against whom the order was issued, stay or suspend the operation of any order issued pursuant to the provisions of § 1315.653 (a) pending the hearing and determination of the proceedings provided for in paragraph (b) hereof.

(d) *Appeal to Washington Office.* An appeal from an affirmance or modification of the order of the Board may be taken by the person against whom it was issued by filing in the Office of the Secretary, Office of Price Administration, a notice of appeal, which may be accompanied by any affidavits or briefs which the person filing the notice desires to submit. Within a reasonable time after the filing of the notice of appeal, the Administrator or such person as he may designate for such purpose shall affirm, modify, rescind or stay the order, or direct that a further hearing be held.

(e) *Action by Board on remand.* Whenever an order issued by a Board pursuant to the provisions of § 1315.653 has been rescinded, the Board shall issue to the original holder any certificate to which he is entitled.

§ 1315.654 *Effective period of Board order.* Whenever any Board, pursuant to the provisions of § 1315.653 (a) has revoked a certificate or declared that a person should be ineligible to receive a certificate during a specified period, no certificate shall be issued to him except in accordance with the provisions of such order, unless a restoration is directed pursuant to the provisions of § 1315.655.

§ 1315.655 *Restoration of certificates or eligibility upon application.* A person whose certificate has been revoked and who has surrendered it to any Board as required by an order of the Board pursuant to the provisions of § 1315.653 (a) or has been declared by an order of a Board issued under that section to be ineligible to receive a certificate, may apply in writing to the State Director for a restoration of his certificate or his eligibility. Such application shall be granted if the State Director finds that the violation, on the basis of which the certificate was revoked or the applicant declared ineligible, was excusable under the circumstances, or that the granting of such application is necessary to the war effort or in the interest of public health or safety. In such case, the State Director shall direct the Board which revoked the certificate or declared such ineligibility to issue to such person any certificate to which he may be entitled under the provisions of Ration Order No. 1A.

§ 1315.656 *Authority of Regional Administrators, State Directors, and District Managers to revoke certificates or to forbid acquisition or use of tires or tubes—(a) When procedure available.* The several Regional Administrators of the Office of Price Administration within their respective regions, and such State Directors or District Managers as may

be designated by the Regional Administrators for such purposes, are authorized to determine, after a hearing held in accordance with the provisions of this section, whether any person has (1) acquired a certificate to which he is not entitled under the provisions of Ration Order No. 1A, (2) acquired a tire or tube in violation of Ration Order No. 1A, (3) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained, or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, or (4) has violated any provision of § 1315.901 (e), (f) or (g) or any provision of § 1394.8172 of Ration Order No. 5C, and upon making such determination may take the action permitted under paragraph (b) of this section.

(b) *Kind of order which can be made.* (1) If it is determined in accordance with the provisions of this section that a person has acquired a certificate to which he is not entitled, such person shall be declared ineligible to receive a certificate for such period as may be deemed appropriate in the public interest, and the certificate shall be revoked if it has not been used, or, if it has been used, the use of the tire or tube so acquired shall be prohibited for such period as may be deemed appropriate in the public interest: *Provided, however,* That if the certificate was issued through a mistake of the Board which was not induced by any false statement or misleading omission on the part of the applicant, no declaration of ineligibility shall be made and the use of a tire or tube acquired through the use of the certificate shall not be prohibited, but the Board shall be directed to issue a proper certificate in place of the one revoked.

(2) If it is determined that a person has (i) acquired a tire or tube in violation of Ration Order No. 1A, (ii) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such a ration was obtained, or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, or (iii) has violated any provision of § 1315.901 (e), (f), or (g) or any provision of § 1394.8172 of Ration Order No. 5C, such person shall be forbidden to use the tires involved in the violation and shall be declared ineligible to acquire any certificate for such period as may be deemed appropriate in the public interest.

(c) *Hearing procedure.* (1) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations,

and rule on the admission and exclusion of evidence.

(2) Notice of any hearing to be held pursuant to this section shall be served on the respondent not less than three (3) days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent and the purpose for which the hearing is to be held.

(3) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer having due regard to the need for expeditious decision shall afford reasonable opportunity for cross-examination of witnesses.

(4) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(5) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(d) *Appeal to Regional Administrator.* Any consumer against whom an order is issued pursuant to the provisions of this section on the ground that he was not entitled to a certificate on the basis of the facts stated in the application may appeal to the Regional Administrator from an order of a District Manager or State Director, and to the Deputy Administrator in charge of rationing from an order or decision of the Regional Administrator on such appeal. In making any such appeal the appellant shall file with the official who issued the order appealed from a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appellant to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appellant, in writing, of his decision.

(e) *Appeal to Washington Office.* Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (d) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for the consideration of such order. Such petition may be accompanied by any affidavits or briefs which the person filing such petition desires to submit. Within a reasonable time after

the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

§ 1315.657 *Refusal of certificates.* If a Board finds that an applicant has violated any provision of § 1315.901 (f), (g), or (l) or has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, it may refuse to issue a certificate to the applicant and may declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest. In such case, the Board shall serve upon the applicant a written statement of the grounds upon which the certificate was refused and the period for which he is declared ineligible.

#### INSPECTION OF PASSENGER AUTOMOBILE TIRES

§ 1315.701 *Periodic inspection.* Every person controlling the use of a passenger automobile, for which a current gasoline ration has been issued, shall be issued a Tire Inspection Record (OPA Form-534-B) and shall have the tires mounted on such passenger automobile inspected by an inspector authorized by the Office of Price Administration, once during every two calendar months after November 30, 1942, except that after January 31, 1943, a person who has received only a basic ration under Ration Order No. 5C, or whose total allowed mileage is 240 miles per month or less, shall have his tires inspected once during every four calendar months: *Provided*, That such inspections shall be at least thirty days apart if inspection is required every two months and at least sixty days apart if inspection is required every four months.

(a) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the Tire Inspection Record, the inspector shall not sign such record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers on the Tire Inspection Record including those on Part D, and those on the mounted tires, shall be recorded by the inspector on OPA Form R-47 and filed with the Board which appointed the inspector.

(b) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection:

(1) The odometer reading of the vehicle,

(2) Whether the tires inspected should be replaced or recapped, and

(3) Any repairs and adjustments necessary to keep the tires in proper run-

ning order; if the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made.

§ 1315.702 *Inspection of tire transferred on passenger automobile.* In addition to the periodic inspection, every consumer who acquires a passenger automobile with tires mounted thereon shall have them inspected by an authorized inspector of the Office of Price Administration within ten days after such tires have been acquired. The Tire Inspection Record of the prior consumer shall be delivered to the transferee who shall turn in such record to the Board to which application for a gasoline ration is made and thereupon a New Tire Inspection Record may be delivered by the Board to such transferee: *Provided*, That if such tires are mounted on a passenger automobile for which no Tire Inspection Record has been issued, the transferee shall present to the Board a statement from the transferor specifying the serial numbers of the tires mounted on the vehicle and stating that they were either mounted on the vehicle on September 30, 1942, or were acquired mounted on the vehicle since that date. The Board may thereupon issue a new Tire Inspection Record to such transferee.

§ 1315.703 *Compensation to be paid for inspection.* An inspector may charge a fee not to exceed twenty-five cents (25¢) per vehicle for the inspection required by §§ 1315.701 and 1315.702. In addition, a sum not in excess of fifty cents (50¢) may be paid the inspector or any other person for the service of removing and replacing a tire when such service is necessary for inspection purposes under said sections.

§ 1315.704 *Shifting of tires.* No person shall mount on a passenger automobile any tire not duly entered upon the Tire Inspection Record for such passenger automobile, or acquired in exchange for a certificate issued to equip such passenger automobile: *Provided*, That an applicant may apply to a Board for authorization to shift tires from one passenger automobile owned by him to another such automobile, or to mount tires on an official passenger automobile pursuant to § 1315.802 (a) (4), and, upon approval by the Board, may be issued Tire Inspection Records authorizing such shifting or mounting of tires in exchange for the surrender of the Tire Inspection Records then applicable to such passenger automobiles.

§ 1315.705 *Replacement of lost tire inspection records.* Any person who has lost a Tire Inspection Record for a passenger automobile shall apply to a Board for a new record. Before issuing such record, the Board shall re-examine and redetermine the current gasoline ration issued for such passenger automobile in accordance with § 1315.503 (a) and (b) and shall satisfy itself that the serial numbers of the tires shown on such new record are those which were entered on the lost record or that discrepancies are

accounted for by Parts D of certificates in the possession of the applicant.

#### PROHIBITED AND PERMITTED TRANSACTIONS

§ 1315.801 *Prohibition.* Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by Ration Order No. 1A, or by an order, authorization or regulation issued by the War Production Board, shall:

(a) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire, tube or camelback; or

(b) Use, alter, or change the physical location of any tire, tube or camelback; or

(c) Mount any tire or tube upon a wheel or rim.

§ 1315.802 *Mounting or use of tires or tubes—(a) Mounting or use generally.* Subject to the restrictions of Ration Order No. 5C and paragraph (b) of this section, any person may change the physical location of, mount or use:

(1) Tires or tubes which have been acquired or recapped on certificate or authorization issued by the Office of Price Administration, on the passenger automobile for which they were acquired, or any other passenger automobile owned or controlled by such person, but only when pursuant to § 1315.704;

(2) Passenger-type tires declared on a Tire Inspection Record, upon the passenger automobile for which the Tire Inspection Record has been issued or upon a passenger automobile for which a Tire Inspection Record has been issued pursuant to § 1315.704;

(3) Tires or tubes which have been acquired or recapped on certificate or authorization issued by the Office of Price Administration, on the commercial motor vehicle for which they were acquired or on any other commercial motor vehicle owned or controlled by such person only if such commercial motor vehicle is eligible under § 1315.505 (a) (List A);

(4) Tires owned and possessed by him prior to October 1, 1942, on any official passenger automobile or any vehicle owned by him for which a Certificate of War Necessity has been issued: *Provided*, however, That no passenger-type tires which were unmounted on October 1, 1942, may be mounted or used under this subparagraph where the owner thereof owns any passenger automobile other than a motorcycle or an official passenger automobile;

(5) Tires or tubes which have been acquired or recapped on certificate or authorization issued by the Office of Price Administration, on the vehicle eligible under § 1315.506 for which they were acquired or on any other vehicle eligible under § 1315.506 owned or controlled by such person.

(6) Tires (other than passenger-type tires which were unmounted on October 1, 1942) owned and possessed by him prior to October 1, 1942, on any vehicle or equipment owned by him, other than a passenger automobile or commercial motor vehicle;

(7) Tubes owned and possessed by him prior to October 1, 1942, on any vehicle or vehicles.

(b) *Mounting from stock prohibited.* No dealer or manufacturer shall declare in his Tire Inspection Record or mount or use tires or tubes taken from his stock unless he has obtained a certificate authorizing such mounting or use or unless such tires or tubes were permanently removed from his stock and mounted on his vehicle prior to October 1, 1942.

§ 1315.803 *Transfer to consumers upon certificate*—(a) *By retailers.* A retailer may, in exchange for a certificate, transfer tires or tubes to a consumer.

(b) *By manufacturers or wholesalers.* A manufacturer or wholesaler may, in exchange for a certificate:

(1) Lease tires or tubes to any person regularly engaged in the business of transporting passengers by bus, taxicab or jitney;

(2) Transfer tires or tubes to those consumers to whom he transferred tires or tubes between December 31, 1940, and December 11, 1941: *Provided*, That upon receipt of the replenishment portion (Part B) of a certificate or receipt, a manufacturer or wholesaler may deliver tires or tubes directly to a consumer or dealer for the account of any dealer who might himself lawfully make such delivery.

(c) *No tire in stock.* A dealer or manufacturer who does not have in stock a tire or tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes specified thereon for transfer to the consumer.

(d) *Tire requiring repair or recapping.* No dealer or manufacturer may transfer to a consumer a tire that requires repair or recapping.

(e) *By warehousemen.* A public warehouseman who has received tires or tubes for storage may, in exchange for a certificate, transfer tires or tubes to a consumer, as follows:

(1) New tires or tubes stored prior to December 11, 1941,

(2) Recapped tires used less than one thousand (1,000) miles after being recapped and stored prior to February 19, 1942.

(3) Used tires and tubes, including used more than one thousand (1,000) miles after being recapped, stored prior to October 1, 1942.

§ 1315.804 *Dealer and manufacturer transfers*—(a) *Establishments under common ownership.* No dealer or manufacturer may transfer or move tires, tubes or camelback to an establishment where the business of a dealer is performed, except upon certificate or authorization of the Office of Price Administration, unless such transfer is expressly permitted by Ration Order No. 1A. If a manufacturer or dealer engages in the business of recapping tires, or selling tires, tubes or camelback at two or more separate establishments, he shall be considered a separate dealer for each such establishment, and the transfer or movement of tires, tubes or camelback between such establishments shall be subject to all the conditions that apply to transfers between separate dealers,

unless expressly excepted by this Ration Order No. 1A.

(b) *Changes of location.* A manufacturer or dealer may change the location of tires, tubes or camelback within a single establishment or the location of the establishment itself, including the entire stock of tires, tubes or camelback contained therein: *Provided*, That no change in ownership, possession or control occurs and: *Provided, further*, That a recapper who has acquired an allotment of camelback pursuant to § 1315.508 may, without certificate, transfer the camelback so acquired among recapping establishments owned or operated by him if no change in ownership or control of such camelback is thereby effected.

(c) *Tires or tubes*—(1) *Restrictions on transfers by manufacturers.* No manufacturer shall during any calendar month transfer to or for the account of retail outlets owned or operated by him new tires or tubes of a wholesale dollar value amounting to a larger percentage of his total wholesale dollar value of new tires and tubes transferred for such month than the percentage of his total wholesale dollar value of new tires and tubes transferred to retail outlets owned or operated by him during the year 1941.

(2) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R-2 (revised) or of OPA Form R-46 and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided*, That a supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the tires or tubes specified thereon.

(3) *Permitted replenishment of tires or tubes.* Subject to the provisions of subparagraph (1) of this paragraph any dealer or manufacturer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt transfer to another dealer or manufacturer the number of tires or tubes authorized by the certificate or receipt in accordance with the table below:

If Part B calls for:	Dealer or manufacturer may replenish with:
Any size grade I passenger-type tire.	Any size grade I or II passenger-type tire.
Any size grade II passenger-type tire.	Any size grade II passenger-type tire.
Any size grade III passenger-type tire.	Any size grade III passenger-type tire or 8½ lbs. of passenger-type camelback.
Any size truck-type tire.	Any size truck-type tire.
Any size tractor-type tire.	Any size tractor, truck or implement-type tire.
Any size implement-type tire.	Any size tractor or implement-type tire.
Any size passenger tube.	Any size passenger tube.
Any size truck tube.	Any size truck tube.

(4) *Allotment of Grade III tires.* Any manufacturer or dealer may, in exchange for an appropriate certificate (OPA Form R-46) if the dealer's order is accompanied by a certificate authorized thereon to a dealer. No manufacturer or wholesaler who has a supply of Grade III tires of the size ordered may refuse to transfer them to a

dealer who presents a certificate for an allotment of Grade III tires (OPA Form R-46) if the dealer's order is accompanied with cash or its equivalent. A manufacturer or wholesaler shall fill all accepted orders for Grade III tires received on one day before filling any orders received on any subsequent day.

(i) A manufacturer who obtains from Defense Supplies Corporation a Grade III tire that requires recapping and transfers such tire to a dealer shall at the same time transmit OPA Form R-48 to the dealer.

(5) *Transfers by dealers without certificates.* Any dealer may, without certificate, transfer tires, tubes or camelback to his supplier only for the following purposes:

(i) to return tires, tubes or camelback of a size, grade, type or quality other than that ordered by him: *Provided*, That his supplier shall, without certificate, transfer to him in exchange therefor tires, tubes or camelback of the size, grade, type or quality ordered;

(ii) to effect credit adjustments between the dealer and his supplier pursuant to a contract or sales agreement.

(6) *Transfer of legal title without certificate.* Any manufacturer who has transferred to a dealer possession of tires or tubes on consignment in exchange for the replenishment portion of a certificate, or who made such transfer prior to December 11, 1941, may, without certificate, transfer the legal title to such tires or tubes to the dealer.

(d) *Camelback*—(1) *Allotment.* A camelback dealer or manufacturer may, in exchange for a certificate (OPA Form R-10, revised), transfer camelback to a recapper.

(2) *For recapping.* A recapper may apply camelback to the tread surface of a tire carcass: *Provided*, That no passenger-type camelback shall be used in recapping a truck-type tire to be mounted on a truck, bus, farm implement, earth-mover, road-grader or similar off-the-road vehicle, and no truck-type camelback shall be used in recapping a passenger-type tire to be mounted on any station wagon, suburban carry-all, or on an automobile originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus, or unless the vehicle is a taxicab or jitney. No recapper shall apply camelback to the tread surface of a tire carcass if the carcass will not be serviceable as a recapped tire.

(3) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R-2 (revised) or of OPA Form R-48 and no person shall accept such transfer unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided*, That a manufacturer may, without endorsement, return Part B to the dealer from whom he received it if he is unable to supply the camelback specified thereon.

(4) *Permitted replenishment of camelback.* Subject to the provisions of subparagraph (3) of this paragraph, any camelback dealer or manufacturer may

R-46) transfer the number of grade III

transfer camelback in exchange for the replenishment portion (Part B) of a certificate or receipt for camelback, and may in exchange for the properly endorsed replenishment portion (Part B) of a certificate or receipt marked "Grade III tire" or "for camelback only" transfer camelback in accordance with Tables I and II below: *Provided*, That a replenishment portion (Part B) of a certificate marked "for camelback only," if accompanied by a recappable tire, may be exchanged for a Grade III tire.

TABLE I

If Part B calls for:	Dealer or manufacturer may replenish with:
"Passenger-type camelback only" or "Grade III tire."	Passenger-type camelback in the amount authorized in table II.
"Truck-type camelback only."	Truck-type camelback in the amount authorized in table II.

TABLE II

Size or type of tire	Number of pounds of camelback which may be purchased for each such tire
Passenger-type tire regardless of sizes.	8½
Truck-type tire smaller than 30 x 5.	8½
Truck-type tire 30 x 5 up to but not including 7.50-18.	12
Truck-type tire 7.50-18 up to but not including 9.00-20.	16
Truck-type tire 9.00-20 up to but not including 12.00-20.	22
Truck-type tire 12.00-20 and larger (regular truck type).	32
Truck-type 12.00-20 and up (but not including tires 12.00-24 and larger) used on farm tractors (rear tires only), road-graders, earth-movers and other similar equipment used primarily on off-road work.	55
Tires 12.00-24 and larger.	Amount necessary

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion of the certificate or receipt a certified statement showing the amount of camelback necessary to recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

(5) *Recapping of Army and Navy tires.* Any camelback dealer or manufacturer may, without certificate, transfer camelback for use on tires owned by the United States Army, Navy, Marine Corps or Coast Guard to any recapper who has a prime contract with the War or Navy Department to recap such tires or who has a subcontract with such prime contractor, pursuant to a purchase order of the prime contractor or of the subcontractor if his order has been approved in writing by the prime contractor. The number or other identification of the prime contract must be written upon the order. A prime contractor or subcontractor shall not use OPA Form R-12 (revised) to replenish the camelback so used, but shall forward Part B thereof together with Part A to the Regional Office for the area in which the recapper is located.

(6) *For remilling.* Any recapper may transfer deteriorated camelback for remilling to a camelback dealer or camelback manufacturer, who may transfer such remilled camelback or camelback of identical amount, type, grade and weight to such recapper upon written authorization issued to such recapper by the Regional Office for the area in which the principal place of business of the recapper is located.

(7) *For curing.* Any recapper may, without certificate, transfer to another recapper, for the purpose of curing, a tire to which camelback has been applied and the recapper who has cured the camelback may, without certificate, transfer the recapped tire to the recapper who applied the camelback.

(e) *Transfer of dealer's business.* Any dealer may, without certificate, transfer as a unit his entire stock of tires, tubes or camelback together with any replenishment portions (Parts B) of certificates or receipts to another dealer who may acquire such stock for resale: *Provided*, That the transferor shall file a statement containing the name and address of the transferee and an inventory of the tires, tubes, camelback and replenishment portions (Parts B) to be transferred, with the Regional Office serving the area in which the transferor is located, at least ten days before making such transfer.

(f) *Transfers to sectional warehouses.* A manufacturer who complies with the following conditions may, without certificate, transfer tires, tubes or camelback to or keep them upon any premises, if no change in ownership or control of such tires, tubes or camelback is thereby effected:

(1) Except as provided hereinafter, the manufacturer shall not transfer to or keep such tires, tubes, or camelback upon any premises whether or not such camelback, tires or tubes were previously kept on such premises unless he has been authorized in writing to do so by the Office of Price Administration, Washington, D. C. Application in writing for such authorization shall be made by the manufacturer and shall state for each of such premises the location thereof and the name and address of the person who owns or controls them. For each of such authorized premises, except where the authorized premises are regional branches, the manufacturer shall appoint a specified individual as his agent to be responsible for the stock of tires, tubes or camelback and shall submit with his application for authorization the name and address of the agent, a verified copy of his agreement with the agent and a statement that he will be fully responsible for acts of the agent and any person acting for him. The manufacturer shall not designate any other individual as his agent except upon authorization in writing from the Office of Price Administration, Washington, D. C. The Office of Price Administration may in its discretion deny, modify or revoke any authorization at any time.

(2) The tires, tubes or camelback shall be kept segregated from any others owned, possessed or controlled by a per-

son other than the manufacturer, and shall be kept readily identifiable upon inspection by signs, labels or similar means. The manufacturer shall at all times have access to the portion of the premises on which the camelback, tires or tubes are so segregated.

(i) In the case of segregated stocks, "authorized premises" means only that portion of the premises upon which the segregated stock is located.

(3) The number of premises authorized for each manufacturer shall not exceed fifty.

(4) A manufacturer may not keep more than 500 tires, 500 tubes and 20,000 pounds of camelback at any time on any authorized premises unless the Office of Price Administration authorizes him in writing to keep a greater stock, or unless the authorized premises are his regional branches.

(i) A "regional branch" means any premises wholly controlled by the manufacturer at which the functions of the manufacturer's business apart from production are performed: *Provided*, That such premises are not used in performing the functions of a retailer.

(5) Except in the case of transfer without certificate expressly permitted by other provisions of this Ration Order No. 1A, or transfer by a manufacturer from one of his authorized premises to another, no tires or tubes shall be transferred from any authorized premises unless the manufacturer or his duly designated agent shall have first received in exchange therefor and in accordance with the requirements of Ration Order No. 1A an appropriate certificate or receipt or the replenishment portion of a certificate or receipt.

(6) The provisions of paragraph (f) of this section shall apply only to tires, tubes or camelback located at any authorized premises and not to tires, tubes or camelback located at the place of manufacture or in a public warehouse.

(g) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer tires, tubes or camelback for the purpose of storage only to any warehouse owned or operated by him, if no change in ownership or control of such tires, tubes or camelback is thereby effected. Any dealer may, without certificate, withdraw the tires, tubes or camelback stored in such warehouse.

§ 1315.805 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* Subject to the provisions of paragraphs (b) and (c) of this section, tires, tubes or camelback may be acquired, without certificate in the following cases:

(1) *Exercise of governmental rights or powers.* The United States or any state or political subdivision thereof or any governmental agency may acquire from any person any tire, tube or camelback in the exercise of governmental rights or powers against such tire, tube or camelback.

(2) *Decedents' estates.* An executor or administrator, legatee or distributee may acquire any tire, tube or camelback pursuant to the appropriate laws of testate or intestate distribution.

(3) *Judicial process.* A person may acquire any tire, tube or camelback pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(4) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire, tube or camelback that has been damaged or that is in imminent danger of being damaged or destroyed.

(5) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire, tube or camelback in consequence of the right of subrogation or in consequence of the payment of a claim.

(6) *Security transfers.* A state or any agency thereof, the United States or any agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a state or the United States may, without certificate, acquire tires, tubes or camelback for security purposes and may, without certificate, transfer such tires, tubes or camelback to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on tires, tubes or camelback and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by applicable State or Federal laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

(b) *Reports of transfers for retransfer purposes.* A transferee under this section, other than a lienholder who acquired a lien by operation of law, shall within three days of such transfer file notice of such transaction with the Regional Office for the area in which such tire, tube or camelback is to be located.

(c) *Required retransfers.* A person, other than a dealer, acquiring full title to tires or tubes hereunder shall, within thirty days, sell such tires or tubes to Defense Supplies Corporation. A person, other than a dealer, acquiring full title to camelback hereunder shall, within thirty days, sell such camelback to a manufacturer or dealer in camelback.

§ 1315.806 *Transfers without certificate, special authorization or notice—*

(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer tires, tubes or camelback to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation or any representative designated to receive tires, tubes or camelback on their behalf.

(b) *Changes in location.* A person, other than a dealer or manufacturer, may, without certificate, change the location of unmounted tires or tubes or of camelback if no change in ownership, possession or control results.

(c) *Transfers on vehicles.* A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(d) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair only and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(e) *Return of lost or stolen tires, tubes or camelback.* A person may, without certificate, transfer tires, tubes or camelback which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(f) *Exchange of tires or tubes.* A consumer who in exchange for a certificate acquires any tire or tube that is of a size or grade different from that ordered may, without certificate, but only within ten (10) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire or tube has not been used by such person.

(g) *Turn-in of tires or tubes to be replaced.* A consumer who holds a certificate authorizing the purchase of a tire or tube and is required to turn in a tire or tube to be replaced shall transfer such tire or tube to a dealer: *Provided,* That such dealer, if not a recapper, must sell the replaced tire, if recappable, to a recapper. Any dealer who receives a tire under this paragraph shall retain such tire for a period of not less than thirty (30) days before disposing of it.

(h) *Transfers for recapping.* (1) A consumer may transfer a tire for recapping service to a dealer but only if accompanied by a certificate authorizing recapping service.

(2) A dealer may transfer a tire for recapping to a recapper if accompanied by Part B of a certificate authorizing recapping service and the recapper may transfer a Grade III tire in exchange for such Part B.

(3) A manufacturer who has acquired from Defense Supplies Corporation a Grade III tire that requires recapping or any dealer who has acquired such tire in exchange for OPA Form R-46 or Part B of OPA Form R-2 (revised) may transfer such tire to a recapper accompanied by Part A of OPA Form R-48 and the recapper may transfer a recapped tire to such manufacturer or dealer in exchange for Part B of OPA Form R-48.

(i) *Transfer of recappable tire to recapper.* A dealer who is not a recapper may, without certificate, transfer a recappable tire carcass to a recapper, provided such dealer obtains and retains as a record a proof of sale on OPA Form R-22 from the recapper to evidence such transfer.

(j) *Camelback to dealers and manufacturers.* A consumer or dealer may, without certificate, transfer camelback to a camelback manufacturer, and a consumer, other than a dealer, may, without

certificate, transfer camelback to a dealer.

(k) *Transfers to and from carriers.* A person may, without certificate, transfer tires, tubes or camelback to a common or contract carrier for shipment, and such tires, tubes or camelback may be transferred by such carrier to the consignee in the regular course of business: *Provided,* That the transaction between the consignor and the consignee shall remain subject to the provisions of Ration Order No. 1A.

(l) *Transfer to and from public warehouses.* A person may, without certificate, transfer tires, tubes or camelback to a public warehouse for storage. A public warehouseman who has received tires, tubes or camelback for storage may, without certificate, transfer them to the following persons:

(1) A dealer or manufacturer who transferred such tire, tube or camelback for storage;

(2) A manufacturer, assembler or dealer in vehicles equipped with tires or tubes who has transferred such tires or tubes for storage;

(3) A person who has a security interest in or lien on such tires, tubes or camelback as provided in § 1315.805 (a) (6);

(4) A consumer who stored:

(i) New tires or tubes after December 10, 1941; or

(ii) Recapped tires after February 18, 1942, where such tires were used less than 1,000 miles after being recapped; or

(iii) Used tires, including tires used more than 1,000 miles after being recapped, or used tubes, after September 30, 1942.

(m) *Mounting of original equipment.* A manufacturer of vehicles may mount tires or tubes as original equipment upon a vehicle made by him unless he has been prohibited from doing so by general or special instructions of the War Production Board.

§ 1315.807 *Miscellaneous transactions—*(a) *Territories and possessions of the United States.* Whenever conditions in any territory or possession of the United States make the application of this Ration Order No. 1A or any part thereof impracticable, the Office of Price Administration, Washington, D. C., may suspend the operation of this Ration Order No. 1A in whole or in part and provide by special authorization for the method of mounting, altering, changing location, using, transferring and acquiring tires, tubes and camelback in such territory or possession.

(b) *Secret Service.* A person may upon authorization in writing of the Office of Price Administration, Washington, D. C., transfer tires and tubes to the United States Secret Service.

(c) *Transfers and use for testing.* A manufacturer may, without certificate, mount tires and tubes on a vehicle owned by him or otherwise subject to his control which is used exclusively for testing such tires and tubes and not in connection with any other use. The transfer, acquisition, mounting, alteration or use of tires, tubes and camelback for test-

ing purposes not expressly permitted by this paragraph (c) may be authorized by the Office of Price Administration, Washington, D. C. or the War Production Board.

(d) *Change-overs.* A dealer or manufacturer may transfer tires or tubes to a manufacturer, rebuilder or dealer in vehicles in exchange for tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment upon authorization in writing from the Regional Office for the area in which the vehicle is located.

(e) *Destroyed or damaged stock.* In the event of the destruction or irreparable damage of a stock or a part of a stock of tires, tubes or camelback, a dealer or recapper may be issued replenishment portions (Parts B) to replace such stocks. Application for such replenishment portions (Parts B) shall be filed with the Regional Office for the area in which the destroyed or damaged stock is located.

(f) *Transfers by Defense Supplies Corporation.* Defense Supplies Corporation may transfer tires, tubes or camelback upon authorization of the Office of Price Administration, Washington, D. C.

(g) *Tires, tubes or camelback held in Customs.* Tires, tubes or camelback imported into this country and held in customs may not be released to the claimant unless he holds a certificate, receipt or authorization from the Office of Price Administration which would entitle him to acquire such tires, tubes or camelback.

§ 1315.808 *Transfers to certain governmental agencies, manufacturers of vehicles or for export—(a) Transfer to certain governmental agencies or for export.* A person may transfer tires, tubes or camelback:

(1) To or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it;

(2) To or for the account of the government of any foreign country, pursuant to a contract or order placed by any agency of the United States Government under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), but subject in each case to such quotas, allocations, or other restrictions as may be prescribed by the War Production Board;

(3) For export to and consumption in any foreign country, for government or private account, otherwise than as provided in subparagraph (a) (2), but only when the exporter has been issued an

individual or general export license for the tires, tubes and camelback to be exported.

(b) *Transfer to manufacturers of vehicles.* No dealer or manufacturer may transfer tires or tubes to any manufacturer of vehicles for mounting as original equipment on a vehicle made by him, except upon the written approval of the War Production Board.

(c) *Receipt.* A person who makes any transfer pursuant to paragraphs (a) or (b) of this section shall obtain a receipt from the purchaser upon OPA Form R-12 (revised): *Provided*, That a manufacturer who makes a transfer of tires, tubes or camelback pursuant to such paragraphs need not obtain such form from the purchaser if he complies with the provisions of § 1315.1005 (d) and: *Provided, further*, Any agency listed in subparagraph (a) (1) may transfer tires, tubes or camelback to any other agency listed in paragraph (a) (1) without obtaining such form.

§ 1315.809 *Authorization to become a dealer.* A person may become a dealer upon written authorization of the Office of Price Administration, Washington, D. C. The applicant shall set forth in his application facts showing either that he will continue an existing establishment or that additional establishments for the distribution of tires or tubes are needed in the community. If the applicant applies for authorization for an additional establishment, he shall set forth the number of tires and tubes which he estimates as his inventory requirements for such establishment. The Office of Price Administration, Washington, D. C., may permit such applicant to obtain an appropriate number of tires and tubes as an initial inventory, notwithstanding any other provision in this order.

#### OTHER PROHIBITED ACTS

§ 1315.901 *Offenses—(a) Mutilation and forgery of certificates.* No person shall without lawful authority willfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued), or any part thereof, and no person shall counterfeit or forge any such certificate, receipt, authorization, or any part thereof.

(b) *Illegal transfer of certificates.* No person shall transfer or assign and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of Ration Order No. 1A.

(c) *Illegal use and possession of certificates.* No person shall use, possess, or control any certificate, receipt, authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt, authorization (whether issued or unissued), or any part thereof, was issued or by whom it was acquired in accordance with the provisions of Ration Order No. 1A.

(d) *Possession of forged certificates.* No person shall without lawful authority transfer or accept a transfer of or have in his possession or under his control any forged, altered, or counterfeited certifi-

cate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use, or permit the use of any tires, tubes or camelback acquired in violation of Ration Order No. 1A, and no person shall possess, use or permit the use of tires, tubes or camelback acquired under Ration Order No. 1A for any purpose in violation of Ration Order No. 1A.

(f) *Abuse of tires.* No person shall without lawful authority abuse, alter, damage, or neglect any tire, tube or camelback in his possession or control. Failure to make timely application for recapping or replacement shall constitute one form of abuse within the meaning of this paragraph.

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed which is in excess of thirty-five (35) miles per hour. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the state military forces organized pursuant to Section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health, or safety: *Provided*, That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Tire Inspection Record.* No person shall use or permit the use of tires or tubes unless he has obtained and kept current the Tire Inspection Record as required by the Office of Price Administration or such records of tire inspection as are required by the Office of Defense Transportation.

(i) *Declaration of tires.* No person shall use or permit the use of tires or tubes on a motor vehicle unless he has filed a declaration of tires as required by the Office of Price Administration, the War Production Board or the Office of Defense Transportation.

(j) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 5C or for which gasoline or other fuel is used in violation of that order.

(k) *Violation of other Orders.* No person shall use or permit the use of tires or tubes on a vehicle which he operates or controls in violation of any order, rule or regulation issued by the Office of Defense Transportation or other federal agency.

(l) *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 1A, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(m) *Attempts.* No person shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of Ration Order No. 1A.

## RECORDS AND REPORTS

§ 1315.1001 *Records by boards, state and regional offices.* The Boards, State Directors, Regional Administrators and other administrative personnel of the Office of Price Administration shall maintain such records and file such reports in such form as may be required by the Office of Price Administration, Washington, D. C.

§ 1315.1002 *Posting names of successful applicants.* At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week for Grade I or Grade II tires or tubes shall be posted at the office of the board for public inspection and shall be released to the press. This requirement shall not apply to certificates issued to Army, Navy or government intelligence officers whose work requires secrecy.

§ 1315.1003 *Disposition of parts of certificates and receipts—(a) Certificates or receipts for tires, tubes or camelback.* A transferor of tires, tubes or camelback to whom a certificate is surrendered by an applicant or who receives an OPA Form R-12 (revised) receipt shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R-2 (revised) and OPA Form R-46 shall be retained by the transferor as his record; Part A of OPA Form R-20 shall, within three days of the date of transfer of the tires or tubes, be sent to the issuing Board which shall retain it as its record; Part A of OPA Form R-10 (revised) shall within five days of the date of transfer of the camelback be sent to the issuing Board which shall retain it as its record; Part A of OPA Form R-12 (revised) shall be sent to the Regional Office for the area in which the transferor's principal place of business is located within fifteen (15) days from the end of each calendar month in which deliveries have been made, and Part A of OPA Form R-48 shall be retained by the recapper as his record.

(2) *Part B.* Part B of OPA Form R-2 (revised), OPA Form R-20, OPA Form R-46, OPA Form R-12 (revised), OPA Form R-10 (revised) and OPA Form R-48, when transferred to a manufacturer for purposes of replenishment, shall be marked "void except for replenishment by \_\_\_\_\_." The name of the first manufacturer to whom the Part B is surrendered shall be inserted in the blank and the Part B shall be used for replenishment only by such manufacturer. Parts B not used for replenishment must be retained by the manufacturer as his record.

(3) *Part C.* Part C of OPA Form R-2 (revised) and OPA Form R-46 shall, within three days of the date of transfer of the tires, tubes or camelback, be sent to the issuing Board which shall retain it as its record. Part C of OPA Form R-20 and OPA Form R-12 (revised) shall be retained by the transferor as his record.

(4) *Part D.* Part D of OPA Form R-2 (revised), OPA Form R-46, OPA Form R-20, and OPA Form R-12 (revised) shall

be retained by the transferee as his record.

(b) *Receipt for replaced tires or tubes.* OPA Form R-3 shall be retained by the Board as its record of the surrender of replaced tires or tubes.

(c) *File of certificates and receipts.* Every dealer, manufacturer, and warehouseman shall maintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

§ 1315.1004 *Records of consumers operating five or more vehicles.* Every applicant to whom a certificate is issued, who operates five or more vehicles in carrying on a commercial enterprise, shall:

(a) On the fifteenth day of each month take a separate inventory of all tires and tubes in his possession or control and keep a separate record thereof;

(b) Keep a record of all applications made to Boards which have not been acted upon;

(c) Keep a record of all certificates which have been issued to him and which have not been used; and

(d) Maintain a file containing the purchaser's portions of used certificates.

§ 1315.1005 *Records and reports of transfers—(a) Records of transfers to and from dealers, manufacturers and warehousemen.* Every dealer, manufacturer and warehouseman shall keep true, accurate and complete records of all transfers of tires, tubes or camelback to or by him; *Provided,* That no records need be kept of transfers permitted by § 1315.806 (d) relating to transfers for mounting or inspection. Such records shall show the serial number of the certificate or the receipt (if the transfer involved the use of a certificate or receipt); sales price; date of transfer; the name of the transferee and

(1) If tires, other than recapped tires, are transferred, the number, size, type, and grade;

(2) If recapped tires are transferred, the number, size, type, and grade thereof and the type of camelback used in recapping the tires;

(3) If tubes are transferred, the number, type, and size thereof;

(4) If camelback is transferred, the amount, type, and grade thereof; or

(5) If tires or tubes are transferred for repair, information sufficient to identify the ownership of the tires.

(b) *Reports of transfers for retransfer purposes.* A transferee under § 1315.805, other than a lien holder who acquired a lien by operation of law, shall within three days after such transfer file notice of such transaction with the Regional Office for the area in which such transfer was made.

(c) *Report of transfer of dealer's business.* A transferor under § 1315.804 (e) shall file a statement containing the name and address of the transferee and an inventory of the tires, tubes, camelback and replenishment portions (Parts B) to be transferred, with the Regional Office for the area in which the transferor is located, at least ten days before making such transfer.

(d) *Manufacturer's records in lieu of Form R-12.* A manufacturer who trans-

fers tires, tubes, or camelback pursuant to § 1315.808 and does not obtain a receipt therefor on OPA Form R-12 (revised) shall:

(1) Establish and maintain at his principal business office, for each transferee under § 1315.808, a separate file containing every invoice for shipment of tires, tubes or camelback to such transferee, which invoice shall be filed within ten days after the date of shipment covered thereby; and

(2) Show on such invoices the date of the transfer, the name and address of the purchaser and of the consignee (if different from the purchaser), the name of the carrier and the point to which shipment was made, and keep records showing proof of delivery and receipt of payment.

§ 1315.1006 *Records and reports on camelback orders to recap Army and Navy tires—(a) Disposition of purchase orders and requisitions.* (1) A recapper who has a prime contract to recap Army, Navy, Marine Corps or Coast Guard tires and who requires camelback for this purpose shall make out the purchase order required by § 1315.804 (d) (5) in duplicate, showing upon its face the number or other identification of his prime contract with the War or Navy Department, shall forward one copy to the dealer or manufacturer from whom the camelback is to be acquired, and shall retain one copy in his files as his record. A recapper who is a subcontractor shall make out a purchase order in triplicate and shall submit one copy to the manufacturer or dealer in camelback, another copy to the prime contractor who shall approve the order in writing and forward it to the manufacturer or dealer in camelback, and shall retain the third copy in his files.

(2) When a manufacturer or dealer is also the recapper, he shall make out a requisition order setting forth the amount of camelback withdrawn and the date of withdrawal and shall retain it in his files.

(b) *Reports by camelback manufacturer or dealer.* (1) A manufacturer or dealer in camelback shall file a separate monthly report within fifteen (15) days from the end of each calendar month for each recapper to whom he has made any transfer of camelback pursuant to § 1315.804 (d) (5). Such report shall be filed with the Regional Office for the area in which the recapper is located and shall set forth the name and address of the prime contractor and the name and address of the subcontractor, if any, the numbers and dates of the purchase orders, and the amount and date of each shipment of camelback during such calendar month.

(2) When the manufacturer or dealer is also the recapper, he shall make out and file a monthly report within fifteen (15) days from the end of each calendar month with the Regional Office for the area in which he is located, stating the numbers and dates of the requisition orders, the amount of camelback used on such orders during the month, the dates when the recapped tires were shipped and the number of such tires.

§ 1315.1007 *Inventories of sellers of tires, tubes and vehicles.* Every person engaged in the business of selling or holding for sale tires, tubes, or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle shall:

(a) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control and keep a record thereof. Such inventory shall be based on a physical count: *Provided*, That a manufacturer need base such inventory for regional and factory branches on a physical count only on March 31, June 30, September 30, and December 31 of each year.

(b) File a report on OPA Form R-17, in accordance with the instructions thereon, for each quarter ending March 31, June 30, September 30, and December 31, setting forth all unmounted tires and tubes in his possession or control on the last day of such quarter and all transfers of tires and tubes made during such quarter. Transfers permitted by § 1315.806 (d) relating to transfers for repairs, mounting or inspection need not be recorded hereunder. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed on or before the fifteenth day after the end of each quarter with the Board for the area in which such establishment is located: *Provided*, That a manufacturer or dealer who during the calendar year 1941 sold in excess of 50,000 tires or 100,000 tubes not manufactured by him but bearing his brand or trademark, need not report stocks located in establishments where, during the quarter covered by the report, no tires or tubes were sold or held for sale at retail.

(c) File a report with the Regional Office for the area in which his principal office is located, if the grade of any tire has been changed, setting forth the reasons for such change of grade, and shall not sell the tire until five days after the report has been filed with the Regional Office.

§ 1315.1008 *Inventories of sectional warehouses.* Records of inventories and of all transfers to and from any premises authorized pursuant to § 1315.804 (f) shall be kept by the manufacturer at such premises and at his principal place of business. Monthly reports thereof shall be filed with the Office of Price Administration not later than the twentieth day of the calendar month following the period covered by the report. For each of such authorized premises, except the regional branches, the monthly report shall include an inventory based upon a physical count showing the total number of tires, tubes and camelback at the beginning and end of the preceding monthly period on each of such premises and the total number of transfers to and from such stock during said monthly period and shall list, by serial number (if there is one), the certificates or receipts or Parts B thereof upon which the transfers were made and the number, by

size, type and grade of tires or tubes and the amount, by grade and type, of camelback represented by each such certificate or receipt.

For authorized premises that are regional branches of the manufacturer, the report shall include an inventory based upon book records showing the total number of tires and tubes and the amount of camelback at the beginning and end of the preceding monthly period on each of such premises (except that the monthly reports that shall be filed on the 20th day of January, April, July, and October shall include an inventory based upon a physical count rather than upon book records) and the total number of tires and tubes and the amount of camelback transferred to and from such stocks during said monthly period. The number of tires and tubes included in the inventory and the transfers to and from such stocks during said monthly period shall be listed by totals of passenger tires (including motorcycle tires), passenger tubes (including motorcycle tubes), truck tires, truck tubes, tractor tires (including implement tires and tires not otherwise specified) and tractor tubes (including implement tubes and tubes not otherwise specified). The size or ply of such tires or tubes need not be stated. The amount of camelback included in the inventory and the transfers to and from such stocks during said monthly period shall be listed by totals of passenger-type and truck-type camelback.

§ 1315.1009 *Production records of manufacturers.* Each manufacturer of camelback shall on the close of business on the last day of each calendar month take an inventory of all camelback in his possession or control and keep a record of his total production during such month. Each manufacturer of tires and tubes shall at the close of business on the last day of each calendar month record his total production of tires and tubes during such month.

§ 1315.1010 *Inventories and records of recappers and camelback dealers—(a) Monthly inventory.* Each recapper or camelback dealer shall at the close of business on the last day of each calendar month take an inventory of all recapped tires and all camelback in his possession or control and keep a record of his total production of recapped tires and the amount of camelback used in recapping tires during the preceding month. Such record shall also indicate the number of tires recapped which were owned by the recapper and the amount of camelback used in recapping such tires.

(b) *Record of allotment of camelback.* Each recapper who has purchased an allotment of camelback pursuant to § 1315.508 shall keep records at his principal office and at each establishment where he operates molds capable of recapping tires showing the name and address of his supplier, the amount, type and grade of camelback he purchased, the date of purchase, the amount, type and grade of camelback that was transferred by his supplier to each of his establishments, and the date of such transfer. Each recapper who transfers camelback among his premises as pro-

vided in § 1315.804 (b) shall keep records at both the premises from which and to which the camelback is transferred, showing the address of each such premises, the date of transfer and the amount, type, and grade of camelback transferred.

(c) *Record of transfers of molds.* Each recapper who transfers a mold among his premises shall keep records at both the premises from which and to which the mold is transferred showing the address of each such premises, the date of transfer, the serial number, and the recapping capacity of the mold.

§ 1315.1011 *Preservation and filing of records.* Any person affected by this Ration Order No. 1A shall keep and file such additional records and reports as the Office of Price Administration may require. Any record required by Ration Order No. 1A to be kept shall be preserved for not less than two years, except that records of transfers for repair need be preserved only while the tires or tubes to be repaired are in the possession of the repairer. Such records and any other records relating to tires, tubes or camelback shall be available at all times for inspection by the Office of Price Administration.

§ 1315.1012 *Notice of legal proceedings.* Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeding involving such certificate, part of a certificate or authorization, notify the State or Regional Office for the area in which such action or proceeding is pending.

§ 1315.1013 *Report of violations—(a) By any person.* Any person may report a violation of this Ration Order No. 1A to a Board, District, State, or Regional Office of the Office of Price Administration, Washington, D. C. An official or employee of the office to which the report is made shall fill out a complaint (OPA Form R-4), secure the signature of the complainant, if possible, and transmit the complaint for investigation and action in accordance with the instructions of the Office of Price Administration.

(b) *By a Board.* Whenever a Board finds that an applicant has violated § 1315.901 (1), it shall immediately inform the nearest District Office of that fact in writing, transmitting all relevant documents with its report.

#### APPEALS

§ 1315.1101 *Who may appeal.* Any person whose application for a certificate, part of a certificate, or authorization has been denied in whole or in part by the action of a Board, State Director, or Regional Administrator, or whose certificate, part of a certificate, or authorization has been revoked, cancelled, suspended, or modified by action of a Board, State Director, or Regional Administrator, under Ration Order No. 1A, may appeal from such action or from any other adverse decision of a Board.

§ 1315.1102 *Procedure.* Except for proceedings arising out of § 1315.653 an appeal shall be taken only in accordance with the provisions of Procedural Regu-

lation No. 9, issued by the Office of Price Administration.

ENFORCEMENT

§ 1315.1151 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 1A, or who otherwise knowingly furnishes false information to a Board, inspector, or any other agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 1A may upon conviction be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 1A may upon conviction be fined not more than \$10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

§ 1315.1152 *Suspension orders.* Any person who violates this Ration Order No. 1A may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes or camelback or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

§ 1315.1198 *Effective Date of Ration Order No. 1A.* (a) Ration Order No. 1A (§§ 1315.151 to 1315.1198 inclusive) shall become effective November 22, 1942.

(b) Ration Order No. 1A (§§ 1315.151 to 1315.1198 inclusive) supersedes War Production Board Supplementary Order No. M-15-c, as amended,<sup>1</sup> and the Revised Tire Rationing Regulations, as amended.<sup>2</sup> Provided, however, That any violations which occurred or rights or liabilities which have arisen prior to the effective date of this Ration Order No. 1A shall be governed by the orders, regulations, and amendments thereto, in effect at the time such violations occurred or such rights or liabilities arose.

Issued this 6th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11600; Filed, November 6, 1942; 5:02 p. m.]

<sup>1</sup> 6 F.R. 6792.

<sup>2</sup> 7 F.R. 1027.

PART 1351—FOOD AND FOOD PRODUCTS  
[MPR 271]

CERTAIN PERISHABLE FOOD COMMODITIES,  
SALES EXCEPT AT RETAIL

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, that maximum prices be established for the sale of certain perishable food commodities, f. o. b. country shipping point, and at wholesale. The following regulation supersedes Temporary Maximum Price Regulation No. 22 and establishes maximum prices in a manner calculated to promote equitable distribution of these important food commodities through normal channels of trade.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 271 is hereby issued.

Sec.

- 1351.1001 Applicability of this Maximum Price Regulation No. 271.
- 1351.1002 How a country shipper establishes his maximum price for perishable food commodities set forth in Appendix A.
- 1351.1003 How an intermediate seller calculates his maximum price for perishable food commodities set forth in Appendix B.
- 1351.1004 Information which each country shipper and intermediate seller must pass on to his purchaser.
- 1351.1005 Fractions of cents.
- 1351.1006 Customary allowances.
- 1351.1007 Relationship between this regulation, General Maximum Price Regulation and Temporary Maximum Price Regulation No. 22.
- 1351.1008 Evasion.
- 1351.1009 Enforcement.
- 1351.1010 Petitions for amendment.
- 1351.1011 Records and reports.
- 1351.1012 Export sales.
- 1351.1013 Exempt sales.
- 1351.1014 Definitions.
- 1351.1015 Geographic applicability.
- 1351.1016 Effective date.
- 1351.1017 Appendix A: Maximum prices for perishable food f. o. b. shipping point.
- 1351.1018 Appendix B: Figures to be used by intermediate sellers in calculating maximum prices under § 1351.1003 of this regulation.

AUTHORITY: §§ 1351.1001 to 1351.1018, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.001 *Applicability of this Maximum Price Regulation No. 271—(a) Commodities to be priced under this regulation.* This regulation applies to the following perishable food commodities:

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

(1) All white potatoes used for human consumption, not including seed potatoes.  
(2) All dry onions used for human consumption, produced in the calendar year 1942.

(b) *To what types of sellers this regulation applies.* This regulation applies to country shippers and all intermediate sellers, as defined herein, of the commodities listed in paragraph (a) of this section, but does not apply to retailers.

(c) *Purposes of this regulation.* (1) Appendix A sets forth maximum prices and repeats the applicable differentials set forth in § 1351.1002 (b) for the country shipper, at the country shipping point, on board car or any other common carrier, for each variety and grade, in the month of sale and area in which the commodities were produced.

(2) Appendix B sets forth the figures which different classes of intermediate sellers must use in calculating maximum prices.

(d) *Prohibition against sales above maximum prices.* On and after November 9, 1942, regardless of any contract or other obligation, no person is permitted to sell or deliver perishable food commodities at prices higher than the maximum prices established by this regulation, and no person is permitted to buy or receive perishable food commodities in the course of trade or business at prices higher than the maximum prices herein established. Lower prices may be charged and paid.

§ 1351.1002 *How a country shipper establishes his maximum price for a perishable food commodity, as set forth in Appendix A.* (a) The maximum price, at the country shipping point, on board car or any other common carrier, shall be established by the country shipper as follows:

(1) For each hundred pounds of each variety of U. S. No. 1 grade of white potatoes, in bags, on board car or any other common carrier, the maximum price shall be the amount set forth as the maximum price for the month of sale and the area in which the white potatoes were produced, listed in Appendix A hereof. Differentials above or below the maximum price are listed in paragraph (b) of this section.

(2) For each fifty pounds of each variety of dry onions, graded and in sacks, on board car or any other common carrier, the maximum price shall be the amount set forth as the maximum price for the month of sale and the area in which the dry onions were produced, listed in Appendix A hereof. Differentials above or below the maximum price are listed in paragraph (b) of this section.

(b) The following differentials for certain grades and certain types of shipment shall be applicable to country shippers:

(1) White potatoes: (i) For white potatoes which grade below U. S. No. 1, packed in 100 pound bags, the country shipper shall subtract 30 cents per cwt. from the maximum prices for U. S. No. 1 grade listed in Appendix A.

(ii) For white potatoes, U. S. Extra No. 1, or U. S. No. 1-A, 2 inch minimum packed in 100 pound bags, the country shipper may add 20 cents per cwt. to the

maximum prices for U. S. No. 1 grade listed in Appendix A.

(iii) For Russet Burbank potatoes, U. S. No. 1, 6 ounce minimum, packed in 100 pound bags, the country shipper may add 20 cents per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(iv) For Russet Burbank potatoes, U. S. No. 1, 6 ounce minimum to 14 ounce maximum, packed in 100 pound bags, the country shipper may add 35 cents per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(v) For white potatoes, graded and packed in sacks of 25 pounds or less, the country shipper may add 20 cents per cwt. to the maximum price established for each grade.

(vi) For white potatoes, shipped in bulk, graded but unsacked, the country shipper shall subtract 20 cents per cwt. from the maximum price established for each grade.

(vii) For white potatoes, shipped in bulk, ungraded and unsacked, the country shipper shall subtract 50 cents per cwt. from the maximum price established for U. S. No. 1 grade.

(viii) For white potatoes, ungraded and packed in 100 pound bags, the country shipper shall subtract 40 cents per cwt. from the maximum price for U. S. No. 1 grade.

(ix) For Russet Burbank potatoes, fancy, large, hand-graded and individually wrapped in boxes of not over 60 pounds, the country shipper may add 90 cents per cwt. to the maximum price established for each grade.

(x) If the purchaser furnishes bags, the country shipper shall subtract from any sacked price 25 cents per cwt.

(2) Dry onions: (i) For white onions, U. S. Grade No. 1, in 50 pound sacks, the country shipper may add 30 cents per 50 pounds to the maximum price listed in Appendix A.

(ii) For dry onions, U. S. Grade No. 1, 3 inches and larger in 50 pound sacks, the country shipper may add 20 cents per 50 pounds to the maximum price listed in Appendix A.

(iii) For dry onions, graded and packed in 10 pound sacks or less, the country shipper may add 15 cents per 50 pounds to the maximum price listed in Appendix A.

(iv) For white boiler and pickler onions, graded and packed in 50 pound sacks, the country shipper may add \$1.00 per 50 pounds to the maximum price listed in Appendix A.

(v) For dry onions, ungraded and packed in sacks of any size, the country shipper shall subtract 15 cents per 50 pounds from the maximum price listed in Appendix A.

(vi) For dry onions, ungraded and unsacked, the country shipper shall subtract 30 cents per 50 pounds from the maximum price listed in Appendix A.

(vii) If the purchaser furnishes bags, the country shipper shall subtract from any sacked price 15 cents per 50 pounds.

(c) If a country shipper makes a sale of food commodities for delivery to a place other than his country shipping point, his maximum price shall be the price established by him under para-

graphs (a) and (b) of this section and Appendix A, plus the transportation charges he has actually paid, at lowest available common carrier rates, from his country shipping point to the place where the commodities are to be delivered. In no case shall the country shipper include transportation charges, whether paid by him or not, from the farm where the commodities were produced to his country shipping point.

§ 1351.1003 *How an intermediate seller calculates his maximum prices for perishable food commodities listed in Appendix B.* (a) For the purposes of this regulation "intermediate sellers" are divided into the following classes and the term means any wholesale seller, including, but not limited to terminal distributors, service and cash-and-carry wholesalers, carlot receivers, jobbers or any other person who purchases for the purpose of reselling, except country shippers and retailers, and who take title and make sales to any person who is not the ultimate consumer. The term "ultimate consumer" does not include institutional, commercial or industrial users.

(1) *Class 1: Retailer-owned cooperative wholesaler.* A retailer-owned cooperative wholesaler is either a non-profit organization or a corporation, 51% or more of the stock of which is owned by its retail customers and which distributes food commodities for resale without materially changing their form.

(2) *Class 2: Cash and carry wholesalers.* A cash and carry wholesaler is a wholesaler not in Class 1 who distributes food commodities for resale or to commercial, industrial and institutional users without materially changing their form and who does not customarily deliver or extend credit.

(3) *Class 3: Service wholesalers.* A service wholesaler is a wholesaler not in Class 1 who distributes food commodities for resale or to commercial, industrial or institutional users without materially changing their form and who customarily delivers, or delivers and extends credit to purchasers.

(b) The intermediate seller shall calculate once every week on the day set forth opposite the name of the food commodity in Appendix B his maximum price for each variety and grade of such food commodity as follows:

(1) The intermediate seller shall first find from paragraph (a) of this section in what class of intermediate seller he falls.

(2) The intermediate seller shall next determine the "largest single purchase" of each variety and grade made during the seven days prior to the day set forth opposite the name of the food commodity in Appendix B, on which he is calculating his maximum price.

(3) "Largest single purchase" means the greatest quantity (in pounds, dozens or the like) of the variety and grade of the food commodity which the intermediate seller is pricing, and which was purchased by him during the seven days prior to the day set forth opposite the name of the food commodity in Appendix B.

(4) The intermediate seller shall then determine his "net cost" of his "largest

single purchase" as defined above, of the food commodity being priced. "Net cost" means the amount he paid for the food commodity delivered at his customary receiving point less all discounts allowed him except the discount for prompt payment; however, no charge or cost for local unloading or local trucking shall be included.

(5) The intermediate seller shall then multiply his "net cost" as defined above, by the figure in Appendix B which applies to the class in which the intermediate seller falls. The resulting figure is the maximum price which the intermediate seller is permitted to charge for the 7-day period from the day set forth opposite the name of the food commodity set forth in Appendix B, provided that if an intermediate seller purchases food commodities from another intermediate seller, he shall resell such food commodities directly to a retailer, and shall not resell to another intermediate seller.

(c) If an intermediate seller makes sales and deliveries of Russet Burbank potatoes which he has re-graded for uniform size, individually wrapped in paper, and packed in boxes of not over 60 pounds, he may add 90¢ per cwt. to the maximum price determined by him under this section.

§ 1351.1004. *Information which each country shipper and intermediate seller must pass on to his purchaser.* Whenever a country shipper or an intermediate seller makes a sale and delivery after the effective date of this regulation, he shall supply in writing, to his purchaser on his invoice, sales ticket, cash receipt, or other written evidence of the sale, the following information:

(a) The variety of the food commodity being sold;

(b) The grade of the food commodity being sold; and

(c) The selling price, not exceeding the maximum price, which the country shipper or intermediate seller has determined for the variety and grade being sold. The invoice, sales ticket, cash receipt or other written evidence of the sale, when containing the above required information shall be deemed to be proper notification to the purchaser.

§ 1351.1005 *Fractions of cents.* Any calculation of a maximum price per 100 pounds or other customary unit of sale by a country shipper or intermediate seller which results in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

§ 1351.1006 *Customary allowances.* No country shipper or intermediate seller is permitted to change his customary allowances, discounts, and price differentials, including allowances, discounts and price differentials for different classes of purchasers, unless such change results in a lower net price.

§ 1351.1007 *Relationship between this regulation, General Maximum Price Regulation and Temporary Maximum Price Regulation No. 22.* (a) The provisions of this Maximum Price Regulation No. 271 supersede the provisions of Tem-

porary Maximum Price Regulation No. 22, with respect to sales and deliveries by country shippers and intermediate sellers of the food commodities listed in Appendix A. However, the following provisions of the General Maximum Price Regulation, as well as any amendments thereto, continue to be applicable to every country shipper and intermediate seller selling such food commodities:

- (1) Transfers of business or stock in trade (§ 1499.5).
- (2) Federal and State taxes (§ 1499.7).
- (3) Current records (§ 1499.12).
- (4) Sales slips and receipts (§ 1499.14).
- (5) Definitions (§ 1499.20).

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation, other than country shippers, selling food commodities at wholesale.

§ 1351.1008 *Evasion.* The price limitations which are set forth in this Maximum Price Regulation No. 271 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relationship to any of the commodities listed in Appendix A or B hereof, alone or in conjunction with any other commodity or by way of commission, service, transportation or any other charge or discount, premium, or other privilege or by tying-agreement or other trade understanding or otherwise.

§ 1351.1009 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 271 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942.

§ 1351.1010 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 271 may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1351.1011 *Records and reports.* (a) Every person selling food commodities, maximum prices for which are established by this regulation, shall:

(1) Preserve for examination by the Office of Price Administration all his records including invoices, sales tickets, cash receipts or other written evidence of a sale and delivery relating to the prices which he charges pursuant to the provisions of this regulation.

(2) Prepare on or before December 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing all of his customary allowances, discounts and other price differentials.

(b) Every person making sales of commodities, maximum prices for which are established by this regulation, shall keep and make available for examination by the Office of Price Administration for so

long as the Emergency Price Control Act of 1942, as amended, is in effect, records of the same kind as he has customarily kept relating to the prices which he charges for these commodities after the effective date of this regulation and in addition, records showing as precisely as possible, the basis upon which he determined maximum prices for these commodities.

§ 1351.1012 *Export sales.* The maximum prices at which a person may export food commodities covered by this Maximum Price Regulation No. 271 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1351.1013 *Exempt sales.* (a) This regulation shall not apply to:

(1) Sales and deliveries by a farmer of any food commodity listed in Appendix A directly to ultimate consumers, if during the preceding month the farmer's sales to ultimate consumers of all food commodities produced on his farm did not exceed \$75.00; and

(2) This regulation shall not apply to sales at retail.

§ 1351.1014 *Definitions.* (a) When used in this Maximum Price Regulation No. 271 the term:

(1) "Person" means individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political sub-

divisions, and any agencies of any of the foregoing.

(2) "Country shipper" means any person who makes sales and deliveries directly to any intermediate seller or retailer, whether for his own account, the account of a farmer, or for the joint account of himself and a farmer. This term includes farmers' cooperatives and associations, but does not include commission merchants, brokers, or any other person who does not take title to the food commodities covered by this regulation.

(3) "Variety" means any of the varieties of food commodities listed in Appendix A.

(4) "Grade" means official U. S. grades for potatoes and onions, as set forth in "U. S. Standards for Potatoes" and "U. S. Standards for Onions," issued by the U. S. Department of Agriculture.

(5) "Country shipping point" means the first place in or near the producing area where perishable food commodities are received and made ready for shipment to any intermediate seller or any commercial, industrial, or institutional user.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

§ 1351.1015 *Geographic applicability.* The provisions of this Maximum Price Regulation No. 271 shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1351.1016 *Effective date.* This Maximum Price Regulation No. 271 (§§ 1351.1001 to 1351.1018, inclusive) shall become effective November 9, 1942.

\* 7 F. R. 5059, 7242.

§ 1351.1017 *Appendix A: Maximum prices for perishable food f. o. b. shipping point*

WHITE POTATOES

[Maximum price per 100 lb., U. S. No. 1 grade and in bags 1 1/2]

State	Producing area	Variety	1942		1943						
			November	December	January	February	March	April	May	June	
NORTH ATLANTIC											
Maine	All	All	1.90	1.95	2.05	2.10	2.20	2.20	2.20	2.20	2.10
New Hampshire	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.60	2.50	2.40
Vermont	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.60	2.50	2.40
Massachusetts	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.60	2.50	2.40
Rhode Island	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.60	2.50	2.40
Connecticut	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.60	2.50	2.40
New York	Long Island	All	2.25	2.25	2.35	2.45	2.45	2.45	2.45	2.45	2.45
	Rest of State	All	2.15	2.15	2.25	2.40	2.45	2.45	2.45	2.35	2.20
New Jersey	All	All	2.25	2.40	2.55	2.55	2.55	2.65	2.65	2.65	2.75
Pennsylvania	All	All	2.20	2.20	2.30	2.45	2.45	2.45	2.45	2.40	2.25
EAST NORTH CENTRAL											
Ohio	All	All	2.40	2.50	2.55	2.60	2.60	2.60	2.60	2.60	2.65
Indiana	All	All	2.38	2.40	2.45	2.55	2.55	2.60	2.60	2.60	2.70
Illinois	All	All	2.40	2.45	2.50	2.60	2.60	2.60	2.60	2.60	2.80
Michigan	All	All	2.05	2.10	2.20	2.25	2.30	2.35	2.35	2.20	2.20
Wisconsin	All	Red Skinned	2.10	2.15	2.25	2.30	2.35	2.40	2.45	2.35	2.25
		Round White	1.95	2.00	2.10	2.15	2.20	2.25	2.25	2.15	2.00
WEST NORTH CENTRAL											
Minnesota	All	Red skinned	1.95	2.00	2.05	2.10	2.20	2.25	2.25	2.20	2.10
		Round White	1.75	1.80	1.85	1.90	2.00	2.05	2.05	2.00	1.90
Iowa	All	All	2.25	2.25	2.45	2.50	2.60	2.60	2.60	2.60	2.40
Missouri	All	All	2.30	2.30	2.50	2.60	2.60	2.60	2.60	2.60	2.45
North Dakota	All	Red Skinned	1.95	2.00	2.05	2.10	2.20	2.25	2.25	2.20	2.10
		Round White	1.75	1.80	1.85	1.90	2.00	2.05	2.05	2.00	1.90
South Dakota	All	Red Skinned	2.05	2.10	2.15	2.20	2.30	2.35	2.35	2.30	2.20
		Round White	1.85	1.90	1.95	2.00	2.10	2.15	2.15	2.10	2.00

17 F. R. 8961.

See footnotes at end of table.

**1 Example.**—How the country shipper establishes minimum prices for white potatoes: A country shipper located in Maine must determine a maximum price for sales of 100 pound bags of U. S. No. 1 Green Mountain white potatoes during the month of November, 1942. He refers to the table above which shows that his maximum price for sales of U. S. No. 1 white potatoes in bags for delivery during that month is \$1.99 per cwt. He also has a buyer who during the month of November wants to purchase a shipment of this type of potatoes by referring to the maximum price for sales of U. S. No. 1 white potatoes established by the country shipper. The country shipper establishes his maximum price for sales of this type of potatoes by referring to the maximum price for U. S. No. 1 potatoes in bags, shown in the table above, which is \$1.99. He then establishes a differential for this type of sale shown in footnote 1 (B) (3) which is 30¢ per cwt. and arrives at a maximum price of \$1.49 per cwt.

**DRY ONIONS**

[Maximum prices per 50 lb. graded and in bags. 1<sup>†</sup>]

States	1942			1943		
	November	December	January	February	March	April
Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.....	1.45	1.55	1.70	Dollars per 50 lb.	1.80	2.05
New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia.....	1.50	1.60	1.75	1.85	2.00	2.10
Ohio, West Virginia.....	1.45	1.55	1.70	1.80	1.90	2.00
Indiana, Kentucky.....	1.45	1.50	1.65	1.75	1.85	1.95
Michigan.....	1.45	1.50	1.65	1.70	1.80	1.90
Wisconsin.....	1.45	1.50	1.65	1.70	1.80	1.90
Illinois, Iowa, Missouri, Nebraska, Kansas.....	1.45	1.50	1.65	1.70	1.80	1.90
Minnesota, North Dakota, South Dakota.....	1.45	1.50	1.65	1.70	1.80	1.90
Colorado, Wyoming, Utah, Nevada, New Mexico, Arizona.....	1.35	1.45	1.60	1.70	1.80	1.90
Idaho, Montana, Washington.....	1.30	1.30	1.50	1.60	1.75	1.85
Oregon.....	1.30	1.30	1.40	1.50	1.65	1.75
California.....	1.35	1.45	1.55	1.65	1.70	1.80
Other States.....	1.45	1.55	1.70	1.75	1.85	1.95
West of Mississippi River.....	1.50	1.60	1.75	1.80	1.90	2.00
East of Mississippi River.....	1.50	1.60	1.75	1.80	1.90	2.00

<sup>†</sup> These prices apply only to dry onions produced in the calendar year 1942 and are subject to the following differentials:

- (a) For white onions, U. S. Grade No. 1, in 50-pound sacks, the country shipper may add 30¢ per 50 pounds to the maximum prices shown above.
- (b) For dry onions, U. S. Grade No. 1, 3 inches and larger in 50-pound sacks, the country shipper may add 30¢ per 50 pounds to the maximum prices shown above.
- (c) For dry onions, graded and packed in 10-pound sacks or less, the country shipper may add 15¢ per 50 pounds to the maximum prices shown above.
- (d) For white boiler and pickler onions, graded and packed in 50-pound sacks, the country shipper may add \$1.00 per 50 pounds to the maximum price.
- (e) For dry onions, ungraded and packed in sacks of any size, the country shipper shall subtract 15¢ per 50 pounds from the maximum prices shown above.
- (f) For dry onions, ungraded and unsorted, the country shipper shall subtract 30¢ per 50 pounds from the maximum prices shown above.
- (g) If the purchaser furnishes sacks, the country shipper shall subtract 15¢ per 50 pounds from the maximum price.

<sup>2</sup> Example: How the country shipper establishes his maximum price for dry onions. A country shipper located in Massachusetts must determine a maximum price for sales of 50 pound bags of graded yellow globe onions during the month of November, 1942. He refers to the table above which shows that his maximum price for sales of bagged and graded dry onions for delivery during that month is \$1.45 per fifty pound bags. He also has a buyer who during the month of November wants to purchase 500 pounds of U. S. No. 1 white onions. The country shipper refers to the table above and finds for the month of November that his maximum price for fifty pounds is \$1.45 plus the differential set forth in footnote 1 (g) above which is 30¢ per fifty pounds. He adds 30¢ to \$1.45 and arrives at a maximum price of \$1.75 per fifty pounds.

**WHITE POTATOES—Continued**

[Maximum price per 100 lb., U. S. No. 1 grade and in bags. 1<sup>†</sup>]

State	Producing area	Variety	1942			1943					
			November	December	January	February	March	April	May	June	
WEST NORTH CENTRAL—CON.	All	All	2.00	2.05	2.10	2.15	2.25	2.30	2.35	2.40	2.45
	All	All	2.30	2.30	2.45	2.45	2.55	2.55	2.60	2.60	2.65
SOUTH ATLANTIC	All	All	2.35	2.35	2.45	2.55	2.55	2.60	2.65	2.65	2.70
	All	All	2.35	2.35	2.45	2.55	2.55	2.60	2.65	2.65	2.70
	All	All	2.35	2.35	2.45	2.55	2.55	2.60	2.65	2.65	2.70
	All	All	2.45	2.45	2.55	2.65	2.65	2.70	2.70	2.70	2.70
	All	All	2.40	2.40	2.50	2.60	2.60	2.65	2.65	2.65	2.70
	All	All	2.60	2.60	2.70	2.70	2.70	2.70	2.70	2.70	2.70
	All	All	2.60	2.60	2.70	2.70	2.70	2.70	2.70	2.70	2.70
	All	All	2.60	2.60	2.70	2.70	2.70	2.70	2.70	2.70	2.70
	All	All	2.60	2.60	2.70	2.70	2.70	2.70	2.70	2.70	2.70
	All	All	2.60	2.60	2.70	2.70	2.70	2.70	2.70	2.70	2.70
SOUTHERN CENTRAL	All	All	2.40	2.40	2.50	2.50	2.50	2.50	2.50	2.50	2.50
	All	All	2.45	2.45	2.55	2.55	2.55	2.55	2.55	2.55	2.55
	All	All	2.45	2.45	2.55	2.55	2.55	2.55	2.55	2.55	2.55
	All	All	2.65	2.65	2.75	2.75	2.75	2.75	2.75	2.75	2.75
	All	All	2.65	2.65	2.75	2.75	2.75	2.75	2.75	2.75	2.75
	All	All	2.65	2.65	2.75	2.75	2.75	2.75	2.75	2.75	2.75
	All	All	2.65	2.65	2.75	2.75	2.75	2.75	2.75	2.75	2.75
	All	All	2.60	2.60	2.70	2.70	2.70	2.70	2.70	2.70	2.70
	All	All	2.60	2.60	2.70	2.70	2.70	2.70	2.70	2.70	2.70
	All	All	2.60	2.60	2.70	2.70	2.70	2.70	2.70	2.70	2.70
WEST	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35
	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.35	2.35	2.35

<sup>†</sup> These prices are subject to the following differentials for grades other than U. S. No. 1 and for certain types of shipment: A. *Differentials for Grades Other Than U. S. No. 1.*

1. For white potatoes which grade below U. S. No. 1, packed in 100 pound bags, the country shipper shall subtract 30¢ per cwt. from the maximum prices listed above.
  2. For white potatoes, U. S. Extra No. 1, or U. S. No. 1-A, 2 inch minimum packed in 100 pound bags, the country shipper may add 20¢ per cwt. to the maximum prices listed above.
  3. For Russet Burbank potatoes, U. S. No. 1, 1 1/2 ounce minimum, packed in 100 pound bags, the country shipper may add 20¢ per cwt. to the maximum prices listed above.
  4. For Russet Burbank potatoes, U. S. No. 1, 6 ounce minimum to 14 ounce maximum packed in 100 pound bags, the country shipper may add 35¢ per cwt. to the maximum prices listed above.
- B. *Differentials for Certain Types of Shipment:*
1. For white potatoes graded and packed in bags of 25 pounds or less, the country shipper may add 20¢ per cwt. to the maximum prices for each grade.
  2. For white potatoes shipped in bulk, graded and unsorted, the country shipper shall subtract 20¢ per cwt. from the maximum prices for each grade.
  3. For white potatoes shipped in bulk, ungraded and unsorted, the country shipper shall subtract 50¢ per cwt. from the maximum prices shown above.
  4. For white potatoes, ungraded and packed in 100 pound bags, the country shipper shall subtract 40¢ per cwt. from the maximum prices shown above.
  5. For Russet Burbank potatoes, Fancy Large, Hand-graded and individually wrapped in boxes of not over 60 pounds, the country shipper may add 90¢ per cwt. to the maximum prices for each grade.
  6. If the purchaser furnishes bags, the country shipper shall subtract 25¢ per cwt. from the maximum prices for each grade.

§ 1351.1018 Appendix B: Figures to be used by intermediate sellers in calculating maximum prices under § 1351.1003 of this regulation

[After the effective date of this regulation, maximum prices for any sale must be established as set forth below]

Column 1	Column 2	Column 3	Column 4	
Perishable food commodity	Date on which intermediate seller must calculate ceiling	Basis on which intermediate seller will calculate his maximum price	Figure to be multiplied by cost established as indicated in column 3	
White potatoes (of each variety and grade). Dry onions (of each variety and grade).	Monday of each week.	Net delivered cost of the "hardest single purchase" delivered at his customary receiving point during the 7 days immediately preceding Monday of each week.	Class 1—Retailer owned cooperative 1.095 Class 2—Cash and carry 1.095 Class 3—Service and delivery 1.21	

Separate maximum prices must be calculated for each variety and grade handled and sold by the intermediate seller.

*Example:* (a) A terminal market wholesaler wishes to set a maximum price for the week beginning Monday, November 16. During the preceding week he bought his largest quantity of U. S. Grade No. 1 white potatoes from Maine. He received a car of these potatoes directly from a country shipping point on Friday, November 13. Looking at his cost, as set forth by the country shipper's invoice, he finds his "net cost" for these potatoes to be \$1.90 per cwt. for the month of November or \$760 for a carload of 400 bags. To this "net cost," which represents his "hardest single purchase" made during the week preceding November 16, he adds the actual freight of \$170, thereby establishing the sum of \$930. He divides the sum of his "net cost" and the freight (\$930) by the number of bags in the (400) to secure his delivered cost per bag, in this case \$2.34. This wholesaler's customary sales are on a cash-and-carry basis. Therefore he takes the multiplier of 1.095 established for Class 2 wholesalers and multiplies by his delivered "net cost" per bag to secure his ceiling price for the period November 16 through November 22. This will give a price per bag of \$2.56 as his ceiling price.

*Example:* (b) A secondary wholesaler receiver or jobber in a terminal market, who may extend credit but who customarily does not deliver, wishes to set a maximum price for the week beginning Monday, November 23. On November 18, he bought 30 bags of potatoes from the wholesaler described in (a). He customarily buys in larger quantities of this potato than he sells. He paid \$2.42 per bag for these. This jobber customarily sells to other stores. Therefore, he takes the markup of 1.095 established for Class 2 wholesalers as shown above, and multiplies this by his cost to arrive at his ceiling price of \$2.67 per bag for the period November 23 to November 29, inclusive.

*Example:* (c) A secondary wholesaler receiver or jobber in this terminal market wishes to set a maximum price for the week beginning Monday, November 23. On November 18, he bought 200 bags of potatoes from the wholesaler described in Example (a). He customarily buys his largest supplies of potatoes from this wholesaler. He paid \$2.42 per bag for these. Therefore, he takes the multiplier of 1.21 established for service and delivery wholesalers in Class 3 of the above chart and multiplies this by his cost to arrive at his ceiling price of \$3.17 per bag for the period November 23 to 29, inclusive. Since the fractional part of a cent is less than one-half cent, the wholesaler's permitted ceiling is \$3.17 under § 1351.1003 of this regulation which provides that fractions of less than one-half cent shall be adjusted to the next lower cent. Fractions equal to one-half cent or more shall be rounded to the next higher cent. This secondary wholesaler receiver or jobber is not permitted to re-sell to another wholesale distributor. Under this regulation the maximum price he has determined applies only for sales to retail establishments.

Issued this 7th day of November 1942.

Approved by:

CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 42-11631; Filed, November 7, 1942; 12:43 p. m.]

LEON HENDERSON, Administrator.

PART 1351—FOOD AND FOOD PRODUCTS [MPE 237, Amendment 3]

ADJUSTED AND FIXED MARKUP FOR SALES AT WHOLESALE

A statement of the considerations involved in the issuance of Amendment No. 3 to Maximum Price Regulation No. 237

17 F. R. 8205, 8427, 8808.

§ 1351.519 Appendix B

[Figures to be used by wholesale distributors in determining new maximum prices under § 1351.503 of this regulation (new maximum prices are required after the effective date of this regulation)]

Food product:	Last date for determining new maximum prices under this regulation	Last date for filing new maximum prices with appropriate OPA District or State Offices	Class 1—Retailer owned cooperative	Class 2—Cash and carry	Class 3—Service and delivery
1. Fruit, dried	Nov. 30, 1942	Dec. 10, 1942	1.055	1.125	1.185
2. Lard	Nov. 30, 1942	Dec. 10, 1942	1.035	1.035	1.075
3. Dry edible beans	Dec. 20, 1942	Dec. 30, 1942	1.08	1.09	1.12

As described below.

See "Example of how to compute new maximum prices," below. For definition of classes of wholesalers, see paragraph (b) of § 1351.501 of this regulation.

2. Definition of food products on which wholesalers must determine new maximum prices under § 1351.503 of this regulation. a.

Dried fruits shall mean dried apples, apricots, currants, nectarines, peaches, pears, prunes, raisins and any combination of the above, packaged or bulk. Stuffed or glazed dried fruit and eggs shall be excluded.

b. Lard shall mean all pure packaged or bulk lard derived wholly from pork.

c. Dry edible beans shall mean all threshed and dried field or garden beans used for human consumption.

(c) Amendment No. 3 (§ 1351.519) shall become effective on November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,

Administrator.

Approved:

CLAUDE WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-11632; Filed, November 7, 1942; 12:41 p. m.]

§ 1351.517a Effective dates of amendments.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 238, Amendment 2]

ADJUSTED AND FIXED MARKUP FOR SALES AT RETAIL

A statement of the considerations involved in the issuance of this Amend-

17 F.R. 8209, 8808.

ment No. 2 to Maximum Price Regulation No. 238 has been issued and filed with the Division of the Federal Register.\*

The table in § 1351.619 is amended and new subparagraph c is added to paragraph 2 of § 1351.619; all to read as set forth below:

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

§ 1351.619 Appendix B

Figures to be used by retail distributors in determining new maximum prices under § 1351.603 of this regulation (new maximum prices are required after the effective date of this regulation)

Food product <sup>1</sup>	Last date for determining new prices under this regulation	Last date for filing new maximum prices with appropriate local war price and rationing board	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation <sup>2</sup>				
			Independent retailer with annual volume			Class 4—Chain retailer with annual volume under \$250,000	Class 5—Any retailer (chain or independent) with annual volume, \$250,000 or more
			Class 1—Under \$20,000	Class 2—\$20,000 but less than \$50,000	Class 3—\$50,000 but less than \$250,000		
1. Fruit, dried.....	Dec. 31, 1942	Jan. 10, 1943	1.27	1.25	1.25	1.23	1.22
2. Lard.....	Dec. 31, 1942	Jan. 10, 1943	1.20	1.20	1.18	1.13	1.10
3. Dry edible beans..	Jan. 20, 1943	Jan. 30, 1943	1.36	1.36	1.36	1.34	1.29

<sup>1</sup> As described below.

<sup>2</sup> See "Example of how to compute new maximum prices," below. For definition of classes of retailers, see paragraph (b) of § 1351.601 of this regulation.

2. Definition of food products on which retailers must determine new maximum prices under § 1351.603 of this regulation.

a. Dried fruit shall mean dried apples, apricots, currants, nectarines, peaches, pears, prunes, raisins and any combination of the above, packaged or bulk. Stuffed or glazed dried fruit and figs shall be excluded.

b. Lard shall mean all pure packaged or bulk lard derived wholly from pork.

c. Dry edible beans shall mean all threshed and dried field or garden beans used for human consumption.

§ 1351.617a Effective dates of amendments.

(b) Amendment No. 2 (§ 1351.619) shall become effective on November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

Approved:

CLAUDE WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-11633; Filed, November 7, 1942; 12:41 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 263]

SALES OF CERTAIN PERISHABLE FOOD COMMODITIES AT RETAIL

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 that maximum prices be established for the sale of certain perishable food commodities at retail. The following

regulation supersedes Temporary Maximum Price Regulation No. 22 insofar as sales at retail of certain perishable food commodities are concerned, and establishes maximum prices at retail in a manner calculated to promote equitable distribution of these commodities through normal channels of retail trade.

The maximum prices for retail sellers established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 263 is hereby issued.

Sec.

- 1351.1101 Applicability of this Maximum Price Regulation No. 263.
- 1351.1102 When a retailer must calculate maximum prices for the food commodities listed in Appendix A.
- 1351.1103 How a retailer calculates his maximum price for the food commodities listed in Appendix A.
- 1351.1104 How a retailer calculates the sales price of amounts other than the designated units of sale.
- 1351.1105 How a retailer must post his maximum price.
- 1351.1106 How a retailer determines whether he is an independent outlet or a member of a chain.
- 1351.1107 How a retailer determines his annual gross sales value.
- 1351.1108 Fractions of cents.

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

Sec.

- 1351.1109 Records.
- 1351.1110 Relationship between this regulation, Temporary Maximum Price Regulation No. 22 and the General Maximum Price Regulation.
- 1351.1111 Evasion.
- 1351.1112 Enforcement.
- 1351.1113 Definitions.
- 1351.1114 Geographic applicability.
- 1351.1115 Effective date.
- 1351.1116 Appendix A: Figures to be used by retailers in determining maximum prices under § 1351.1103 of this regulation.

AUTHORITY: §§ 1351.1101 to 1351.1116, inclusive issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.1101 Applicability of this Maximum Price Regulation No. 263—(a) What commodities must be priced under this regulation. This regulation applies only to the food commodities listed in Appendix A (§ 1351.1115) of this regulation.

(b) To what types of sellers this regulation applies. This regulation applies only to sellers at retail (hereinafter referred to as retailers) which for the purpose of this regulation are divided into the following five classes:

- (1) Class 1. Independent retail outlets with an annual gross sales volume of less than \$20,000.
- (2) Class 2. Independent retail outlets with an annual gross sales volume of \$20,000 to \$50,000.
- (3) Class 3. Independent retail outlets with an annual gross sales volume of \$50,000 to \$250,000.
- (4) Class 4. Chain retail outlets with an annual gross sales volume of less than \$250,000.
- (5) Class 5. Chain or independent retail outlets with an annual gross sales volume of \$250,000 or more.

(c) Purposes of this regulation. This regulation provides new maximum prices for the particular food commodities listed in Appendix A. These maximum prices are to be the only maximum prices for all sales at retail of such food commodities after the effective date of this regulation and are to be used instead of the maximum prices established by any other applicable price regulation or order issued by the Office of Price Administration.

(d) Prohibition. On and after November 12, 1942, the date this regulation takes effect, regardless of any contract or other obligation, no person is permitted to sell or deliver at retail any of the food commodities listed in Appendix A at a price which is higher than the maximum price fixed by this regulation, and no person is permitted to buy or receive any of these food commodities at a price higher than that maximum price. Lower prices than the maximum prices may be charged and paid.

§ 1351.1102 When a retailer must calculate maximum prices for the food commodities listed in Appendix A. A retailer must calculate maximum prices for the food commodities covered by this regulation once every week. This calculation shall be made on the day of the week set forth opposite the food commodity in Appendix A and before any sales of such commodity are made on

that day. All maximum prices shall be calculated and stated in the unit of sale designated for the commodity in Appendix A (for example, maximum prices for potatoes will be calculated and stated for 5 lbs.)

§ 1351.1103 *How a retailer calculates his maximum prices for the food commodities listed in Appendix A.* (a) The retailer shall calculate his maximum price for the designated unit of sale of each item (that is, for each grade and variety) of food commodities listed in Appendix A as follows:

(1) The retailer shall first find in §§ 1351.1106 and 1351.1107 of this regulation in what class of retailers he falls as set forth in paragraph (b) of § 1351.1101 hereof.

(2) The retailer will then find his net cost of the item he is pricing.

(i) "Net cost" shall in all cases be based on the unit of purchase of the retailer's largest single purchase during the preceding week of each grade and variety from his customary type of supplier. "Largest single purchase" means the purchase of the greatest quantity which was received by the retailer at his customary receiving point during the 7 days before the day of the week on which the maximum price must be calculated. (For example, if a retailer during the preceding week purchased 25 bags of 100 lbs. each of white round, U.S. No. 1 potatoes at \$2.10 per bag, and also purchased 15 bags of the same grade and variety of potatoes at \$2.35 per bag, then the purchase of 25 bags at \$2.10 per bag is the "largest single purchase" of that grade and variety of potatoes made during that week, and the unit of purchase is the 100 lb. bag.)

(ii) Where the item being priced is purchased by the retailer from other than an intermediate seller such as, but not limited to, a grower, primary seller, country shipper, processor, packer or the like, "net cost" in this regulation means the amount paid by the retailer for the unit of purchase of his "largest single purchase" delivered at his customary receiving point, less all discounts allowed him except the discount for prompt payment; however, no charge or cost for local trucking or local unloading shall be included.

(iii) Where the item being priced is purchased by the retailer from an intermediate seller such as, but not limited to, wholesalers, carlot receivers, branch warehouses or jobbers, but not another retailer, "net cost" in this regulation means the amount paid by the retailer for the unit of purchase of his "largest single purchase" as shown on the intermediate seller's invoice (sales ticket, cash receipt, or other written evidence of sale), less all discounts allowed to the retailer except the discount for prompt payment. When transportation charges, other than local trucking, are paid by the retailer and are not shown on the intermediate seller's invoice, they may be added to the invoice in calculating "net cost".

(3) The retailer shall then multiply his "net cost" of the unit of purchase by the figure in Appendix A which applies

to a retailer of his class for the food commodity being priced.

(4) The retailer will then divide this amount by the number of designated units of sale in his unit of purchase. (For example, if his unit of purchase is a 100 lb. bag and the designated unit of sale is 5 lbs., he will divide by 20.) The resulting figure will be the retailer's maximum price for the designated unit of sale for the item being priced and shall be his maximum price until such time as the "net cost" of his "largest single purchase" changes.

(b) Before making any sales of such item at this maximum price, the retailer must post his maximum price as set forth in § 1351.1105 of this regulation.

(c) In calculating the first maximum price after the effective date of this regulation, a retailer, who made no purchases during the 7 days before the effective date of this regulation, shall use as his "largest single purchase" in determining "net cost" his most recent purchase.

§ 1351.1104 *How a retailer calculates the sales price of amounts other than the designated units of sale.* If a retailer sells an amount other than the designated unit of sale, he shall multiply his maximum price for the designated unit of sale by the number of times the designated unit of sale is divisible into the quantity being sold. (For example, if the retailer sells 15 lbs. of potatoes and has a maximum price of 15¢ for 5 lbs. (the designated unit of sale), he multiplies 15¢ by 3 and gets 45¢; if he sells one lb. he multiplies 15¢ by  $\frac{1}{5}$  and gets 3¢.)

§ 1351.1105 *How a retailer must post his maximum prices.* A retailer must post his maximum prices for each grade and variety calculated under § 1351.1103 in clear and legible printing or writing at the opening of business on the day set forth opposite the food commodity in Appendix A, at the place in the store or retail establishment where the food commodity is offered for sale, stating in addition to the maximum prices, the grade and variety of each item.

§ 1351.1106 *How a retailer determines whether he is an independent outlet or a member of a chain.* For the purposes of this regulation, a retailer shall be considered an independent outlet or a member of a chain as follows:

(a) A retail outlet shall be an independent outlet if it is not a unit of four or more retail outlets under one ownership.

(b) A retail outlet shall be a member of a chain if it is a unit of four or more retail outlets under one ownership.

§ 1351.1107 *How a retailer determines his annual gross volume.* (a) For the purposes of this regulation, a retailer shall determine his annual gross sales volume as follows:

(1) If the retailer filed a Federal income tax return for the taxable year 1941, then his annual gross sales volume shall be his total gross sales as stated in such return.

(2) If the retailer did not file a Federal income tax return for the year 1941,

or was not in operation during the year 1941, then his annual gross sales volume shall be determined by dividing his total gross sales for the period in operation during 1942, as shown on his records, by the number of weeks in operation during 1942 and multiplying the result by 52.

(3) If the retailer filed a Federal income tax return for the taxable year 1941, which return covered a period of less than 2 weeks, then his annual gross sales volume shall be determined by dividing his total gross sales as shown in such tax return by the number of weeks covered by such return and multiplying the result by 52.

(b) If a retailer makes sales through more than one retail outlet or is a department store in which the sales of food commodities are made in a separate department, then each retail outlet or department shall be considered a separate retailer for the purpose of determining annual gross sales volume. If the retailer in such a case did not file a separate Federal income tax return for the taxable year 1941 for each outlet or department, then the gross sales volume for the particular outlet or department, as shown on the retailer's records for the same period covered by the retailer's Federal income tax return for the taxable year 1941, shall be the annual gross sales volume of that outlet or food department.

(c) If a retailer sells food commodities in a retail outlet in which sales of food commodities are made by more than one retailer, and in which no more than one retailer sells the same food commodity, then each retailer shall use as his annual gross sales volume for the purpose of determining in what class of retailers he falls, the combined annual gross sales volume of all the retailers in that retail outlet. (For example, a retailer who leases the fresh produce department in his retail outlet must include his annual gross sales volume for the fresh produce department as well as the sales of all other departments in determining his class of retailers. Similarly, the produce retailer in this outlet must include the annual gross sales of all other departments in determining his class of retailers.)

(d) If a retailer sells food commodities in a retail outlet in which the sales of food commodities are made by more than one retailer, and in which more than one retailer sells the same food commodity, then, each retailer shall be considered a separate retailer for the purpose of determining annual gross sales volume. (For example, if more than one retailer operates a fresh produce stall in a public market, then each fresh produce retailer shall use only his own annual gross sales volume in determining his class of retailers.)

§ 1351.1108 *Fractions of cents.* Any calculation of a maximum price for a designated unit of sale or for another sale as provided in § 1351.1104 which results in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher

cent if the fraction is one-half cent or more.

§ 1351.1109 *Records.* Every retailer of food commodities covered by this regulation shall keep all records upon which he calculated any maximum price, "net cost" or "largest single purchase" under this regulation, whether currently in effect or not, which records shall be kept for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

§ 1351.1110 *Relationship between this regulation, Temporary Maximum Price Regulation No. 22 and the General Maximum Price Regulation.* (a) This regulation supersedes the provisions of Temporary Maximum Price Regulation No. 22 insofar as sales by retailers of food commodities covered by this regulation are concerned.

(b) The following provisions of the General Maximum Price Regulation, as well as any amendments thereto, shall continue to be applicable to every retailer selling the food commodities covered by this regulation.

(1) Determination of maximum prices by sellers at retail operating more than one retail establishment (§ 1499.4a).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Sales for export (§ 1499.6).

(4) Federal and State taxes (§ 1499.7).

(5) Current records (§ 1499.12).

(6) Sales slips and receipts (§ 1499.14).

(7) Registration (§ 1499.15).

(8) Licensing (§ 1499.16).

§ 1351.1111 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 268 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, any of the commodities listed in Appendix A hereof, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by calculating "net cost" on purchases other than his "largest single purchase" or otherwise.

§ 1351.1112 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 268 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1351.1113 *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 § 1351.1014 of Maximum Price Regulation No. 271, (potatoes and onions), § 1429.18 of Maximum Price Regulation No. 269 (turkeys) shall apply to terms used herein wherever applicable.

§ 1351.1114 *Geographic applicability.* The provisions of this Maximum Price Regulation No. 268 shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1351.1115 *Effective date.* This Maximum Price Regulation No. 268 (§§ 1351.1101 to 1351.1116, inclusive) shall become effective November 12, 1942.

§ 1351.1116 *Appendix A: Figures to be used by retailers in determining maximum prices under § 1351.1103 of this*

*regulation.* (a) Maximum prices for any transactions after the effective date of this regulation must be calculated on the basis established in this regulation and a retailer will have a new maximum price whenever his "net cost" increases or decreases.

Food commodity	Day of the week on which retailer must calculate maximum prices	Figures to be multiplied by net cost of item in determining maximum prices under this regulation					Unit of sale for which base maximum selling price must be calculated
		Independent retailer with annual volume—			Class 4—chain retailer with annual volume under \$250,000	Class 5—any retail (chain or independent) with annual volume of \$250,000 or more	
		Class 1—under \$20,000	Class 2—\$20,000 but less than \$50,000	Class 3—\$50,000 but less than \$250,000			
1. White potatoes*	Thursday	1.33	1.33	1.30	1.30	1.28	5 Pounds
2. Dry onions*	Thursday	1.50	1.50	1.50	1.39	1.35	3
3. Turkeys bought, dressed and sold dressed (boxed* and other pack)	Thursday	1.20	1.20	1.20	1.18	1.18	1
4. Turkeys bought live and sold live.*	Thursday	1.21	1.21	1.21	1.19	1.19	1
5. Turkeys bought live and sold dressed (selling price to be set on basis of live weight before dressing).*	Thursday	1.23	1.23	1.23	1.21	1.21	1
6. Quick-frozen Turkeys bought and sold eviscerated.*	Thursday	1.25	1.25	1.25	1.25	1.25	1

\*Separate price must be computed for each grade and variety. The retailer's supplier must show the grade and variety on the invoice.

(b) (1) *Example of how to compute new maximum retail price for potatoes and onions.* A retailer must secure a new maximum price for round white potatoes to be used during the period November 12 (Thursday) to November 18 (Wednesday), inclusive. He customarily buys most of his potatoes from a jobber who delivers. His largest single purchase of white potatoes from his customary supplier during the seven days preceding November 12 (November 5 to November 11, inclusive) was 15 100-pound bags, at a cost of \$2.75 per bag. This independent retailer had an annual volume of \$18,000 in 1941.

Therefore, he takes the applicable figure for potatoes as shown in the table for retailers in Class I (Independent retailers with annual volume under \$20,000), which in this case is 1.33, and multiplies it by the cost per hundred-pound bag. He next divides the number of pounds in the bag (which in this case is 100) by the designated number of pounds in the unit of sale, (5 lbs. for white potatoes), and this new figure (20) is then divided into the \$3.6575 which he obtained by multiplying his cost by the multiplier for his class. The resulting figure of \$.18 (rounding off to the nearest cent) is his ceiling price for 5 pounds of white potatoes.

*Example:*

Invoice cost (from Jobber) per 100-lb. bag.....	\$2.75
Multiply by applicable figure for potatoes sold by retailers in Class I....	1.33
	825
	825
	275
Divide by number of times designated unit of sale (5 lbs.) goes into unit of purchase (100 lbs.).....	20
	\$3.6575 (\$18.2875)
	20
	1.65
	1.60
	57
	40
	175
	160
	150
	140
	100
	100

The price (\$.18) is the retailer's new ceiling on white potatoes in 5-lb. quantities—the designated unit of sales.

If this retailer wishes to sell 3-lb. quantities, he must reduce the ceiling price calculated above, as follows:

He takes the ceiling price calculated for the designated unit of sale (\$.18 for 5 lbs.) and multiplies it by the number of pounds in the unit he wishes to sell (which in this case is 3). This new figure is then divided by the number of pounds in the designated unit of sale (5), and the figure arrived at is his new ceiling price for white potatoes to be sold by him in units of 3 pounds.

$$.18 \times 3 = .54$$

$$5) \$.54 (\$.108$$

(\$.11 is maximum price)

(2) *Additional instructions.* (i) A maximum price must be calculated before making a sale of any grade of the food commodities included in this appendix after the effective date of this regulation.

(ii) A new maximum price must be calculated on the first Thursday following a change, either up or down, in "net cost" as defined in this regulation. If "net cost" does not change, no new maximum price need be calculated.

(iii) "Net cost" shall be based on the amount paid for the unit of purchase of the retailer's largest single purchase from his customary type of supplier. "Largest single purchase" means the purchase of the greatest quantity which was made during the seven days before the day of week on which the maximum price must be calculated.

(c) *Definitions.* (1) "Potatoes" means all white potatoes used for human consumption not including seed potatoes.

(2) "Onions" means all dry onions used for human consumption produced in the calendar year 1942.

(3) "Turkeys" means all turkeys sold for human consumption except baby poult and turkeys sold only for breeding purposes.

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

Approved:

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-11630; Filed, November 7, 1942;  
12:45 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 261]

CONTRACT SALES OF FINISHING BUILDERS' HARDWARE

In the judgment of the Price Administrator it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 to replace those provisions of Revised Price Schedule No. 40 and the General Maximum Price Regulation, affecting the distribution of finishing builders' hardware by contract sales, with a separate regulation establishing maximum prices for all contract sales of finishing builders' hardware.

So far as practicable, the Price Administrator has consulted with representatives of the trade and industry and in the judgment of the Price Administrator,

the maximum prices established by this Regulation are generally fair and equitable and in conformity with the general level of maximum prices prevailing during the period October 1, 1941 to March 31, 1942. 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.\*

Accordingly, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 261 is hereby issued.

- Sec.
- 1346.201 Revised Price Schedule No. 40 and General Maximum Price Regulation superseded.
  - 1346.202 Prohibitions.
  - 1346.203 Maximum prices for contract sales for finishing builders' hardware.
  - 1346.204 Less than maximum prices.
  - 1346.205 Notification of purchasers of existence of regulation.
  - 1346.206 Federal and State taxes.
  - 1346.207 Export sales.
  - 1346.208 Adjustable pricing.
  - 1346.209 Evasion.
  - 1346.210 Records and reports.
  - 1346.211 Licensing.
  - 1346.212 Enforcement.
  - 1346.213 Petitions for adjustment or amendment.
  - 1346.214 Geographical applicability.
  - 1346.215 Definitions.
  - 1346.216 Effective date.

AUTHORITY: §§ 1346.201 to 1346.216, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1346.201 *Revised Price Schedule No. 40 and General Maximum Price Regulation superseded.* The provisions of Revised Price Schedule No. 40 and the General Maximum Price Regulation are superseded by this Maximum Price Regulation No. 261 with respect to contract sales of finishing builders' hardware for which maximum prices are in effect pursuant to this Maximum Price Regulation No. 261.

§ 1346.202 *Prohibition against contract sales of finishing builders' hardware at higher than maximum prices.*

(a) On and after November 13, 1942, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell or deliver finishing builders' hardware pursuant to a contract sale at prices higher than the maximum prices set forth in § 1346.203;

(2) No person in the course of trade or business shall buy or receive any finishing builders' hardware pursuant to a contract sale at a price higher than that permitted by this Maximum Price Regulation No. 261: *Provided*, That if upon the purchase of any finishing builders' hardware pursuant to a contract sale, the purchaser shall have received from the seller or supplier a written affirmation that to the best of his knowledge, information, and belief, the prices charged do not exceed the maximum

\*Copies may be obtained from the Office of Price Administration.  
<sup>1</sup> 7 F.R. 8961.

prices established by this Maximum Price Regulation No. 261; and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section;

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2) of this paragraph (a).

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 261, or the Emergency Price Control Act of 1942.

§ 1346.203 *Maximum prices for contract sales or finishing builders' hardware—(a) Manufacturers' sales.* The maximum price for contract sales of finishing builders' hardware by manufacturers shall be the highest price received by the manufacturer from the owner of a building project, or his agent, for delivery during the period between October 1, 1941 and March 31, 1942, inclusive, of finishing builders' hardware of approximately the same grade, quality and amount for a similar building project and to a purchaser recognized by the trade as entitled to similar treatment, adjusted to reflect the maximum prices which have been or may be established by the Office of Price Administration for any finishing builders' hardware included in such a sale.

(b) *Sales by persons other than manufacturers.* (1) The maximum price for contract sales of finishing builders' hardware for persons other than manufacturers shall be a price not in excess of the actual cost of materials involved in each contract (figured at prices not in excess of the maximum prices permitted by any applicable price regulation or schedule of the Office of Price Administration), plus a mark-up over cost of materials as indicated in the schedule below.

Cost of materials:	Mark-up (percent)
\$0.00 to \$49.99	50
\$50.00 to \$199.99	45
\$200.00 to \$499.99	40
\$500.00 or over	33 1/3

(2) In the event any person other than a manufacturer makes a contract sale for finishing builders' hardware on the basis of estimated cost, and upon completion of delivery the contract price is in excess of the maximum price determined under subparagraph (1) of this section, he shall adjust the contract price, within ten days after completion of delivery, to conform to the maximum price as determined under subparagraph (1).

(c) *Cash discounts, transportation charges and other services.* The maximum prices established by paragraphs (a) and (b) of this section shall include at least the same absorption of transportation charges, the same rendition of services, and the same extension of cash discounts as were or would have been absorbed, rendered, or extended by the seller on comparable sales to purchasers of the same class on October 1, 1941.

§ 1346.204 *Less than maximum prices.* Lower prices than those set forth under § 1346.203 may be charged, demanded, or offered.

§ 1346.205 *Notification of purchasers of existence of regulation.* Every person selling finishing builders' hardware pursuant to a contract sale which is subject to this Maximum Price Regulation No. 261 shall, before entering into a contract or making a sale, notify the purchaser of the existence of this Maximum Price Regulation No. 261, and, upon request of the purchaser, make available a copy of this Maximum Price Regulation No. 261 at the seller's principal place of business and at every branch office for examination by the purchaser.

§ 1346.206 *Federal and state taxes.* There may be added to the maximum prices established by this Maximum Price Regulation No. 261 the amount of tax levied by any Federal excise tax statute or any state or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if: (a) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer, or user with tokens or other media of state or municipal tax payments; or (c) such statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this paragraph shall in no event exceed that paid by the purchaser, consumer or user.

§ 1346.207 *Revised Maximum Export Price Regulation applicable.* The maximum prices at which a person may export finishing builders' hardware under a contract sale shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>2</sup> issued by the Office of Price Administration. An "export sale" is any sale between a seller in the continental United States and a purchaser outside thereof in which the commodity sold is transported from the continental United States to a point outside thereof and includes any sale of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the continental United States.

§ 1346.208 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of

the petition in accordance with the disposition of the petition.

§ 1346.209 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 261 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, obligation, or delivery of, or relating to contract sales of finishing builders' hardware, either alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by breaking up orders for two or more items into sales of single items, or by breaking up orders into two or more orders for the purpose of securing higher mark-ups, or otherwise.

§ 1346.210 *Records and reports.* (a) Every person selling finishing builders' hardware pursuant to a contract sale subject to this Maximum Price Regulation No. 261 shall keep readily available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records of each such contract sale, including a copy of the contract, purchase order, delivery slips, or other evidence of the items and quantities sold; the date thereof; the name and address of the owner of the building project in which the finishing builders' hardware is to be used, or the agent of such owner, whether he be the general contractor, subcontractor, or architect, or some other person; the location of each job site under each contract; the actual cost of materials involved in each contract; the mark-up applied over actual cost of materials in each contract; and any adjustment made at the completion of the contract.

(b) Persons affected by this Maximum Price Regulation No. 261 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1346.211 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22), licensing persons selling lumber, lumber products or building materials, are applicable to every person (except manufacturers) making a contract sale of finishing builders' hardware for which maximum prices are fixed by this regulation.

§ 1346.212 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 261 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 261 or any price schedule, regulation, or order issued by the Office of Price Administration; or any acts or practices which constitute such a violation are urged to communicate with the nearest state, district or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1346.213 *Petitions for amendment or adjustment—(a) Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a government contract or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede the distribution of finishing builders' hardware pursuant to a contract sale, for use in connection with governmental building construction, may file an application for adjustment of a maximum price established by this Maximum Price Regulation No. 261, in accordance with Procedural Regulation No. 6<sup>3</sup> issued by the Office of Price Administration.

(b) *General amendments and adjustments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 261 may file a petition for amendment in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1346.214 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 261 shall be applicable to the forty-eight States and the District of Columbia.

§ 1346.215 *Definitions.* (a) When used in this Maximum Price Regulation No. 261 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives 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.

(2) "Finishing builders' hardware" means any article suitable for supporting, guarding, operating, controlling, identifying, or securing the various parts or openings of a building, including, but not limited to, doors, windows, transoms, drawers, gates and scuttles, for the convenience, protection and safety of the occupants, whether such devices are actually so used or otherwise, and accessories therefor, including but not limited to, knobs, locks, hinges, miscellaneous door hardware, window hardware, screen hardware, and name plates, but excluding all rough or constructional hardware.

(3) "Manufacturer" means a person operating an establishment which produces finishing builders' hardware, as well as any sales subsidiary or affiliate, any commission salesman, or other manufacturer's agent.

(4) "Contract sale" is synonymous with "lump-sum sale" and means a sale for a stated price of combinations of two or more items of finishing builders' hardware (whether or not the contract covers other commodities) sold according to plans, specifications, lists, or schedules supplied and/or approved by an owner or a building project or his agent, including but not limited to, the general contractor, the subcontractor or the architect.

(5) "Cost of materials", when used in relation to a contract seller other than a manufacturer, means the net price paid

<sup>2</sup> 7 F.R. 5059, 7242.

<sup>3</sup> 7 F.R. 5087, 5664.

by the contract seller to his supplier for the finishing builders' hardware being sold, plus transportation charges paid by the contract seller to transport such finishing builders' hardware to the point at which he takes or took delivery of it from his supplier.

(6) "Government contract" means any contract with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States", or with any agency of any such Government.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1346.216 *Effective date.* This Maximum Price Regulation No. 261 (§§ 1346.201 to 1346.216, inclusive) shall become effective November 13, 1942.

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11650; Filed, November 7, 1942; 12:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS  
[RPS 53, Amendment 16]

FATS AND OILS

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.\*

Subdivision (ii) of § 1351.151 (b) (11) is amended to read as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* \* \* \*

(b) \* \* \*

(ii) *Refined soybean oil*—in tank cars, basis f. o. b. Decatur, Illinois:

(Cents per pound)

	Deodorized and bleached soybean oil	Winterized soybean oil	Hydrogenated margarine soybean oil	High titre hydrogenated soybean oil
Decatur, Ill. ....	12.87	13.00	13.45	13.60
Chicago, Ill. ....	13.05	13.18	13.63	13.78
New York, N. Y. ....	14.41	13.54	13.99	14.14
San Francisco, Calif. ....	13.77	13.90	14.35	14.50

(a) The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(b) The usual or normal differentials for type of container shall continue to apply.

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

<sup>1</sup> 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702.

§ 1351.159 *Effective dates of amendments.* \* \* \*

(p) Amendment No. 16 (§ 1351.151 (b) (11) (ii)) to Revised Price Schedule No. 53 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7 day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11637; Filed, November 7, 1942; 12:36 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 270]

DRY EDIBLE BEANS

This Maximum Price Regulation No. 270 is issued by the Price Administrator in order to establish maximum prices for dry edible beans at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 270 is hereby issued.

Sec.

- 1351.1201 Purpose of Maximum Price Regulation No. 270.
- 1351.1202 Prohibition against selling and buying above maximum prices.
- 1351.1203 List of maximum prices which country shippers may charge for dry edible beans.
- 1351.1204 Class and grade labeling requirement.
- 1351.1205 Exempt sales.
- 1351.1206 Evasion.
- 1351.1207 Export sales.
- 1351.1208 Records which country shippers must keep.
- 1351.1209 Enforcement.
- 1351.1210 Petitions for amendment.
- 1351.1211 Relationship between this regulation and Temporary Maximum Price Regulation No. 22, Maximum Price Regulations Nos. 237 and 238, and the General Maximum Price Regulation.
- 1351.1212 Geographical applicability.
- 1351.1213 Definitions.
- 1351.1214 Effective date.

AUTHORITY: §§ 1351.1201 to 1351.1214 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1201 *Purpose of Maximum Price Regulation No. 270.* The purpose of this Maximum Price Regulation No. 270 is to set maximum prices for dry edible beans in sales by country shippers. Maximum prices for the wholesalers and retailers of dry edible beans are governed by Maximum Price Regulations Nos. 237 and 238 respectively.

§ 1351.1202 *Prohibition against selling and buying above maximum prices.*

(a) On and after November 9, 1942, regardless of any contract or obligation, no person shall sell or deliver any item

of dry edible beans at a price bigger than the maximum price established for it by this Maximum Price Regulation No. 270. No person shall buy or receive any item of dry edible beans in the course of trade or business at a price higher than the maximum price established for it by this regulation. Nor shall any person agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged and paid.

§ 1351.1203 *List of maximum prices which country shippers may charge for dry edible beans.* (a) The maximum prices per cwt., f. o. b. carrier at country shipping point, which country shippers may charge for dry edible beans packed in 100 lb. sacks shall be:

Item	Maximum price per cwt.
Pea and medium white beans (Navy):	
U. S. choice handpicked.....	\$5.70
U. S. No. 1.....	5.60
U. S. No. 2.....	5.45
U. S. No. 3 and lower.....	5.20
Marrow beans (not including red marrow):	
U. S. choice handpicked.....	7.15
U. S. No. 1.....	7.05
U. S. No. 2.....	6.95
U. S. No. 3 and lower.....	6.70
Great northern beans:	
U. S. choice handpicked.....	5.70
U. S. No. 1.....	5.60
U. S. No. 2.....	5.45
U. S. No. 3 and lower.....	5.20
Small white beans:	
U. S. choice handpicked.....	5.70
U. S. No. 1.....	5.60
U. S. No. 2.....	5.45
U. S. No. 3 and lower.....	5.20
White kidney beans:	
U. S. choice handpicked.....	7.95
U. S. No. 1.....	7.85
U. S. No. 2.....	7.70
U. S. No. 3 and lower.....	7.45
Red kidney beans (light and dark):	
U. S. choice handpicked.....	5.70
U. S. No. 1.....	5.60
U. S. No. 2.....	5.45
U. S. No. 3 and lower.....	6.20
Red kidney beans (western):	
U. S. choice handpicked.....	6.10
U. S. No. 1.....	6.00
U. S. No. 2.....	5.85
U. S. No. 3 and lower.....	5.60
Yelloweye beans:	
U. S. choice handpicked.....	7.15
U. S. No. 1.....	7.05
U. S. No. 2.....	6.95
U. S. No. 3 and lower.....	6.70
Cranberry beans (other than western):	
U. S. choice handpicked.....	5.70
U. S. No. 1.....	5.60
U. S. No. 2.....	5.45
U. S. No. 3 and lower.....	5.20
Cranberry beans (western):	
U. S. choice handpicked.....	6.05
U. S. No. 1.....	5.95
U. S. No. 2.....	5.80
U. S. No. 3 and lower.....	5.55
Small red beans:	
U. S. choice handpicked.....	5.70
U. S. No. 1.....	5.60
U. S. No. 2.....	5.45
U. S. No. 3 and lower.....	5.20
Pink beans:	
U. S. choice handpicked.....	5.70
U. S. No. 1.....	5.60
U. S. No. 2.....	5.45
U. S. No. 3 and lower.....	5.20

Item	Maximum price per cwt.
Bayo beans:	
U. S. choice handpicked.....	\$5.60
U. S. No. 1.....	5.50
U. S. No. 2.....	5.35
U. S. No. 3 and lower.....	5.10
Blackeye beans (western):	
U. S. choice handpicked.....	5.90
U. S. No. 1.....	5.80
U. S. No. 2.....	5.65
U. S. No. 3 and lower.....	5.40
Pinto beans:	
U. S. No. 1.....	5.60
U. S. No. 2.....	5.45
U. S. No. 3 and lower.....	5.20
Lima beans (standard):	
U. S. extra No. 1.....	8.10
U. S. No. 1.....	8.00
U. S. No. 2 and lower.....	7.85
Baby lima beans:	
U. S. extra No. 1.....	6.80
U. S. No. 1.....	6.70
U. S. No. 2 and lower.....	6.55

(b) The classes and grades of dry edible beans specified in this Regulation are those set forth in the United States Standards for Beans issued by the United States Department of Agriculture.

(c) The maximum price per cwt., f. o. b. carrier at country shipping point, which country shippers may charge for any item of dry edible beans packed in 25 pound cartons or bags shall be the maximum price listed for the item in paragraph (a) plus 25 cents.

(d) The maximum price per cwt., f. o. b. carrier at country shipping point, which country shippers may charge for any item of dry edible beans packed in a container smaller than a 25 pound carton or bag shall be the maximum price listed for the item in paragraph (a) plus the customary differential per cwt. which he used in sales of the smaller size during the 90-day period preceding November 9, 1942.

(e) If a country shipper makes a sale of dry edible beans which have been moved to a place other than the original country shipping point, his maximum price shall be the price stated in paragraph (a) plus the transportation charges actually incurred, figured at the lowest available common carrier rate, from the original country shipping point to the place where the goods are located when sold. But in no case shall the shipper add the transportation charges from the farm to the country shipping point.

(f) No country shipper shall change any customary allowance, discount, or other price differential to a class of purchasers if the change results in a higher net price to that class of purchasers.

§ 1351.1204 *Class and grade labeling requirement.* Every country shipper shall plainly indicate on each 100 pound sack of dry edible beans which he delivers on and after November 9, 1942, the class and United States grade of dry edible bean enclosed. In sales of other sized containers, he shall show the grade of each item sold on the invoice.

§ 1351.1205 *Exempt sales.* This Maximum Price Regulation No. 270 shall not apply to these transactions:

(a) Sales and deliveries of dry edible beans produced on the country shipper's

own farm. However, this regulation shall apply to a sale or delivery of dry edible beans by a farmer's cooperative or by a country shipper selling beans grown by him to an ultimate consumer if during the preceding month the country shipper's sales to ultimate consumers of all dry edible beans produced on his farm exceeded \$75.

(b) Deliveries to the United States or any of its agencies under contracts entered into before October 5, 1942.

(c) Sales and deliveries by others than country shippers.

§ 1351.1206 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 270 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to dry edible beans covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price line, grading, labeling, packaging or branding of dry edible beans.

§ 1351.1207 *Export sales.* The maximum prices at which a person may export dry edible beans covered by this Maximum Price Regulation No. 270 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

§ 1351.1208 *Records which country shippers must keep.* (a) Every country shipper selling dry edible beans shall prepare on or before December 15, 1942, on the basis of all available information and records, a statement showing all of his customary allowances, discounts and other price differentials, and he shall keep the statement for examination by any person during ordinary business hours. Any country shipper who claims that he would be substantially injured by showing this statement to another person may file it with the appropriate field office of the Office of Price Administration. The information will not be shown to anyone unless withholding it would be contrary to the purposes of this regulation.

(b) Every country shipper selling dry edible beans shall keep for examination by the Office of Price Administration, as long as the Emergency Price Control Act of 1942 remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charges after November 8, 1942; and in addition, records showing as precisely as possible the basis upon which he calculated the maximum price for any item of dry edible beans under § 1351.1203 (d), which provides for the pricing of small-sized packages.

§ 1351.1209 *Enforcement.* (a) Any person violating a provision of this Maximum Price Regulation No. 270 is

subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 270 or of any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1351.1210 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 270 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>2</sup> and amendments, issued by the Office of Price Administration.

§ 1351.1211 *Relationship between this regulation and Temporary Maximum Price Regulation No. 22, Maximum Price Regulations Nos. 237 and 238, and the General Maximum Price Regulation.* (a) The provisions of this Maximum Price Regulation No. 270 supersede the provisions of Temporary Maximum Price Regulation No. 22<sup>3</sup> in so far as they apply to sales and deliveries of dry edible beans made by growers and country shippers.

(b) The following sections of the General Maximum Price Regulation,<sup>4</sup> as well as amendments to them, shall be applicable to every country shipper selling dry edible beans:

- (1) Special deals (§ 1499.4b).
- (2) Transfers of business or stock in trade (§ 1499.5).
- (3) Federal and State taxes (§ 1499.7).
- (4) Base-period records (§ 1499.11).
- (5) Sales slips and receipts (§ 1499.14).
- (6) Definitions (§ 1499.20).

(c) Maximum prices for the wholesalers and retailers of dry edible beans are governed by Maximum Price Regulations Nos. 237<sup>5</sup> and 238<sup>6</sup> respectively.

§ 1351.1212 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 270 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.1213 *Definitions.* (a) When used in this Maximum Price Regulation No. 270 the term:

(1) "Country shipper" means any person who operates an elevator, warehouse or receiving station and makes sales and deliveries from it directly to wholesalers or retailers, whether for his own account, the account of another, or the joint account of himself and another. The term includes cooperatives and associations, but not commission merchants or bro-

<sup>2</sup> 7 F.R. 8961.

<sup>3</sup> 7 F.R. 7914, 8023, 8197, 8356, 8595.

<sup>4</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7451, 7753, 7913, 8431.

<sup>5</sup> 7 F.R. 8205, 8427, 8808.

<sup>6</sup> 7 F.R. 8209, 8808.

<sup>1</sup> 7 F.R. 5059, 7242.

kers who do not acquire the property in the goods.

(2) "Country shipping point" means the first place where dry edible beans are received from the producer, cleaned, sacked, stored in an elevator, warehouse or receiving station, and otherwise made ready for shipment to a wholesaler or retailer.

(3) "Item" means any class, grade and container size of dry edible beans.

(4) "Wholesaler" and "retailer" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 237 and 238.

(b) Unless the context requires otherwise, the definitions set forth in section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

§ 1351.1214. *Effective date.* This Maximum Price Regulation No. 270 (§§ 1351.1201 to 1351.1214, inclusive) shall become effective November 9, 1942.

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

Approved:

CLAUDE WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-11639; Filed, November 7, 1942; 12:36 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 270, Amendment 1]

DRY EDIBLE BEANS

A statement of the considerations involved in the issuance of this Amendment No. 1 to Maximum Price Regulation No. 270 has been issued and filed with the Division of the Federal Register.\*

A new § 1351.1203a and a new § 1351.1215 are added as follows:

§ 1351.1203a *Maximum prices which primary jobbers may charge for dry edible beans.* (a) Any primary jobber (that is, one who purchases dry edible beans, receives shipment of them into a warehouse and distributes them from such warehouse for resale customarily by wholesalers) shall calculate his maximum price for any item of dry edible beans by adding a 2% markup to his net cost for the item. "Net cost" means the amount the primary jobber paid for the item delivered at his customary receiving point less all discounts allowed him, except the discount for prompt payment. However, no charge or cost of local unloading or local trucking shall be included. "Net cost" shall be based on the primary jobber's most recent purchase, since May 11, 1942, of a customary quantity from a customary supplier and received by a customary mode of transportation.

(b) If, after calculating a maximum price, a primary jobber before December 20, 1942 purchases a customary quantity of the same item from a customary supplier at a higher "net-cost"

than he used in calculating his maximum price under paragraph (a) of this section, he may calculate a new maximum price on the basis of his new "net cost".

(c) A maximum price for any item of dry edible beans calculated by a primary jobber under paragraph (a) of this regulation shall be his maximum price for that item from that time forward. However, where a primary jobber recalculates his maximum price under paragraph (b) of this section, such recalculated price shall be his maximum price for that item of dry edible beans from and after the date of recalculation.

§ 1351.1215 *Effective dates of amendment.* (a) Amendment No. 1 (§§ 1351.1203a and 1351.1215) to Maximum Price Regulation No. 270 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

Approved:

CLAUDE WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-11634; Filed, November 7, 1942; 12:54 p. m.]

PART 1392—PLASTICS

[MPR 263]

NEW PHONOGRAPH RECORDS AND RECORD SCRAP

In the judgment of the Price Administrator, the prices of new phonograph records and of record scrap are threatening to rise to an extent, and in a manner, inconsistent with the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 263 are necessary to check inflation and to effectuate the purposes of the Act.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation are generally fair and equitable. So far as practicable, the Price Administrator has given due consideration to prices prevailing between October 1 and October 15, 1941, and to relevant factors of general applicability. So far as practicable, the Price Administrator has consulted with representatives of the industry, which will be affected by this Maximum Price Regulation No. 263.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 263 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Revised Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 263 is hereby issued.

§ 1392.51 *Prohibition against sales and purchases of new records in excess of maximum price.* On and after November 12, 1942, no person shall sell or purchase any new phonograph record at a price higher than the maximum price.

(a) *Maximum prices for new records.* The maximum price for a new record shall be as set forth in this paragraph (a), subject to the discounts and allowances prescribed in § 1392.54 (a):

(1) For a record in the manufacturer's catalogue during March, 1942, the highest price therein set forth, less any portion thereof attributed to federal excise tax.

(2) For a record (except a limited edition) not in the manufacturer's catalogue in March, 1942, the highest price (less any portion thereof attributed to federal excise tax) regularly established in the manufacturer's catalogue in effect during March, 1942, for a record of the same label, series, size and classification. For the purposes of this subparagraph (2), a label shall not cease to be the same label if shortage or prohibitive cost of ink of a particular color requires the printing of the label with ink of a different color.

(3) For a record issued in a limited edition, a price approved by the Office of Price Administration, which approval shall be obtained before any such record is sold or offered for sale:

*Provided,* That sales of records for which no maximum price is authorized by this Maximum Price Regulation No. 263 shall be subject to the General Maximum Price Regulation.

(b) *Allowances for record scrap.* If the seller of new records requires the buyer to furnish record scrap in order to purchase new records, he shall make an allowance to the purchaser for such record scrap at the following rates:

(1) In the case of a sale by a dealer, not less than:

(i) 2 cents for each 10-inch solid-stock scrap record;

(ii) 3 cents for each 12-inch solid-stock scrap record;

(iii) 1 cent for each 10-inch laminated scrap record;

(iv) 1½ cents for each 12-inch laminated scrap record;

(v) 4 cents per pound for broken-record scrap in bulk.

(2) In the case of sales by manufacturers or distributors, not more than:

(i) 2½ cents for each 10-inch scrap record;

(ii) 4 cents for each 12-inch scrap record;

(iii) 6 cents per pound for record scrap in bulk.

The foregoing allowances when made by a distributor or manufacturer may be increased by an amount not exceeding the sum of all transportation charges actually incurred in forwarding the scrap from a dealer to a manufacturer or from a distributor to a manufacturer.

§ 1392.52 *Prohibition against sales and purchases of record scrap in excess of maximum price.* On and after November 13, 1942, no person shall, in the regular course of trade, sell or purchase

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

<sup>1</sup> 7 F.R. 8961.

record scrap at a price higher than 6 cents per pound, f. o. b. point of shipment.

§ 1392.53 *Less than maximum prices.* Lower prices than those established as maximum prices by §§ 1392.51 (a) and 1392.52 of this regulation may be charged, demanded, paid or offered for new records and for record scrap, except as set forth in § 1392.51 (b).

§ 1392.54 *Discounts and allowances.* (a) Every manufacturer and every distributor shall continue to grant to persons buying new records discounts from catalogue or list prices, and allowances and terms of sale, not less favorable to the purchaser than those generally in effect during March 1942, for a sale of similar records by such manufacturer or distributor to a purchaser of the same class.

(b) Every dealer selling new records shall continue to grant discounts and allowances for quantity purchases not less favorable to the purchaser than those regularly granted by him during March 1942.

§ 1392.55 *Taxes*—(a) *Taxes in effect during March, 1942.* A seller may add to his maximum prices hereunder any federal, state or local taxes on sales of records, which were in effect during March, 1942, to the extent that, during such month, such taxes were collected by the seller in addition to the prices established by this maximum price regulation. If such taxes are added, the seller shall state and collect them as an item separate from the price of the records.

(b) *Taxes which were first imposed after March, 1942.* Any federal, state, or local taxes or tax increases on sales of records, which were first imposed after March, 1942, may be added to the maximum prices established hereunder, *Provided*, That such taxes or tax increases be stated and collected as an item separate from the price of the records.

§ 1392.56 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 263 shall not be evaded directly or indirectly in connection with any sale or delivery of records or record scrap, alone or in conjunction with any other commodity, by way of any service, transportation, or other charge, or by the reduction of any discount, premium or privilege, or by tying agreement, trade understanding, or otherwise.

§ 1392.57 *Posting of maximum prices for records and allowances for scrap.*

(a) On and after January 15, 1943, every seller at retail of new records covered by this Maximum Price Regulation No. 263 shall post conspicuously in his retail premises a legible statement of the maximum prices hereunder for such records and the minimum allowances which he is required to make for record scrap.

(b) Every manufacturer of records covered by this Maximum Price Regulation No. 263 shall make available to dealers selling such records:

(1) Placards for display in the dealers' premises on and after January 15, 1943, setting forth the information required by paragraph (a) of this § 1392.57;

(2) Envelopes, albums or containers for records or sets of records made by such manufacturer, bearing a legible statement showing the maximum prices established by this Maximum Price Regulation No. 263 for records or sets of records made by such manufacturer. The requirements of this subparagraph (2) shall be put into effect with respect to each size or type of envelope, album or container, upon exhaustion of each manufacturer's supply thereof on hand on the effective date of this regulation but in no event later than May 1, 1943.

(c) The printed matter referred to in paragraph (b) of this section shall be in a form approved in writing by the Office of Price Administration.

§ 1392.58 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 263 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation. The following sections of the General Maximum Price Regulation are made a part of this regulation:

- (a) Sales for export (§ 1499.6).<sup>7</sup>
- (b) Sales slips and receipts (§ 1499.14).<sup>7</sup>
- (c) Registration (§ 1499.15).<sup>7</sup>
- (d) Licensing (§ 1499.16).<sup>7</sup>

Any amendments to these sections are automatically applicable to this Maximum Price Regulation No. 263. In applying these sections, the words "Maximum Price Regulation No. 263" shall be substituted for the words "the General Maximum Price Regulation." The text of these sections is set forth in Appendix A incorporated herein as § 1392.63.

§ 1392.59 *Penalties.* (a) Persons violating any provisions of this Maximum Price Regulation No. 263 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and to proceedings for suspension of licenses.

§ 1392.60 *Definitions.* When used in this Maximum Price Regulation No. 263, the term:

(a) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, legal successor or representative of the foregoing.

(b) "Distributor" means a jobber or wholesaler.

(c) "Dealer" means a person selling at retail.

(d) "Manufacturer" means a person regularly engaged in the manufacture of records.

(e) "Catalogue" includes (but is not limited to) price lists, price schedules, and schedules setting forth discounts, allowances and terms of sale.

(f) "Record" means a disc which is:

(1) Stamped with a spiral track of recorded sound;

(2) Manufactured otherwise than on special order of the ultimate consumer, for sale to the public;

(3) Intended for use on home-type reproducing equipment at a turntable speed of 78 revolutions per minute.

The term includes a group of records sold together in an album set.

(g) "Record scrap" means unbroken records, (including but not limited to records as defined in paragraph (f) of this section) or broken pieces thereof, delivered for the ultimate purpose of supplying a manufacturer with stock to be used in the manufacture of new records.

(h) "Limited edition" means a record which is:

(1) Recorded specially for the purpose of being manufactured and sold in a stated maximum quantity not to exceed 1000 impressions, and

(2) Which is in fact sold in a quantity not greater than the stated size of the edition or 1000 impressions, whichever is lower.

§ 1392.61 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 263 shall be applicable to the forty-eight states and the District of Columbia.

§ 1392.62 *Effective date.* This Maximum Price Regulation No. 263 (§§ 1392.51 to 1392.63, inclusive) shall become effective November 13, 1942.

§ 1392.63 *Appendix A: Sections of the General Maximum Price Regulation incorporated into this Maximum Price Regulation No. 263.* The following sections of the General Maximum Price Regulation have been incorporated by reference into this Maximum Price Regulation No. 263. Any amendments to these sections are automatically applicable to this Maximum Price Regulation No. 263. These sections provide as follows:

*Sales for export (§ 1499.6).* The maximum price at which a person may export any commodity shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

*Sales slips and receipts (§ 1499.14).* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

*Registration (§ 1499.15).* Every person selling at wholesale, and every person who owns, or hereafter becomes the owner of, any business operating an establishment selling at retail any commodity or service for which a maximum price is established by this regulation or by any other price regulation issued on or prior to April 28, 1942, by the Office of Price Administration shall register each such establishment with the Office of Price Administration at such time and in

<sup>7</sup> F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

<sup>2</sup> *Infra*, § 1392.63.

such manner as the Administrator may hereafter by regulation prescribe, on forms which will be made available by the Office of Price Administration.

§ 1499.16 *Licensing.* Every person selling at wholesale or retail any commodity or service for which a maximum price is established by this regulation or by any other price regulation issued on or prior to April 28, 1942, by the Office of Price Administration is by this regulation granted a license as a condition of selling any such commodity or service. Such license shall be effective on the effective date of this regulation or when any such person becomes subject to the maximum price provisions of this or any other price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as such regulation, or any applicable part, amendment, or supplement remains in effect.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11635; Filed, November 7, 1942; 12:54 p. m.]

#### PART 1415—PROTECTIVE COATINGS

[MPR 264]

##### INDUSTRIAL WAXES

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of industrial waxes by a maximum price regulation establishing dollars and cents maximum prices.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 264 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 264 is hereby issued.

Sec.

- 1415.51 Prohibition against sales of industrial waxes above maximum prices.
- 1415.52 Applicability of the General Maximum Price Regulation.
- 1415.53 Less than maximum prices.
- 1415.54 Export sales.
- 1415.55 Import sales.
- 1415.56 Federal and state taxes.
- 1415.57 Adjustable pricing.

Sec.

- 1415.58 Petitions for amendment.
- 1415.59 Licensing.
- 1415.60 Evasion.
- 1415.61 Enforcement.
- 1415.62 Records and reports.
- 1415.63 Definitions.
- 1415.64 Effective date.
- 1415.65 Appendix A: Maximum prices for sales of industrial waxes.

AUTHORITY: §§ 1415.51 to 1415.65 inclusive, issued under Public Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1415.51 *Prohibition against sales of industrial waxes above maximum prices.* On and after November 13, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell, deliver, or transfer any domestic industrial waxes or imported industrial waxes entering the continental United States after the 20th day of August, 1942 at higher prices than the maximum prices set forth in Appendix A (§ 1415.65) of this Maximum Price Regulation No. 264.

(b) No person shall buy or receive any such industrial waxes in the course of trade or business at higher prices than the maximum prices set forth in Appendix A (§ 1415.65) of this Maximum Price Regulation No. 264.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That the provisions of this Maximum Price Regulation No. 264 shall not apply to sales or deliveries of domestic industrial waxes to a purchaser if prior to November 13, 1942, such industrial waxes had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1415.52 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 264 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of industrial waxes for which maximum prices are established by this regulation except sales and deliveries of less than 1 pound.

§ 1415.53 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 264 may be charged, demanded, paid or offered.

§ 1415.54 *Export sales.* The maximum price at which a person may export industrial waxes shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,<sup>2</sup> issued by the Office of Price Administration.

§ 1415.55 *Import sales.* The provisions of this Maximum Price Regulation No. 264 supersede the provisions of Supplementary Regulation No. 12 to the General Maximum Price Regulation with respect to sales, deliveries and transfers of industrial waxes for which maximum prices are established by this regulation.

§ 1415.56 *Federal and state taxes.* Any tax upon, or incident to, the sale or

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

<sup>1</sup> 7 F.R. 8961.

<sup>2</sup> 7 F.R. 5059, 7242, 8829.

delivery of industrial waxes, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the year 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the year 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 264.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 264.

§ 1415.57 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1415.58 *Petitions for amendment.* Persons seeking any modifications of this Maximum Price Regulation No. 264 or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1415.59 *Licensing.* The provisions of Supplementary Order No. 11 (§1305.15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of industrial waxes for which maximum prices are established by this Maximum Price Regulation No. 264. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

§ 1415.60 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 264 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 industrial waxes, 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 other trade understanding or otherwise.

§ 1415.61 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 264 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 264 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, field, state, or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1415.62 *Records and reports.* (a) Every person making sales of industrial waxes after November 12, 1942 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each type and grade of such industrial waxes purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1415.63 *Definitions.* (a) When used in this Maximum Price Regulation No. 264, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivision or any agency of any of the foregoing.

(2) "Carnauba wax" includes all commercial grades of the exudation product from the leaves of the Carnauba palm tree (*Corypha cerifera*) grown in Brazil and adjacent South American countries.

(3) "Ouricury wax" includes all commercial grades of the exudation product from the fronds or leaves of the Ouricury palm tree (*Syagrus cororata*).

(4) "Candelilla wax" is the product of the candelilla weed (*Euphorbia antiophyllitica*).

(5) "Beeswax" includes the following commercial grades of any wax excreted by bees: imported sun-bleachable, non-sun-bleachable and African; and domestic crude, light capping, refined and bleached.

(6) "Trading price" is the price allowed by beekeepers' supply houses to beekeepers for beeswax in a barter trans-

action in which beeswax is traded for beekeeping equipment.

(7) "One ton" means 2,000 pounds.  
(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1415.64 *Effective date of Maximum Price Regulation No. 264.* This Maximum Price Regulation No. 264 (§§ 1415.51 to 1415.65, inclusive) shall become effective November 13, 1942.

§ 1415.65 *Appendix A: Maximum prices for industrial waxes.* Maximum prices for domestic beeswax and for imported Carnauba Wax, Ouricury Wax, Candelilla Wax and Beeswax entering the United States after the 20th day of August 1942, are established as follows:

(a) *Crude Candelilla wax in quantities of one ton or more.*

	Per pound
(1) F. O. B. Laredo, Texas.....	34.3¢
(2) Ex-dock, New York City.....	36.05¢

(b) Imported Carnauba Wax, Ouricury Wax, Candelilla Wax, and crude, refined and bleached Beeswax, prices f. o. b. New York City in quantities of one ton or more:

(1) *Carnauba wax.*

Grade	Lump or flake in cents per pound	Powdered in cents per pound		
		20 mesh	80 mesh	100/120 mesh
No. 1 Yellow.....	83.25	88.25	88.75	80.25
No. 2 Yellow.....	81.25	86.25	86.75	87.25
No. 3 Yellow.....	79.00	84.00	84.50	85.00
Caulype.....	76.75	81.75	82.25	82.75
No. 2 North Country.....	75.75	80.75	81.25	81.75
No. 3 North Country.....	73.50	78.50	79.00	79.50
No. 3 Chalky.....	71.25	76.25	76.75	77.25
Moras No. 3 North Country Refined.....	76.75	81.75	82.25	82.75
Carnauba Refined.....	80.00	85.00	85.50	86.00

(2) *Ouricury wax.*

Grade	Lump or flake in cents per pound	Powdered in cents per pound		
		20 mesh	80 mesh	100/120 mesh
Franklin Brand #1.....	51.75	56.75	57.25	57.75
Franklin Brand #2.....	49.50	54.50	55.00	55.50
Gabrielle & Bloise and all other brands.....	48.50	53.50	54.00	54.50
Ouricury Refined.....	62.00	67.00	67.50	68.00

(3) *Candelilla wax.*

Grade	Lump or flake in cents per pound	Powdered in cents per pound		
		20 mesh	80 mesh	100/120 mesh
Crude.....	38.00	43.00	43.50	44.00
Refined.....	44.00	49.00	49.50	50.00

(4) *Crude imported beeswax.*

Grade:	Cents per pound
Central and South American sun-bleachable.....	44.75
Central and South American non-sun-bleachable.....	41.50
African (either sun-bleachable or non-sun-bleachable).....	37.50

(5) *Yellow refined beeswax U. S. P. Standard.*

Size and package:	Cents per pound
Slabs.....	52.50
Approx. 1 pound bricks.....	53.50
Approx. 1 ounce discs.....	55.50
Approx. 1 ounce discs packed in 5 lb. cartons.....	56.50
Approx. 1 ounce discs packed in 2 lb. cartons.....	57.50
Approx. 1 ounce discs packed in 1 lb. cartons.....	58.50
Approx. 1 ounce "Rounds or Squares".....	57.50
Approx. 1 ounce "Rounds or Squares" packed in 5 lb. c.....	58.50
Approx. 1 ounce "Rounds or Squares" packed in 2 lb. c.....	59.50
Approx. 1 ounce "Rounds or Squares" packed in 1 lb. c.....	60.50

(6) *Sun or chemically bleached beeswax U. S. P. Standard.*

Size and package:	Cents per pound
Slabs.....	57.00
Approx. 1 pound bricks.....	58.00
Approx. 1 ounce discs or cakes.....	60.00
Approx. 1 ounce discs or cakes in 5 pound cartons.....	61.00
Approx. 1 ounce discs or cakes in 2 pound cartons.....	62.00
Approx. 1 ounce discs or cakes in 1 pound cartons.....	63.00

(c) For single sales in quantities of less than one ton, additions to the maximum prices established by paragraphs (a) and (b) of this Appendix A may be made as follows:

	Per lb.
1. Sales of 200 lbs. to 1 ton.....	1¢
2. Sales of more than 100 lbs. but less than 200 lbs.....	3¢
3. Sales of 50 lbs. to 100 lbs.....	5¢
4. Sales of 1 to 49 lbs.....	10¢

(d) The maximum prices established in paragraph (b) are calculated upon freight of \$2.00 per cwt. to New York, marine insurance at 0.5 percent, war risk insurance at 1½ percent for Central and South America, and 3 percent for Africa. Any actual charges in excess of the amounts based on these rates may be added to the maximum prices established herein and separately charged to the buyers' account. In the event actual charges are less than the amounts based on the above rates, the maximum prices established herein shall be reduced accordingly and the reductions credited to the buyers' account. As used in this paragraph (d) "War risk insurance" means the war risk insurance rates as posted by the War Shipping Administration. No costs of importation other than those named in this paragraph (d) may be added to the maximum prices established in this Appendix A.

(e) Maximum prices for imported Carnauba wax, Ouricury wax, and Beeswax entering the continental United States at a point other than New York City and sold at such other point of entry shall be f. o. b. actual point of entry and shall be the f. o. b. New York prices established in paragraphs (b) and (c) hereof as adjusted under paragraph (d) hereof.

(f) Maximum prices for industrial waxes shipped from a point other than New York City shall be the f. o. b. point of entry prices as established in paragraphs (b) (c) (d) and (e) hereof plus

any actual transportation charges incurred by the seller in transporting such industrial waxes from such point of entry to the point of shipment: *Provided*, That such actual transportation charges are separately stated upon an invoice transmitted from the seller to the buyer not more than ten days after shipment of such industrial waxes.

(g) *Crude domestic beeswax.* Maximum prices for crude domestic beeswax are established as follows:

*Per lb.*

Beekeepers' cash price f. o. b. apiary— 41.5¢  
Beekeepers' trade price f. o. b. apiary— 43.5¢

(h) Maximum prices f. o. b. refining plant for domestic refined beeswax, and for domestic bleached beeswax respectively shall be prices equal to the respective f. o. b. New York prices established for imported refined beeswax and for imported bleached beeswax by paragraphs (b), (c), and (d) of this Appendix A.

(i) The maximum prices established in this Appendix A may not be increased by reason of any charge for containers.

(j) The maximum prices established by this Appendix A may not be increased by reason of any extension of credit to the buyer by the seller.

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11636; Filed, November 7, 1942;  
12:55 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 194, Amendment 6]

ALASKA

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

Section 1418.52 (b) and § 1418.56 (c) (2) (iii) are amended as set forth below:

§ 1418.52 *Maximum prices for commodities not actually produced or manufactured in the Territory of Alaska.*

(b) Where a seller offered for sale or delivery to a buyer in the Territory of Alaska any commodity for which a maximum price regulation has been issued in the Continental United States, and which is not actually produced or manufactured in the Territory of Alaska, and the maximum price of such commodity cannot be determined under the provisions of paragraph (a) of this Section, the maximum price of such commodity shall be determined in accordance with the following procedure. The seller of such commodity shall file in duplicate with the Territorial Office of the Office of Price Administration in Juneau, Alaska, a sworn petition containing:

(1) A description of the commodity.

\*Copies may be obtained from the Office of Price Administration  
17 F. R. 5909, 6268, 6744, 8023, 8358, 8947.

(2) A statement of the facts which prevent determination of the maximum price under paragraph (a) of § 1418.52.

(3) The price charged by sellers of the same competitive class for the same or similar commodity.

(4) A statement of the direct cost of the commodity to the seller.

(5) The price at which the seller intends to offer the commodity for sale.

(6) Such other facts which the seller deems relevant in the determination of a price for such commodity.

The Territorial Director in Juneau, Alaska may authorize a price which is in line with the maximum prices of other similar sellers of the same or similar commodity, or may, in his discretion, forward the petition to the Administrator for the Ninth Region in Washington, D. C. If a seller objects to a price authorized by the Territorial Director, he must file such objection with the Territorial Office in Juneau, Alaska within twenty days after the date the notice of price authorization by the Territorial Director was postmarked. If, at the expiration of forty days from the date the price authorization is signed by the Territorial Director, the Administrator for the Ninth Region does not issue an Order establishing a maximum price other than the maximum price authorized by the Territorial Director, the seller may thereafter continue to sell such commodity at a price not in excess of the maximum price authorized by the Territorial Director. The Administrator or the Ninth Region may from time to time make such changes in the authorized maximum prices as in his judgment changes in circumstances require. Such increases or decreases in maximum prices shall not have retroactive effect. If a seller objects to a price authorized by the Administrator for the Ninth Region, he may obtain review in accordance with the provisions of Procedural Regulation No. 7.

§ 1418.56 *Records and reports—(c) Lists to be filed.*

(2) (iii) The amount of markup which the seller added on sales to a purchaser of the same class for the same commodity during the period November 7, 1941 to December 6, 1941, inclusive, or if the same commodity was not sold to a purchaser of the same class during such period, then the amount of markup the seller added during the last thirty days prior to November 7, 1941, at which a sale was made.

§ 1418.66 *Effective dates of amendments.*

(f) Amendment No. 6 (§§ 1418.52 (b) and 1418.56 (c) (2) (iii)) to Maximum Price Regulation No. 194 shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871.)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11649; Filed, November 7, 1942;  
12:39 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Rev. Supp. Reg. 11 of GMPR, Amendment 8]  
JEWELRY REPAIR, ENGRAVING, ETC.

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

Subparagraph (48) of § 1499.46 (b) is amended to read as set forth below.

§ 1499.46 *Exceptions for certain services.*

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services:

(48) Jewelry and articles of gold, silver or plated ware, repair and engraving of, and the cutting, polishing and setting of precious or semi-precious stones and pearls. (Storage of such commodities in safe deposit facilities is subject to Maximum Price Regulation No. 165 as amended; storage otherwise than in safe deposit facilities is subject to the General Maximum Price Regulation.)

(d) *Effective dates.*

(9) Amendment No. 8 to Revised Supplementary Regulation No. 11 shall become effective on November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F. R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11652; Filed, November 7, 1942;  
12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Rev. Supp. Reg. 11 of GMPR, Amendment 9]  
CERTAIN UTILITY RATES

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.\*

Subparagraphs (28), (41), (51) and (99) of § 1499.46 (b) are amended to read as set forth below:

§ 1499.46 *Exceptions for certain services.*

(b) The General Maximum Price Regulation shall not apply to the rates, fees, charges, or compensation for the following services:

(28) Electricity—rates charged for, by companies furnishing as public utilities.

(41) Gas—rates charged for, by companies furnishing as public utilities through mains.

(51) Light, heat, or power—rates charged for, by companies furnishing as public utilities.

(99) Water—rates charged for, by companies supplying to urban areas as public utilities.

(d) *Effective dates.*

(10) Amendment No. 9 (§ 1499.46 (b) (28), (41), (51) and (99)) to Revised Supplementary Regulation No. 11 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11653; Filed, November 7, 1942;  
12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Supp. Reg. 14 of GMPR, Amendment 59]

MOLASSES

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.\*

A new subparagraph (43) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(43) *Cane blackstrap molasses and beet sugar final molasses*—(i) *Maximum prices for sales of cane blackstrap molasses and beet sugar final molasses produced in the continental United States by producers thereof and by distributors other than those exempted in subdivision (ii).* The maximum prices for sales of cane blackstrap molasses and beet sugar final molasses produced in the continental United States by producers thereof and by distributors other than those exempted in subdivision (ii) shall be the applicable maximum prices set forth in this subdivision (i), or the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, whichever is higher.

(a) The maximum f. o. b. price shall be the applicable price f. o. b. the mill or factory as specified below for the area in which the mill or factory producing the molasses being sold is located. The maximum price for molasses delivered to the buyer shall be the applicable f. o. b. price set forth below plus the charge at the lowest available rate for the transportation of an identical quantity from the mill or factory producing the molasses being sold to the buyer's place of business: *Provided*, That in no case may the seller add to the applicable f. o. b. price an amount in excess of the charge at the

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

7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707.

7 F.R. 3153, 3330, 3653, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

lowest available rate for the transportation of an identical quantity from the mill or factory producing the molasses being sold to the point designated by the buyer as his receiving point.

Location of F. o. b. mill or factory  
mill or factory; in tank cars  
Area No. 1—18 cents per gallon, 42° Baumé  
Area No. 2—18½ cents per gal., 42° Baumé  
Area No. 3—\$20 per ton of 2,000 pounds  
Area No. 4—\$24.20 per ton of 2,000 pounds  
Area No. 5—\$33.20 per ton of 2,000 pounds

These areas shall be as follows:  
Area No. 1—Louisiana, Florida, Texas, and Georgia.

Area No. 2—New York, Pennsylvania, Maryland, Massachusetts, and New Jersey.

Area No. 3—Oregon, Washington, and California.

Area No. 4—Idaho, Utah, Montana, Colorado, Wyoming, Kansas, South Dakota, and Nebraska, excluding Grand Island.

Area No. 5—Indiana, Michigan, Ohio, Wisconsin, Minnesota, Iowa, and Grand Island, Nebraska.

(b) The maximum prices set forth in inferior subdivision (a) shall be adjusted by the addition or subtraction, as the case may be, of a differential, if any, for sales in less than tank car lots. If during the period August 1, 1941 to March 31, 1942,

(1) the seller customarily charged a differential over his tank car price for such sales, he may add to the applicable maximum f. o. b. tank car price set forth in inferior subdivision (a) an amount not higher than the highest differential charged by him during said period for the same type and size of container to a purchaser of the same class; or (2) the seller customarily deducted a differential for such sales from his tank car price, he shall deduct from the applicable maximum f. o. b. tank car price set forth in inferior subdivision (a) an amount not less than the lowest differential charged by him during said period for the same type and size of container to a purchaser of the same class.

Within 30 days from the effective date hereof, each producer of cane blackstrap molasses and beet sugar final molasses produced in the continental United States and each distributor thereof other than those persons exempted in subdivision (ii) shall file with the Office of Price Administration, Washington, D. C., a complete list of his differentials over and under his tank car price, specifying the type and size of container and class of purchaser to which each applies.

(c) The maximum prices established by this subdivision (i) shall not be increased (1) by any charges for the extension of credit, or (2) by commissions or any other charges.

(ii) *Exempt sales.* This subparagraph (43) shall not apply to:

(a) Sales at retail,  
(b) Sales at wholesale by persons whose entire sales of cane blackstrap molasses and beet sugar final molasses during the period August 1, 1941 to March 31, 1942 were made in less than tank car lots, and

\*Maximum prices for sales exempted from this amendment shall be determined under the General Provisions of the General Maximum Price Regulation.

(c) Sales to and purchases by manufacturers of ethyl alcohol, butyl alcohol, and acetone or other solvents.

(iii) *Definitions.* For the purpose of this subparagraph (43):

(a) "Cane blackstrap molasses" and "beet sugar final molasses" means the final by-product from sugar manufacturing or sugar refining process after the extraction of all commercially available sucrose.

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

(c) All other terms used in this subparagraph (43) shall have the meaning given them by the General Maximum Price Regulation.

(b) *Effective dates.* \* \* \*  
(60) Amendment No. 59 (§ 1499.73 (a) (43)) to Supplementary Regulation No. 14 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11648; Filed, November 7, 1942;  
12:39 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Supp. Reg. 14 of GMPR, Amendment 58]

M. WERK SOAP CO.

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.

A new subparagraph (42) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided: \* \* \*

(42) *Sales at retail of Tag Yellow Laundry Soap manufactured by M. Werk Soap Company*—(i) *Maximum prices.* The maximum delivered price for sales of Tag Yellow Laundry Soap when sold at retail shall be either the seller's maximum price or determined under § 1499.2 of the General Maximum Price Regulation or the prices set forth below, whichever is higher.

Number of cakes:	Prices in cents
1	5
3	14
6	28
10	47

(b) *Effective date.* \* \* \*  
(59) Amendment No. 58 (§ 1499.73 (a) (42)) to Supplementary Regulation No. 14 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11638; Filed, November 7, 1942;  
12:36 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Amendment 6 to MPR 165, as Amended]  
SERVICES

In § 1499.101 (c) subparagraph (4) is amended to read as follows:

§ 1499.101 *Prohibition against dealing in services above maximum prices.*

(c) *Services covered.* \* \* \*

(4) Automotive vehicles (including but not limited to automobiles, busses, motorcycles, semi-trailers, tractors, trailers, and trucks—lubrication, maintenance, painting, rental, repair, storage (including but not limited to dead storage and parking), towing, washing or other servicing of (including but not limited to maintenance, rental or repair of accessories or parts such as batteries, radios, tires, or tubes, and including but not limited to pick-up and delivery and mounting and demounting of tires and use of loaned tires and tubes but not including retreading or recapping of tires or any service rendered in connection with a sale of tires or tubes or with the retreading or recapping of tires): *Provided*, That in the case of any of the foregoing services for which a charge is authorized by any rationing order or rationing regulations issued by the Office of Price Administration, the maximum price hereunder shall be the highest price authorized by such rationing order or regulations.

§ 1499.121 (a) *Effective dates of amendments.* \* \* \*

(f) Amendment No. 6 (§ 1499.101 (c) (4)) to Maximum Price Regulation No. 165 as amended shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11651; Filed, November 7, 1942;  
12:35 p. m.]

[Order 4 Under MPR 165 as Amended]

PART 1499—COMMODITIES AND SERVICES  
SUNBEAM ELECTRIC MANUFACTURING CO.

Order No. 4 under § 1499.114 (c) of Maximum Price Regulation No. 165 as amended—Services—Docket No. GF3-367.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.704 *Adjustment of maximum charges for repairs of mechanical refrigerator units by Sunbeam Electric Manufacturing Company.* (a) Sunbeam Electric Manufacturing Company, Evansville, Indiana, may charge a price

17 F.R. 6428, 6966, 8239.

no higher than \$18.60 for repairing a Coldspot mechanical refrigerator unit.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 (§ 1499.704) shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11640; Filed, November 7, 1942;  
12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 5 Under MPR 165]

SEARS, ROEBUCK AND COMPANY

Order No. 5 under § 1499.114 (c) of Maximum Price Regulation No. 165, as amended—Services—Docket No. GF3-367.

For the reasons set forth in an opinion accompanying Order No. 5 issued simultaneously herewith, *It is ordered*:

§ 1499.705 *Adjustment of maximum charges for repairs of mechanical refrigerator units by Sears, Roebuck and Company.* (a) Sears, Roebuck and Company, Chicago, Illinois, may charge a price no higher than \$29.85 for repairing a Coldspot mechanical refrigerator unit.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 (§ 1499.705) shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11641; Filed, November 7, 1942;  
12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 82 Under § 1499.18 (b) of GMPR]

C. D. LE FAIVRE

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.882 *Adjustment of maximum prices for 18" pine keg staves sold by C. D. Le Faivre of Bon Air, Virginia.* (a) C. D. Le Faivre of Bon Air, Virginia, may sell, and any person may buy from said C. D. Le Faivre, 18" pine keg staves with a 7/16" bilge, crozed and chamfered, at prices not in excess of \$.90 per bundle, f. o. b. Robious, Virginia.

(b) All prayers of the application not granted herein are denied.

17 F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431.

(c) This Order No. 82 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 82 (§ 1499.882) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 82 (§ 1499.882) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11654; Filed, November 7, 1942;  
12:34 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 83 Under § 1499.18 (b) of GMPR]

UNITED PLATERS, INC.

Adjustment of maximum prices under § 1499.18 (b) of the General Maximum Price Regulation—Order No. 83—Docket No. GF3-1933.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered*:

§ 1499.883 *Adjustment of maximum prices for plated washers sold by United Platers, Inc.* (a) On or after the effective date of this order, United Platers, Inc., in determining the maximum prices at which it may sell plated washers may add to its maximum prices therefor as otherwise determined by the General Maximum Price Regulation the amounts by which the purchase price of its raw washers immediately after March 20, 1942, exceeded the purchase price of such washers immediately prior thereto.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 83 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 83 (§ 1499.883) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 83 (§ 1499.883) shall become effective November 9, 1942.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11655; Filed, November 7, 1942;  
12:34 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 85 Under § 1499.18 (b) of GMPR]

BRAUN CORP., ET AL

*Applicants and Docket Numbers*

Braun Corporation, Los Angeles, California, GF3-909; Brunswick Drug Com-

pany, Los Angeles, California, GF3-907; Carl F. Miller & Company, Seattle, Washington, GF3-867; E. S. Browning Company, San Francisco, California, GF3-2213; J. L. Lott Company, San Francisco, California, GF3-906; McKesson and Robbins Inc., San Francisco, California, 3028-2; Pacific Solvents Company, Los Angeles, California, GF3-868; Stay & Day Paint Materials Company, Los Angeles, California, GF3-908.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered*, That the maximum prices established by the General Maximum Price Regulation for certain sales at wholesale by the above applicants, hereinafter also referred to as sellers, of the formulae of ethyl alcohol listed below shall be adjusted as set forth below:

§ 1499.885 *Adjustment of maximum prices.* (a) The maximum prices for sales at wholesale of ethyl alcohol of the formulae listed below by the above listed applicants to persons whose businesses are located in the states of Washington, Oregon, California, Nevada, Idaho, Utah, and Arizona are as follows:

(1) *Completely denatured ethyl alcohol.*

	<i>Per wine gallon (231 cubic inches) f. o. b. shipping point</i>
(i) LCL, in drums.....	\$0.66
(ii) LCL, containers other than drums:	
(a) Barrels.....	0.73
(b) 5 gallon cans.....	0.76
(c) 1 gallon cans.....	0.81

(2) *Proprietary name solvent.*

	<i>Per wine gallon (231 cubic inches) f. o. b. shipping point</i>
(i) LCL, 19 drums or over:	
(a) Shellacol (188-190 proof).....	\$0.62
(b) Shellacol (over 190 proof).....	0.63
(c) Padiscol A.....	0.625
(d) Filmcol A.....	0.625
(e) Padiscol.....	0.615
(f) Filmcol.....	0.615
(g) Solox.....	0.615

(ii) LCL, less than 19 drums: drum price as set forth in subdivision (i) of subparagraph (2) above, plus \$0.03 per wine gallon.

(iii) LCL, containers other than drums:

- (a) Barrels: drum price as set forth in subdivision (i) of subparagraph (2) above, plus \$0.07 per wine gallon.
- (b) 5 gallon cans: drum price as set forth in subdivision (i) of subparagraph (2) above, plus \$0.10 per wine gallon.
- (c) 1 gallon cans: drum price as set forth in subdivision (i) of subparagraph (2) above, plus \$0.15 per wine gallon.

(3) *Transportation charges.* Where seller ships from a point other than the point of manufacture, his maximum price shall be the appropriate price set forth under subparagraph (1) or subparagraph (2) above, as the case may be, plus the actual transportation charges from the point of manufacture to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(4) *Containers.* The maximum prices established in this Order No. 85 shall not

be increased by any charges for containers.

(b) All discounts, allowances, and trade practices in effect with respect to sales of the above listed commodities during March, 1942, by the respective sellers thereof shall remain in effect under this Order No. 85.

(c) Each seller who determines his maximum price for any completely denatured ethyl alcohol or proprietary name solvent under this Order No. 85 shall deliver invoices to buyers covering sales subject to this Order, and at the time of delivery attach to his first invoice to each such buyer on any sale at a price so determined a notice as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert formula or proprietary name) from \$..... to \$..... per wine gallon. This amount represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that prices for resales of this product, or for sales of products in the manufacture of which this product is used, would not be raised. The Office of Price Administration has not permitted you or any seller to raise maximum prices by reason of our increased price to you.

(d) All prayers of the applicants not granted herein are denied.

(e) This Order No. 85 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 85 (§ 1499.885) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 85 (§ 1499.885) shall become effective on November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11642; Filed, November 7, 1942; 12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 86 Under § 1499.18 (b) of GMPR]

RAPIDES DRUG COMPANY, LTD.

Order No. 86 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1080.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.886 *Adjustment of maximum prices for sales of certain products by the Rapides Drug Company, Ltd.* (a) The maximum prices for sales of the following products by the Rapides Drug Company, Ltd., Third and Lee Streets, Alexandria, Louisiana, shall be the prices set forth below:

Marbelite RT Shav- ing Sticks.....	\$3.37 per dozen, wholesale .43 each, retail
Williams Reloads...	2.24 per dozen, wholesale .28 each, retail

Petroline Lanolin	\$0.45 per pound
Hydrous U. S. P.	
Fleischmann's Pure	.33 per pound, wholesale
Dry Brewer's	.50 per pound, retail
Yeast.	
Flit Sprayers.....	2.33 per dozen, wholesale .29 each, retail
C h e c k e r - boards #25.	2.20 per dozen, wholesale .28 each, retail

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March 1942, on sales by the Rapides Drug Company of the products listed in paragraph (a) shall apply to the maximum prices set forth in paragraph (a).

(c) Within five days after November 9, 1942, Rapides Drug Company, Ltd., shall mail or cause to be mailed to all persons who purchase the products listed in paragraph (a) from it for sale at retail a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of the products listed below as follows (here list the products specified in paragraph (a), the old maximum prices and the adjusted maximum prices authorized by paragraph (a)). These price increases represent only that part of cost increases which we were unable to absorb, and they were granted with the understanding that retail prices generally would not be raised. However, if your maximum price for one of these products is abnormally low in relation to the maximum prices established for sales of such product by other competitive sellers at retail and if the price charged to you by us should impose a substantial hardship upon you, you may communicate with the nearest district, state, or regional office of the Office of Price Administration setting forth the facts of your situation. Such action, however, must be taken not later than November 30, 1942.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 86 (§ 1499.886) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 86 (§ 1499.886) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-11646; Filed, November 7, 1942; 12:38 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 127 Under § 1499.3 (b) of GMPR]

SELLERS OF USED STEEL BLACK POWDER KEGS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the Gen-

eral Maximum Price Regulation, *It is hereby ordered:*

§ 1499.990 *Authorization to sellers of used steel black powder kegs.* (a) In any case in which a person, selling or contracting to sell used steel black powder kegs to be refilled with black powder, is unable to determine the maximum price for such kegs under § 1499.2 of the General Maximum Price Regulation, specific authorization is hereby given to any such person to sell such kegs at a price not to exceed 10 cents per keg delivered f. o. b. purchaser's mill or place of business.

(b) This Order No. 127 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 127 (§ 1499.990) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11658; Filed, November 7, 1942; 12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 128 Under § 1499.3 (b) of GMPR]

BROOKLYN COOPERAGE CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 128—Brooklyn Cooperage Company—Maximum prices for Gum Slack Barrels with 74½" Bilge, Six Steel Hoops, Two 4" Cleats, and Tongued, Grooved and Glued Headings.

The Brooklyn Cooperage Company of New York City, made application under § 1499.3 (b) of the General Maximum Price Regulation for determination of maximum prices for a new type of barrel. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion under the authority vested in the Price Administrator, the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered:*

§ 1499.991 *Approval of maximum prices for sale by the Brooklyn Cooperage Company of a new type of gum slack barrel.* (a) On and after November 9, 1942, the Brooklyn Cooperage Company of New York, New York, may sell, and any person may purchase from the Brooklyn Cooperage Company, gum slack barrels, with a 74½" bilge, six steel hoops, tongued, grooved and glued headings, and two 4" cleats, designed to package approximately 900 pounds of material, at a price not in excess of \$1.315 per barrel, f. o. b. the assembling plant of the Brooklyn Cooperage Company.

(b) This Order No. 128 may be revoked or amended at any time.

(c) This Order No. 128 (§ 1499.991) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11644; Filed, November 7, 1942; 12:38 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 129 Under § 1499.3 (b) of GMPR]

M'CAMBRIDGE AND M'CAMBRIDGE CO., ET AL.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.992 *Approval of maximum prices for sales of Azone Anti-Gas First-Aid Kit—(a) Sales by the McCambridge and McCambridge Company—(1) Maximum prices.* The maximum prices for sales by the McCambridge and McCambridge Company of Azone Anti-Gas First-Aid Kits are established as set forth below, freight prepaid:

Per kit..... \$1.08

(2) *Cash discounts.* The maximum prices set forth in subparagraph (1) of this paragraph shall be reduced by 2 per cent for payment in cash by the purchaser within ten days of delivery to the purchaser by the McCambridge and McCambridge Company.

(b) *Sales by wholesale drug houses—(1) Maximum prices.* The maximum prices for sales by wholesale drug houses of Azone Anti-Gas First-Aid Kits are established as set forth below:

Per kit..... \$1.27

When used in this paragraph the term "wholesale drug house" means any person who sells a full or limited line of drug items to retail drug establishments and who buys Azone Anti-Gas First-Aid Kits and resells them, without substantially changing their form, to retail drug establishments.

(2) *Discounts, allowances and price differentials.* Any wholesale drug house making sales of Azone Anti-Gas First-Aid Kits shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the wholesale drug house of the first-aid kit most comparable to Azone Anti-Gas First-Aid Kit.

(c) *Sales by retail drug establishments—(1) Maximum prices.* The maximum prices for sales by any retail drug establishment of Azone Anti-Gas First-Aid Kit are established as set forth below:

Per kit..... \$1.90

When used in this paragraph the term "retail drug establishment" means any person who buys Azone Anti-Gas First-Aid Kits either from the McCambridge and McCambridge Company or from a wholesale drug house and resells them,

without substantially changing their form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Azone Anti-Gas First-Aid Kits shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail drug establishment of the first-aid kit most comparable to Azone Anti-Gas First-Aid Kit.

(d) *Marking package with retail ceiling price.* The McCambridge and McCambridge Company shall mark each Azone Anti-Gas First-Aid Kit sold by it with the words "OPA Retail Ceiling Price \$1.90." These words shall be printed or stamped in letters at least one quarter as large as those used for the name of the product on the package in which the Azone Anti-Gas First-Aid Kit is customarily sold by the retail drug establishment. No person shall sell Azone Anti-Gas First-Aid Kit unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

(e) *Notification of maximum prices—(1) By the McCambridge and McCambridge Company.* The McCambridge and McCambridge Company shall accompany the first delivery of Azone Anti-Gas First-Aid Kits by the company to each wholesale drug house and to each retail drug establishment with a notification of the maximum prices for sales by wholesale drug houses and of the maximum prices for sales by retail drug establishments which are established by this Order No. 129. Such notification shall be effected by accompanying the first delivery of Azone Anti-Gas First-Aid Kits to each wholesale drug house or retail drug establishment with a copy of paragraphs (b), (c), (d), and (e) of this Order No. 129 together with a statement that these maximum prices are established by Order No. 129 issued under section 1499.3 (b) of the General Maximum Price Regulation.

(2) *By a wholesale drug house.* Every wholesale drug house shall accompany the first delivery to each retail drug establishment of Azone Anti-Gas First-Aid Kit with a notification of the maximum prices for sales by retail drug establishments which are established by this Order No. 129. Such notification shall be effected by accompanying the first delivery to each retail drug establishment of Azone Anti-Gas First-Aid Kit with a copy of paragraphs (c) and (d) of this Order No. 129 together with a statement that these maximum prices are established by Order No. 129 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(f) *Definitions.* When used in this order the term: "Azone Anti-Gas First-Aid Kit" means a first aid kit to be used for the treatment of injuries caused by gases which consists of the following items: one four ounce bottle kerosene,

two four ounce bottles of 5 percent copper sulphate solution, one 4½ ounce bottle of bleaching powder (chlorinated lime), one 8 ounce package of sodium bicarbonate, one 8 ounce package of boric acid, one ¾ ounce package of absorbent cotton, one four ounce bottle of hydrogen peroxide, one eye dropper, and one four ounce empty jar for mixing purposes packed in a nested carton.

(g) This Order No. 129 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 129 (§ 1499.992) shall become effective on November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7971)

Issued this 7th day of November, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11657; Filed, November 7, 1942;  
12:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 131 Under § 1499.3 (b) of GMPR]

WM. P. POYTHRESS & CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

§ 1499.994 *Approval of maximum prices for sales of Merpectogel with applicator or Merpectogel without applicator*—(a) *Sales by Wm. P. Poythress & Co., Inc.*—(1) *Maximum prices.* The maximum prices for sales of Merpectogel with applicator or Merpectogel without applicator by Wm. P. Poythress & Co., Inc., to wholesale drug houses and to persons other than wholesale drug houses are established as set forth below:

	Wholesale drug houses	Persons other than wholesale drug houses
Merpectogel with applicator.....	Each \$0.84	Each \$1.00
Merpectogel without applicator.....	.67	.80

(2) *Discounts, allowances, and price differentials.* The Wm. P. Poythress & Co., shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of Merpectogel with applicator or Merpectogel without applicator all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of P M N Ointment.

(b) *Sales by wholesale drug houses*—

(1) *Maximum prices.* The maximum prices for sales by wholesale drug houses of Merpectogel with applicator or Merpectogel without applicator are established as set forth below:

Merpectogel with applicator.....	Each \$1.00
Merpectogel without applicator.....	.80

When used in this paragraph the term "wholesale drug house" means any person who sells a full or limited line of drug items to retail drug establishments and who buys Merpectogel with applicator or Merpectogel without applicator and resells it, without substantially changing its form, to retail drug establishments.

(2) *Discounts, allowances, and price differentials.* Any wholesale drug house making sales of Merpectogel with applicator or Merpectogel without applicator shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the wholesale drug house of P M N Ointment or on sales of the ointment most nearly comparable to Merpectogel with applicator or Merpectogel without applicator, if the wholesale drug house did not sell P M N Ointment in March, 1942.

(c) *Sales by retail drug establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail drug establishment, either on prescription or otherwise, of Merpectogel with applicator or Merpectogel without applicator are established as set forth below:

Merpectogel with applicator.....	Each \$1.50
Merpectogel without applicator.....	1.20

When used in this paragraph the term "retail drug establishment" means any person who buys Merpectogel with applicator or Merpectogel without applicator either from Wm. P. Poythress & Co., Inc., or from a wholesale drug house and resells it, without substantially changing its form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Merpectogel with applicator or Merpectogel without applicator shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March 1942, on sales by the retail drug establishment of the P M W Ointment or on sales of the ointment most nearly comparable to Merpectogel with applicator or Merpectogel without applicator if the retail drug establishment did not sell the P M W Ointment in March, 1942.

(d) *Marking package with retail ceiling price.* The Wm. P. Poythress & Co., Inc., shall mark each package of Merpectogel sold by it with the words "OPA Retail Ceiling Price \$1.50" and each package of Merpectogel without applicator with the words "OPA Retail Ceiling Price \$1.20". These words shall be printed or stamped in letters at least one quarter as large as those used for the name of the product on the package in which the Merpectogel with applicator or

Merpectogel without applicator is customarily sold by the retail drug establishment to the ultimate consumer when it is not sold on prescription, and the type shall be sufficiently bold and the words shall be printed or stamped in a color which sharply contrasts with the background so that the words are clearly legible. No retail drug establishment, except a person making a sale on prescription, shall make sales of Merpectogel with applicator or Merpectogel without applicator unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—

(1) *By Wm. P. Poythress & Co., Inc.* The W. P. Poythress & Co., Inc., shall accompany the first delivery of Merpectogel with applicator or Merpectogel without applicator to each wholesale drug house or retail drug establishment with a notification of the maximum prices for sales by wholesale drug houses and the maximum prices for sales by retail drug establishments which are established by this Order No. 131. Such notification shall be effected by accompanying the first delivery of Merpectogel with applicator or Merpectogel without applicator to each wholesale drug house or retail drug establishment with a copy of paragraphs (b), (c), (d), and (e) of this Order No. 131 together with a statement that these maximum prices are established by Order No. 131 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(2) *By a wholesale drug house.* Every wholesale drug house shall accompany the first delivery of Merpectogel with applicator or Merpectogel without applicator to each retail drug establishment with a notification of the maximum prices for sales by retail drug establishment which are established by this Order No. 131. Such notification shall be effected by accompanying the first delivery of Merpectogel with applicator or Merpectogel without applicator to each retail drug establishment with a copy of paragraphs (c) and (d) of this Order No. 131 together with a statement that these maximum prices are established by Order No. 131 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(f) *Definitions.* When used in this order the term:

(1) "Merpectogel with applicator" means a 3¼ ounce tube of a suspension of phenyl mercuric nitrate in pectin jelly, issued with a vaginal applicator, for the local treatment of leucorrhoea.

(2) "Merpectogel without applicator" means a 3¼ ounce tube of a suspension of phenyl mercuric nitrate in pectin jelly, issued without a vaginal applicator, for the local treatment of leucorrhoea.

(3) "P M N Ointment" means a one ounce tube of a suspension of phenyl mercuric nitrate in a hydrophilic oxycholesterin ointment base for the local treatment of certain fungous and bacterial infections of the skin.

(g) This Order No. 131 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 131 (§ 1499.994) shall become effective November 9, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11643; Filed, November 7, 1942; 12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 132 Under § 1499.3 (b) of GMPR]

GAY, SULLIVAN AND CO., INC., AND M. A. PATOUT AND SON, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.995 *Approval of maximum price for the sale of Enterprise brand molasses by Gay, Sullivan and Company, Incorporated, or by M. A. Patout and Son, Incorporated, Jeanerette, Louisiana.*

(a) On and after November 9, 1942, Gay, Sullivan and Company, Incorporated, 207 North Peters Street, New Orleans, Louisiana, or M. A. Patout and Son, Incorporated, Jeanerette, Louisiana, may sell and deliver Enterprise brand molasses made from string sugars at a price no higher than 21 cents per gallon, net f. o. b. producer's mill or factory, loaded into tank cars furnished by the buyer. Gay, Sullivan and Company, Incorporated, or M. A. Patout and Son, Incorporated, shall mail before or with the shipment to all purchasers of this molasses, the following written notice:

Sale of Enterprise molasses at 21 cents per gallon, net f. o. b. producer's factory or mill, loaded into tank cars furnished by the buyer, is authorized by the Office of Price Administration by Order No. 132, issued November 7, 1942, under § 1499.3 (b) of the General Maximum Price Regulation.

(b) This Order No. 132 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 132 (§ 1499.995) shall become effective November 9, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11645; Filed, November 7, 1942; 12:38 a. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 133 Under § 1499.3 (b) of GMPR]

LIQUID CARBONIC CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.996 *Approval of Maximum prices for sales of # 1138 Red Diamond Brand Phosphoric Acid Solution.* (a) On

and after November 9, 1942, the Liquid Carbonic Corporation, a corporation having its principal place of business in Chicago, Illinois may sell and deliver the commodity listed below, and any person may buy the commodity listed below from the Liquid Carbonic Corporation at prices no higher than those hereinafter set forth:

\$1.84 per gallon of #1138 Red Diamond Brand Phosphoric Acid Solution.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges effective during March, 1942, on sales by this corporation of Solution #1137 Red Diamond Brand Phosphoric Acid Solution shall apply to the maximum prices set forth in paragraph (a).

(c) When used in this Order No. 133, the term:

"#1138 Red Diamond Brand phosphoric acid solution" means a solution composed of 85.3 fluid ounces of 85 percent phosphoric acid and 42.7 fluid ounces of distilled water to the gallon.

"#1137 Red Diamond Brand Phosphoric acid solution" means a solution composed of 28.4 fluid ounces of 85 percent phosphoric acid and 99.6 fluid ounces of distilled water to the gallon.

(d) This Order No. 133 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 133 (§ 1499.996) shall become effective on November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11647; Filed, November 7, 1942; 12:39 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Order 84 Under § 1499.18 (b) of GMPR]

LESNOW BROS.

Order No. 84 under § 1499.18 (b) of the General Maximum Price Regulation—In the matter of Lesnow Brothers, Incorporated, Protestant—Docket No. GF1-55-P.

On May 22, 1942, Lesnow Brothers, Inc., of Easthampton, Massachusetts, herein called Protestant, filed a Protest against the provisions of the General Maximum Price Regulation. For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.884 *Adjustment of maximum prices for men's dress shirts manufactured by Lesnow Brothers, Inc.* (a) Lesnow Brothers, Inc., of Easthampton, Massachusetts, may sell and deliver and any person may buy and receive from Lesnow Brothers, Inc., the following commodities at prices no higher than those set forth below:

\$13.25 gross per dozen of shirts having the same specifications as to quality of fabrics and trimmings, standards of construction and garment dimensions (except that plastic buttons may be sub-

stituted for pearl buttons), as the garment which the Lesnow Brothers, Inc. manufactured and delivered in March 1942 under the name "Pennleigh".

(b) The adjustment granted to Lesnow Brothers, Inc. in paragraph (a) is subject to the following conditions:

(1) All discounts, trade practices, and all practices relating to shipping and shipping charges in effect in March 1942 shall be applicable to the maximum prices set forth in paragraph (a) hereof.

(c) All prayers of the Protest not granted herein are denied.

(d) This Order No. 84 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 84 (§ 1499.884) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 84 (§ 1499.884) shall become effective November 6, 1942. (Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11656; Filed, November 7, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICE  
[Order 95, Amendment 1, Under § 1499.3 (b) of GMPR]

BEMIS BROS. BAG CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

In § 1499.959, paragraph (a) is amended by adding thereto the item set forth below, and a new paragraph (e) is added as set forth below:

§ 1499.959 *Maximum prices for the sale of cotton smelter tubes by Bemis Bros. Bag Co.* (a) \* \* \*

If a material other than 36" 3.00 yard sheeting is used in the production of cotton smelter tubes the maximum price therefor shall be the maximum price set forth above, increased or decreased by the difference in cost between 36" 3.00 yard sheeting and the actual material used, which material cost shall be determined from prevailing maximum prices.

(e) Amendment No. 1 (§ 1499.959 (a) and (e) to Order No. 95 shall become effective November 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11691; Filed, November 9, 1942; 11:50 a. m.]

\*Copies may be obtained from the Office of Price Administration.  
\* 7 F.R. 8353.

PART 1499—COMMODITIES AND SERVICES  
[Order 87 Under § 1499.18 (b) of GMPR]

## ALLEN BROTHERS

Order No. 87 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1702.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,\* *It is ordered:*

§ 1499.887 *Adjustment of maximum prices for sales of quilted bed pads, by Allen Brothers.* (a) Allen Brothers, Los Angeles, California may sell and deliver, and any person may buy and receive from Allen Brothers, quilted bed pads at prices no higher than those set forth below:

Size:	Prices per dozen
39 x 76.....	\$21.48
54 x 76.....	27.00

(b) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) *Retail prices.* Retailers may not charge a higher price for quilted bed pads purchased from Allen Brothers, than the maximum price which they have established, during and prior to March, 1942.

(d) Allen Brothers, shall cause the following notice to be sent, in writing, to all persons who purchase from it for sale at retail the quilted bed pads referred to in paragraph (a):

The Office of Price Administration has permitted us to raise our maximum price for sales to you of 39 x 76 quilted bed pads from \$19.80 per dozen to \$21.48 per dozen, and 54 x 76 quilted bed pads from \$22.85 per dozen to \$27.00 per dozen (subject to the same terms of sale as we had in effect during March, 1942). This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of quilted bed pads. In order that we may continue to provide you with quilted bed pads, it will be necessary for you to accept this reduction in your margin.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 87 may be revoked or amended by the Price Administrator at anytime.

(g) This Order No. 87 (§ 1499.887) is herein incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 87 (§ 1499.887) shall become effective November 10, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11692; Filed, November 9, 1942; 11:50 a. m.]

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

PART 1499—COMMODITIES AND SERVICES  
[Order 88 Under § 1499.18 (b) of GMPR]

## BROWN BROTHERS

Order No. 88 under § 1499.18 (b) of the General Maximum Price Regulation Docket No. GF3-2580.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,\* *It is ordered:*

§ 1499.888 *Adjustment of maximum price for sales of Woodberry Cotton Seine Twine Nos. 18 to 96 by Brown Brothers.* (a) Brown Brothers, Jonesville, Louisiana may sell and deliver, and any person may buy and receive from Brown Brothers, Woodberry cotton seine twine Nos. 18 to 96 at a price no higher than \$2.90 per 5 lb. bale.

(b) The price set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) This Order No. 88 may be revoked or amended by the Price Administrator at anytime.

(d) This Order No. 88 (§ 1499.888) is herein incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 88 (§ 1499.888) shall become effective November 10, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 9th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11693; Filed, November 9, 1942; 11:50 a. m.]

## PART 1429—POULTRY AND EGGS

## [MPR 269]

## POULTRY AND EGGS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, that maximum prices be established for the sale of the poultry and eggs named in this regulation.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of said Act, as amended, and said Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* The following regulation supersedes Temporary Maximum Price Regulation Number 22, as amended, with respect to the poultry and eggs specified in this regulation.

The maximum prices established herein for poultry and eggs are not below prices which will reflect to the growers and producers of such poultry and eggs prices for their product equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 269 is hereby issued.

## Sec.

- 1429.1 Prohibitions against selling poultry and eggs at prices above the maximum.
- 1429.2 Maximum prices for live and dressed turkeys listed in Appendix A, § 1429.19, when sold to primary distributors.
- 1429.3 Maximum prices for sales of live and dressed turkeys by "first and secondary wholesalers".
- 1429.4 Less than maximum prices.
- 1429.5 Customary discounts.
- 1429.6 Sales at export.
- 1429.7 Exempt sales.
- 1429.8 Applicability.
- 1429.9 Geographical applicability.
- 1429.10 Transfers of business or stock in trade.
- 1429.11 Petitions for amendment.
- 1429.12 Federal and state taxes.
- 1429.13 Adjustable pricing.
- 1429.14 Evasion.
- 1429.15 Enforcement.
- 1429.16 Records and reports.
- 1429.17 Applicability of certain provisions of the General Maximum Price Regulation.
- 1429.18 Definitions.
- 1429.19 Appendix A: Base maximum prices in the five basing point cities of New York, New York; Los Angeles, California; San Francisco, California; Portland, Oregon; Seattle, Washington.
- 1429.20 Appendix B: Calculation of maximum prices for a "first wholesaler" selling or delivering any live or dressed turkey item.
- 1429.21 Appendix C: Calculation of maximum prices for a "secondary wholesaler" selling or delivering any live or dressed turkey item.
- 1429.22 Effective date.

AUTHORITY: §§ 1429.1 to 1429.22, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1429.1 *Prohibition against selling poultry and eggs at prices above the maximum.* On and after November 9, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver poultry or eggs specified in this regulation, and no person in the course of trade or business shall buy or receive such poultry or eggs at a price higher than the maximum prices permitted by this Maximum Price Regulation No. 269; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of poul-

17 F.R. 8961.

try or eggs to a purchaser, if, prior to November 9, 1942, such poultry or eggs have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1429.2 *Maximum prices for live and dressed turkeys listed in Appendix A, § 1429.19 when sold to primary distributors.* (a) The maximum prices for all sales and deliveries of the live or dressed turkeys listed in Appendix A, § 1429.19 by all persons selling to the "first wholesaler" at any particular place in the United States shall be calculated as follows:

"The first wholesaler" means the wholesaler or any other distributor making the first purchase at the particular place for which the price is to be determined, including but not limited to wholesalers, jobbers, processors, packers, processor- or packer-wholesalers and other distributors who purchase for resale with or without processing. It shall also include commercial, governmental, and institutional users, except when making purchases of poultry and eggs from "first wholesalers" and "secondary wholesalers" as defined in § 1429.3 (a).

(1) The seller or buyer must first find his basing point city. Five basing point cities are listed in Appendix A. The seller will select as his basing point city that one of the five cities which is closest freightwise to the place where the seller intends to sell his turkeys.

A basing point city is "closest freightwise" when the railroad freight rate from the place of sale to that city is lower than that to any of the other basing point cities.

*Example.* City X is 100 miles nearer to New York City than it is to Los Angeles. However, the freight rate to Los Angeles is  $\frac{1}{4}$ ¢ per pound lower than it is to New York. Los Angeles is the basing point city because it is closer freightwise.

(2) If the seller's closest basing point city is the City of New York, New York, and if the seller's place of sale is located at any point east, northeast, or southeast of the City of Chicago, Illinois, the seller's maximum price for each turkey item delivered to "the first wholesaler" at the place of sale shall be determined as follows:

(i) First, the seller or buyer shall take the maximum price for such turkey item in the basing point city of New York, as set forth in Appendix A, § 1429.19 and subtract therefrom the railroad freight rate from the City of Chicago, Illinois to the City of New York.

(ii) Second, the seller or buyer shall add to the difference so obtained the freight rate from the City of Chicago, Illinois, to the place of sale. The total thus reached shall be the seller's maximum price for such turkey item in the place of sale.

(3) In all other cases, the seller's maximum price for each turkey item delivered to the "first wholesaler" shall be the maximum price for such turkey item in the seller's basing point city less the railroad freight rate from the place of sale to such basing point city.

(4) In all cases other than the shipment of live turkeys the seller shall com-

pute his railroad freight rate by multiplying his lowest railroad rate per pound of gross weight by 1.22 to provide for tare and icing. In the case of live turkeys his freight rate shall be the actual lowest railroad freight rate per pound.

§ 1429.3 *Maximum prices for sales of live and dressed turkeys by "first and secondary wholesalers".* (a) The maximum prices for sales and deliveries of the live and dressed turkeys listed in Appendix A, § 1429.19 by all "first wholesalers" and by all "secondary wholesalers" shall be calculated as follows:

(1) A "first wholesaler" shall follow the procedure set forth in Appendix B, § 1429.20.

(2) A "secondary wholesaler" shall follow the procedure set forth in Appendix C, § 1429.21.

(3) (i) A "first wholesaler" is defined in § 1429.2 (a) above.

*Example.* The ABC Co. is a poultry wholesale house in Chicago, Illinois. It customarily buys turkeys in carlot quantities at the terminal receiving point in Chicago from an original shipper in Texas. It then sells such turkeys in smaller quantities to other wholesalers or jobbers in Chicago. It, therefore, is a "first wholesaler".

(ii) "A secondary wholesaler" is any person who purchases any of the live or dressed turkeys listed in Appendix A, § 1429.19 from a "first wholesaler" for the purpose of resale other than at retail.

*Example.* The XYZ Co. is a poultry wholesale house in Chicago, Illinois. It purchased 25 boxes of dressed turkeys from the ABC Co., another wholesaler, and sold these 25 boxes to a retail store. Later, it purchased a carlot of dressed turkeys from a packing house in Texas and later sold this carlot in small quantities to both retail stores and other wholesale firms. With respect to the 25 boxes of dressed turkeys purchased from the ABC Co., the XYZ Co. is a "secondary wholesaler". However, with respect to the carlot of dressed turkeys purchased from the Texas processor, the XYZ Co. is a "first wholesaler".

(4) In no case shall a person selling turkey items as "a first wholesaler" follow the procedure set forth in Appendix C, § 1429.21 for "a secondary wholesaler".

§ 1429.4 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 269 may be charged, demanded, paid, or offered.

§ 1429.5 *Customary discounts.* Every seller shall continue his discounts, allowances, and other price differentials customarily given in connection with the sale and delivery of the poultry and egg items covered by this Maximum Price Regulation No. 269.

§ 1429.6 *Sales at export.* The maximum prices at which a person may export any commodity covered by this Maximum Price Regulation No. 269 shall be determined in accordance with the provisions of the Revised Maximum Ex-

port Price Regulation<sup>2</sup> issued by the Office of Price Administration.

§ 1429.7 *Exempt sales.* The following sales are exempt from the provisions of this Maximum Price Regulation No. 269, in addition to those exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1429.17 hereof.

(a) All sales at retail. Sales at retail shall be determined in accordance with the provisions of Maximum Price Regulation No. 269, entitled "Certain Perishable Food Products at Retail".

(b) All sales of turkey breeding stock when sold for breeding purposes.

(c) All sales of baby turkey poults when sold for purposes other than for present human consumption.

§ 1429.8 *Applicability.* The provisions of this Maximum Price Regulation No. 269 supersede the provisions of Temporary Maximum Price Regulation No. 22 with respect to sales and deliveries of poultry and egg items for which maximum prices are established by this regulation.

§ 1429.9 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 269 shall be applicable only to the 48 states of the United States and to the District of Columbia.

§ 1429.10 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any seller are sold or otherwise transferred on or after November 9, 1942, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those 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 record provisions contained in this regulation.

§ 1429.11 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 269 may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>3</sup> issued by the Office of Price Administration.

§ 1429.12 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of poultry or egg items imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) As to a tax in effect prior to the effective date of this Maximum Price Regulation No. 269 for any poultry or egg item. (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount

<sup>2</sup> 7 F.R. 5059, 7242, 8829.

<sup>3</sup> 7 F.R. 8961.

thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 269.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 269.

(b) As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for any poultry or egg item. If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1429.13 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1429.14 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 269 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, the commodities prices of which are herein regulated, 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 other trade understanding or otherwise.

§ 1429.15 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 269 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 269 or any price schedule, regulation, or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1429.16 *Records and reports.* (a) Every seller and purchaser subject to this Maximum Price Regulation No. 269 making sales or deliveries or purchases of poultry and eggs to the value of \$200.00 or more in any one month, after November 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of poultry and eggs, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities, varieties, grades, weight-size classes, bought and sold, the dressed or live condition of the poultry bought and sold, the type of sale made (delivered or nondelivered), and the price paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1429.17 *Applicability of certain provisions of the General Maximum Price Regulation.* (a) The following sections of General Maximum Price Regulation, the amendments thereto, and Revised Supplementary Regulation Number 4 thereof shall be applicable to every per-

son making sales and deliveries covered by this Maximum Price Regulation No. 269.

- (1) § 1499.4 (b) (Special deals.)
- (2) § 1499.14 (Sales slips and receipts.)
- (3) § 1499.15 (Registration.)
- (4) § 1499.16 (Licensing.)
- (5) § 1499.29 (a) (5) (Developmental contracts.)
- (6) § 1499.29 (a) (6) (Secret contracts.)
- (7) § 1499.29 (a) (7) (Emergency purchases.)
- (8) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Departments' sales stores.)

§ 1429.18 *Definitions.* (a) Unless the context requires otherwise, the definitions of General Maximum Price Regulation, as amended, and of section 302 of Emergency Price Control Act of 1942, as amended, shall apply to the terms used in this Maximum Price Regulation No. 269.

(b) Wherever the word "turkey item" is used in this Maximum Price Regulation No. 269, it shall mean the particular variety, grade, and weight-size of turkey found in the table of Appendix A, § 1429.19, (a) (1).

§ 1429.19 *Appendix A: Base maximum prices in the five basing point cities of New York, New York; Los Angeles, California; San Francisco, California; Portland, Oregon; Seattle, Washington.*

(a) The following base maximum prices are for dressed turkeys, as designated below, sold to the "first wholesaler" in the five basing point cities listed herein delivered at his customary receiving point:

(1)

Food product	Basing point cities					
	New York			Pacific coast		
	Los Angeles-San Francisco. Seattle-Portland					
Grade and price						
A	B	C	A	B	C	
<b>Dressed turkeys:</b>						
Young Hens or Toms:						
Under 16 lbs. per lb.	40.0¢	38.5¢	36.0¢	39.0¢	37.5¢	35.0¢
16-20 lbs. per lb.	38.5¢	37.0¢	34.5¢	37.5¢	36.0¢	33.5¢
Over 20 lbs. per lb.	37.5¢	36.0¢	33.5¢	36.5¢	35.0¢	32.5¢
Old Hens or Toms:						
Under 16 lbs. per lb.	38.0¢	36.5¢	34.0¢	37.0¢	35.5¢	33.0¢
16-20 lbs. per lb.	36.5¢	35.0¢	32.5¢	35.5¢	34.0¢	31.5¢
Over 20 lbs. per lb.	35.5¢	34.0¢	31.5¢	34.5¢	33.0¢	30.5¢
<b>Eviscerated turkeys:</b>						
(Approximate weights before drawn)						
Young Hens or Toms:						
Under 16 lbs. per lb.	58¢	56¢	53¢	57¢	55¢	52¢
16-20 lbs. per lb.	56¢	54¢	51¢	55¢	53¢	50¢
Over 20 lbs. per lb.	55¢	53¢	50¢	54¢	52¢	49¢
Old Hens or Toms:						
Under 16 lbs. per lb.	56¢	54¢	51¢	55¢	53¢	50¢
16-20 lbs. per lb.	54¢	52¢	49¢	53¢	51¢	48¢
Over 20 lbs. per lb.	53¢	51¢	48¢	52¢	50¢	47¢

(2) The above prices shall be for the months of November, December and January. For the remaining months of the year the following additions shall be made to each of the above prices:

February	1/2 cent
March	1 cent

April	1 1/2 cents
May	2 cents
June	2 1/2 cents
July	3 cents
August	3 1/2 cents
September	2 cents
October	1 cent

(3) *Split or cut-up turkeys.* The maximum amount received through the sale of all the various cut-up parts of a given turkey shall not exceed the amount received by the sale of the same grade and weight of turkey in its eviscerated form at its maximum price.

(4) *Grade specifications.* U. S. Department of Agriculture grade specifications for turkeys must be used at all sales for dressed turkeys covered herein. However, while packages or individual birds must be identified as Grade A, or Grade B, or Grade C, they may not be identified with the designation "U. S." unless certified by the U. S. Department of Agriculture, or an agent thereof. All sellers subject hereto must invoice turkeys by grade. Grades must be shown on invoice.

(b) *Live turkeys.* (1) The maximum price for live young turkeys at all times of the year shall be computed by taking the maximum price for dressed young Grade A turkeys of corresponding size as listed in the tables above for the November to January period, and subtracting from such maximum price the sum of 2½ cents per pound.

(2) The maximum price for live old turkeys at all times of the year shall be computed by taking the maximum price for dressed old Grade A turkeys of corresponding size as listed in the tables above for the November to January period, and subtracting from such maximum price the sum of 2½ cents per pound.

(3) A live turkey shall be deemed to be of corresponding size to a dressed turkey according to the following relationship:

(i) Live turkeys weighing less than 18 lbs. correspond to dressed turkeys weighing less than 16 lbs.;

(ii) Live turkeys weighing from 18 to 23 lbs. correspond to dressed turkeys weighing from 16 to 20 lbs.;

(iii) Live turkeys weighing over 23 lbs. correspond to dressed turkeys weighing over 20 lbs.

(c) *Calculation.* In calculating maximum prices per pound basis in this Section, all calculations shall be carried to the fourth decimal place. Final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest ¼¢ per pound.

(d) *Definition of terms used in Appendix A—(1) Grades of turkeys.*

(i) *Grade A: Young hen.* Young, soft-meated female bird, with well-fleshed breast, and with entire carcass well covered with fat. Must be well bled, well dressed, and practically free of pinfeathers, especially on the breast. Only slight flesh or skin bruises, abrasions, or discolorations permitted, with breast practically free of such defects. Slightly dented breast bones (not to exceed ¼ inch) permitted. Slightly curved, but no crooked breasts permitted. Must be free of deformities. Broken wings above the wing tips or broken legs not permitted. A disjointed leg or wing permitted if only slightly bruised. Birds with crops properly removed and sewn up may be included in this grade. No torn skin permitted. No sewn skin permitted on the breast or fleshy part of the carcass, and only slight tears sewn permitted on

the back. Must be dry picked or semi-scalded.

(ii) *Grade A: Young tom.* Young male bird with quality specifications the same as for Grade A Young Hen, with due allowance made for fleshing conditions characteristic of its sex. Slight staggy condition permitted, if bird is soft-meated.

(iii) *Grade A: Old hen.* Mature female bird with quality specifications the same as for Grade A Young Hen, with due allowance made for fleshing conditions characteristic of its age.

(iv) *Grade A: Old tom.* Mature male bird with quality specifications the same as for Grade A Young Tom, with due allowance made for fleshing conditions characteristic of its age.

(v) *Grade B: Young hen.* Young female bird, with fairly well-fleshed breast, and with carcass fairly well covered with fat. Must be fairly well bled and dressed, and may show scattered pinfeathers over the entire carcass. Slight flesh or skin bruises permitted, but not more than three such defects if on the breast. Fairly numerous skin abrasions or discolorations permitted. Abrasions or tears over 3 inches in length, on the fleshy parts of the carcass not permitted unless properly sewn. Slight open tears less than 3 inches in length may be permitted if on the back or over the back of wings. Dented or slightly crooked breast bones or other slight deformities permitted. One broken wing or one broken leg permitted if bone does not protrude through the flesh and if not showing excessive bruise or blood clot.

(vi) *Grade B: Young tom.* Young male bird with quality specifications the same as for Grade B Young Hen, with due allowance made for fleshing conditions characteristic of its sex.

(vii) *Grade B: Old hen.* Mature female bird with quality specifications the same as for Grade B Young Hen, with due allowance made for fleshing conditions characteristic of its age.

(viii) *Grade B: Old tom.* Mature male bird with quality specifications the same as for Grade B Old Hen, with due allowance made for fleshing conditions characteristic of its age.

(ix) *Grade C: Young hen.* Young female bird which may be poorly fleshed and with carcass poorly covered with fat. May show evidence of poor bleeding and have numerous pinfeathers over the entire carcass. Numerous skin abrasions and discolorations permitted. Hunch back or other deformities allowed if birds are fairly well fleshed. Open tears permitted in skin. Broken bones or birds badly bruised so as to make any appreciable part of the carcass inedible not permitted. Birds showing emaciation or external evidence of disease or other condition which render them unwholesome or unfit for human food not permitted.

(x) *Grade C: Young tom.* Young male bird with quality specifications the same as for Grade C Young Hen.

(xi) *Grade C: Old hen.* Mature female bird with quality specifications the same as for Grade C Young Hen.

(xii) *Grade C: Old Tom.* Mature male bird with quality specifications the same as for Grade C Young Tom.

(xiii) *2. Dressed turkey.* The term "dressed turkey" means a turkey which has been killed, bled, and has had its feathers removed.

(xiv) *3. Eviscerated turkey.* The term "eviscerated turkey" means a dressed turkey which has had its head, feet, and inedible viscera removed.

(xv) *4. Split turkey.* The term "split turkey" means an eviscerated turkey which has been cut into two halves, each half containing approximately equal and, as far as possible, the same parts of the bird.

(xvi) *5. Cut-up turkey.* The term "cut-up turkey" means an eviscerated turkey, the carcass of which has been dismembered or cut into portions.

§ 1429.20 *Appendix B: Calculation of maximum prices for a "first wholesaler" selling or delivering any live or dressed turkey item.* (a) A "first wholesaler", as defined in § 1429.2 (a), herein, making a sale or delivery of any live or dressed turkey item shall calculate his maximum selling price for such item as follows:

(1) First: He shall determine the form of sale as listed in column 1 of Table B, below, which applies to the sale he is making, and select the appropriate multiplier figure for such form of sale in column 2 or 3 of Table B below, depending upon whether his sale is to be a delivered sale or a non-delivered sale.

(2) Second: He shall next determine the maximum price per pound at which he as a first wholesaler could purchase such live or dressed turkey item as calculated under § 1429.2 herein and Appendix A, § 1429.19, therein, for the particular place at which such item is to be sold.

(3) Third: He shall then multiply the figures determined under sub-paragraph (2) by the multiplier determined in sub-paragraph (1) and the resulting product of such multiplication shall be the maximum price at which he can sell such live or dressed turkey item.

(4) *Table B—Sales by a "first wholesaler".*

Column 1	Column 2	Column 3
Form of sale	Multiplier for "non-delivered" sales	Multiplier for "delivered" sales
1. Turkeys bought live and sold live.....	1.050	1.100
2. Turkeys bought dressed and sold dressed.....	1.040	1.080
3. Turkeys bought live and sold fresh killed.....	1.280	1.330
4. Quick-frozen Turkeys bought eviscerated and sold eviscerated.....	1.125	1.175

(b) *Calculation.* In calculating maximum prices on a per pound basis in this section, all calculations shall be carried to the fourth decimal place. Any final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest ¼¢ per pound.

(c) *Definition of terms used in Appendix B—(1) Quick-frozen turkey* is an eviscerated turkey which is frozen by

rapid methods of refrigeration and distributed in a frozen state.

(2) The definitions given in § 1429.19, Appendix A, Paragraph (d) shall apply to all the terms used in this Appendix B.

§ 1429.21 *Appendix C: Calculation of maximum prices for a "secondary wholesaler" selling or delivering any live or dressed turkey item.* (a) A "secondary wholesaler", as defined in § 1429.3 (a) herein, making a sale or delivery of any live or dressed turkey item shall calculate his maximum selling price for such item as follows:

(1) First: He shall determine the form of sale as listed in column 1 of Table C, below, which applies to the sale he is making, and select the appropriate multiplier figure for such form of sale in column 2 or 3 of Table C below, depending upon whether his sale is to be a delivered sale or a non-delivered sale.

(2) Second: He shall then determine the maximum price per pound at which a first wholesaler could purchase such live or dressed turkey item, as calculated under § 1429.2 and Appendix A, § 1429.19, for the particular place at which such item is to be sold.

(3) Third: He shall then multiply the figure determined under sub-paragraph (2) by the multiplier determined in sub-paragraph (1), and the resulting product of such multiplication shall be the maximum price at which he can sell such live or dressed turkey item.

(4) *Table C—Sales by a "secondary wholesaler".*

Column 1 Form of sale	Column 2 Multiplier for "non-delivered" sales	Column 3 Multiplier for "delivered" sales
1. Turkeys bought live and sold live	1.10	1.15
2. Turkeys bought dressed and sold dressed	1.08	1.12
3. Turkeys bought live and sold fresh-killed	1.35	1.40
4. Turkeys bought dressed and sold eviscerated	1.125	1.175

(b) *Calculation.* In calculating maximum prices on a per pound basis in this section, all calculations shall be carried to the fourth decimal place. Any final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest 1/4¢ per pound.

(c) *Definition of terms used in Appendix C.* The definitions given in § 1429.19, Appendix A, paragraph (d) and § 1429.20, Appendix B, paragraph (c) shall apply to all the terms used in this Appendix C.

§ 1439.22 *Effective date.* This Maximum Price Regulation No. 269 (§§ 1429.1 to 1429.22, inclusive) shall become effective November 9, 1942.

Issued this 7th day of November 1942.  
LEON HENDERSON,  
*Administrator.*

Approved: Claude R. Wickard,  
*Secretary of Agriculture.*

[F. R. Doc. 42-11694; Filed, November 9, 1942; 11:50 a. m.]

Chapter XVIII—Office of Economic Stabilization

Subchapter A—Office of the Director of Economic Stabilization

PART 4001—WAGES AND SALARIES

SALARIES NOT GOVERNED BY CONTRACTS

Paragraph (e) of § 4001.9 of the regulations relating to stabilization of wages and salaries, prescribed by the Economic Stabilization Director and approved by the President on October 27, 1942 (7 F.R. 8748), is amended to read as follows:

(e) Unless payment thereof is required under a bona fide contract in effect on October 3, 1942, no amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after October 27, 1942, and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under paragraph (a) of this section and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941.

The foregoing amendment shall be effective as of October 27, 1942.

(E.O. 9250, 7 F.R. 7871)

JAMES F. BYRNES,  
*Economic Stabilization Director.*

NOVEMBER 5, 1942.

[F. R. Doc. 42-11663; Filed, November 9, 1942; 9:55 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

[General Order 8 (Rev.), Supp. No. 8]

TIME LOST IN ARMING VESSELS, DEGAUSSING, ETC.

Part I—Prescribing regulations for determining compensation payable to owners and chartered owners of vessels time chartered to the War Shipping Administration, for time lost in partially or entirely arming, degaussing, or demagnetizing, prior or subsequent to delivery of such vessel to the Government.

§ 302.76 *Vessels included.* All vessels time chartered by the War Shipping Administration under charter party agreement tendered pursuant to General Order No. 8 (Revised) and supplements thereto (§§ 302.12 to 302.75 incl.), with respect to which time is lost by the owners or chartered owners thereof (herein referred to as "owners") in partially or entirely arming, degaussing, or demagnetizing (herein referred to as "defensing"), for which such owners have not been reimbursed.

§ 302.77 *Determination of and payment for time lost.* (a) The Administration will reimburse owners for time lost in defensing their vessel at the applicable rate of hire (§§ 302.12 to 302.75

incl.); or pro rata part thereof, prescribed in the time charter tendered to the owners in accordance with the provisions of General Order No. 8, (Revised) and supplements thereto (§§ 302.12 to 302.75 incl.); *Provided, however,* That such time lost shall be reduced:

(1) To half-hire for time consumed in making owners' repairs of the nature described in Clauses 4 (a) and 4 (b) of Part II of Warshiptime (General Order No. 11) (§ 302.50), during the period of defensing;

(2) To half-hire for time consumed in excess of 48 hours in the cleaning of boilers and overhauling machinery, as prescribed in the last paragraph of Clause 4 of Part II of Warshiptime (§ 302.50), during the period of defensing;

(3) Off-hire for time consumed in drydocking, cleaning and painting the bottom of the vessel, as prescribed in Clause 12 of Part II of Warshiptime (§ 302.50), during the period of defensing; and

(4) Off-hire for time consumed by the owners in remedying defects in the vessel's condition upon delivery, as prescribed in Clause 1 of Part II of Warshiptime (§ 302.50), during the period of defensing.

(b) During any period with respect to which full hire is allowed the owner, but the use of the vessel is lost to the charterer, credit shall be given for any expenses set forth in Clause 6 of Part II of Warshiptime (§ 302.50) which are saved by the owner.

(c) During any period with respect to which hire is suspended or reduced, the cost of fuel and water consumed, and port charges, pilotage, towage, and other expenses for the charterer's account, as prescribed in the last paragraph of Clause 4, in Clause 12, and in Clause 17 of Part II of Warshiptime (§ 302.50), shall be borne by the owners.

§ 302.78 *Determination of and payment for time lost resulting from defensing, for which the owner has not been previously compensated, prior to the delivery of the vessel to the Administration.* (a) Owners shall prepare public vouchers in the usual form which shall be supported by a statement, or statements, reflecting:

(1) Date and time vessel was made available upon receipt of the order for defensing, and date and time vessel left yard after completion of defensing;

(2) Time consumed in defensing;

(3) Deduct: Time consumed in making owners' repairs as prescribed in Clauses 1, 4, and 12 of Part II of Warshiptime (§ 302.50);

(4) Value of net time lost in defensing, calculated at the applicable charter hire rate, or pro rata part thereof, prescribed in General Order No. 8 (Revised) or supplements thereto (§ 302.12 to 302.75 incl.);

(5) Deduct: Credit for owners' expenses saved, or expenses which should be borne by the owner, as prescribed in paragraphs (b) and (c) of § 302.77 hereinabove, during the period for which full

hire is allowable or in which hire is suspended or reduced; and

(6) Net amount claimed for time lost resulting from defending.

In addition to the above statements there shall also be required a statement, in duplicate, from the yard which performed such defending setting forth the time consumed in such defending, such statement to contain the written approval of the Administration's local district Manager of Maintenance and Repairs.

(b) Public vouchers (Form 1034, revised) shall be prepared for each vessel and shall be submitted in quintuplicate to the local District Auditor or Port Auditor, or the Chief, Auditing and Financial Analysis Section, Division of Finance, Washington, D. C. (if there is no District Auditor or Port Auditor in the home port of the owner), and shall be prepared to read substantially as follows:

Compensation for time lost in defending SS \_\_\_\_\_, prior (or subsequent) to delivery to the Government, for which compensation has not heretofore been received, calculated at the applicable time charter rate prescribed in General Order No. 8 (Revised), or supplements thereto (§§ 302.12 to 302.75 incl.), and in the manner prescribed in General Order No. 8, Supplement No. 8 (§ 302.76), subject to adjustment to conform with the provisions of the said General Order and the applicable time charter. Payment by the War Shipping Administration of all, or any part of the amounts claimed herein shall not be construed as an approval of the correctness of the amounts stated to be due the Owner, nor as a waiver of any of the rights or remedies of the War Shipping Administration under the terms of the applicable time charter agreement or otherwise.

§ 302.79 *Disputes.* In the event of a dispute between the owner and the War Shipping Administration as to the amount of time consumed in performing defending, owner's repairs, etc., the decision of the Administrator, War Shipping Administration, shall be final and binding.

Part II—Prescribing regulations for determining time lost by the United States of America under time charters executed by and through the War Shipping Administration or the United States Maritime Commission.

§ 302.80 *Definitions.* (a) The word "Warshiptime" when used herein refers to the form of time charter approved by the Administration under its General Order No. 11 (§ 302.50); however, the regulations promulgated herein shall also be applicable, in so far as they may be relevant, to all other forms of time charters executed by the United States of America, acting by and through the War Shipping Administration or its predecessor, the United States Maritime Commission.

(b) The words "owner" or "owners" when referred to herein shall be deemed to include the owners or chartered-owners or owner's agents of vessels operated or operating under Warshiptime as hereinabove defined.

(c) The word "charterer" shall be deemed to mean the United States of America, acting by and through the War

Shipping Administration or United States Maritime Commission.

(d) The word "agent" shall be deemed to mean the agent of the charterer.

§ 302.81 *Provisions of Warshiptime under which time is lost by the charterer but hire may continue, be suspended or reduced to one-half.* (a) Full hire continues to run, although time is lost by the charterer, under circumstances within the following clauses of Part II of Warshiptime (§ 302.50):

(1) The happening of any event listed in subparagraph (a) of Clause 4 caused by the fault of the charterer or caused or contributed to by war or warlike acts as more fully described in subparagraph (i) of said Clause 4;

(2) Time lost (when the vessel needs repairs necessary to her working) due to circumstances described in subparagraph (ii) of Clause 4;

(3) Time lost in the installation or repair (for charterer's account) of equipment or defensive armament as described in Clause 11, subject, however, to regulations issued pursuant to Article 2 (d) of General Order No. 8 (Revised) (§§ 302.12 to 302.16 incl.); and

(4) Time lost because of the unavailability of drydock as prescribed in Clause 12.

(b) Hire is reduced to one-half, when time is lost by the charterer, under circumstances within the following Clauses of Part II of Warshiptime (§ 302.50):

(1) Time lost from circumstances described in subparagraphs (a) and (b) of Clause 4: *Provided, however,* That the events described in said subparagraph (a) are not caused by the charterer or caused or contributed to by war or warlike acts as described in subparagraph (i) of said Clause 4;

(2) Time lost in excess of 48 hours in any two-month period in the cleaning of boilers and overhauling of machinery as prescribed in the last paragraph of Clause 4; and

(3) Time lost in the event of a disabled winch or winches or insufficient power to operate winches as prescribed in Clause 17.

(c) Hire is suspended under circumstances within the following Clauses of Part II of Warshiptime (§ 302.50):

(1) Time lost in remedying defects in the vessel's condition upon delivery as described in Part I of Warshiptime (§ 302.50) and in Clause 1 of Part II.

(2) Time lost in drydocking, cleaning and painting the bottom of the vessel as described in Clause 12;

(3) Time lost in remedying defects caused by the owner's failure to maintain the condition of the vessel as prescribed in Clause 1;

(4) Time lost for damage to the vessel resulting in its constructive total loss (damage in excess of 50% of the value of the vessel) as prescribed in Clause 3.

(5) Time lost due to any act of neglect, fault, omission to act, breach of contract, or breach of any order of the charterer, by the owner pursuant to the provisions of Warshiptime. (§ 302.50)

§ 302.82 *Savings required to be credited to the charterer during periods in*

*which hire continues, is suspended, or is reduced to one-half.* (a) During periods in which full hire accrues under circumstances described in paragraph (a) of § 302.81 hereinabove, the provisions of Warshiptime (§ 302.50) provide that credit shall be given the charterer for savings effected by owners with respect to those expenses set forth in Clause 6, and a corresponding deduction therefor should be made from monthly charter hire.

(b) During periods in which hire is reduced to one-half or suspended under circumstances described in paragraphs (b) and (c) of § 302.81 hereinabove, the provisions of Warshiptime provide that the cost of fuel and fresh water consumed, which otherwise would be borne by the charterer, shall be assumed by the owner, and the owner also shall pay all port charges, pilotage, towage and other expenses which otherwise would be for the account of the charterer or would be incidental to the periodic drydocking of the vessel.

§ 302.83 *Regulations.* (a) For each event within the provisions of § 302.81 hereinabove, the owner shall execute, in triplicate, a Certificate (hereinafter referred to as "Off-Hire Certificate") setting forth the following information:

(1) The cause or causes which produced such occurrence;

(2) The relevant extracts from the engine, deck or port logs, whichever may be pertinent.

(3) The time lost by the vessel (computed in days and hours) as a result of such occurrence;

(4) Statement whether hire should continue, be reduced to one-half, or be suspended during the time specified in (3) above (§ 302.83 (a) (3));

(5) Whether hire is to continue, to be suspended, or to be reduced to one-half, a statement should be made of the savings effected by owners or the charges which would otherwise be borne by the Charterer which are assumed by the owner, if any, which should be deducted from the hire accruing under (4) above. (§ 302.83 (a) (4))

(6) Such Certificate of Off-Hire should then be mailed to the Manager, Charterers and Agencies Section, Division of Operations, War Shipping Administration, Washington, D. C. not later than 30 days after knowledge by the owner of the occurrence, except that for occurrences prior to the effective date of this order, such certificate shall be mailed immediately.

(b) Every owner shall be required to exercise due diligence to effect savings during periods in which the vessel remains on hire as more fully described in § 302.82 above.

(c) For repeated failure by owners to furnish voluntarily the certificates of off-hire required hereunder, or for failure to exercise due diligence in effecting savings or assuming the expenses which are ordinarily borne by the charterer (in the applicable circumstances described in § 302.82 hereinabove), the proper officers of the charterer will be authorized to suspend payments of hire in an amount

equalling, in the estimate of the charterer, the time lost by the charterer plus any savings which should have been effected by the owners for the benefit of the charterer, and any expenses which should have been borne by the owner in the applicable cases which are normally for the account of the charterer.

§ 302.85 *Applicability of regulations.* The regulations published hereunder shall be applicable, to the extent permissible under the particular charter, to all time charters executed with owners by the charterer from July, 1941. In the event that an "off-hire" situation occurs which is not covered by regulations promulgated hereunder, such situation shall be settled on the basis of the law applicable under the provisions of the charter.

§ 302.86 *Off-Hire Certificate.* The form of Off-Hire Certificate to be used in connection with the foregoing regulations shall be furnished, in triplicate, in the following form:

War Shipping Administration  
Charters and Agencies Section  
Division of Operations  
Washington, D. C.

Gentlemen:

This is to advise that, to the best of our knowledge and belief, we hereby certify that the following events took place with respect to the SS/MS \_\_\_\_\_ under Time Charter to the United States of America (Contract No. \_\_\_\_\_):

(1) \_\_\_\_\_

(2) The time lost by the vessel, as a result of the above occurrence, was \_\_\_\_\_ days, \_\_\_\_\_ hours (for major fractions of an hour a full hour shall be added, and for minor fractions of an hour such fraction shall be deducted, to bring the total to even hours).

(3) Hire should (be reduced to one-half) during the period specified in (2) above for the following reasons:

(4) During the period specified in (2) above, the following deductions should be made from accrued hire because of savings effected by us or because the charges were assumed by us during such period:

(5) The sum total of hire to be suspended or reduced to one-half plus the savings specified in (4) above totals \$ \_\_\_\_\_ which should be deducted from monthly hire accruing under the above-mentioned Time Charter Party Agreement.

(Signature of Owner)

(Signature of Charterer's Agent)

NOTE.—If the facts recited in subparagraph (1) set forth time lost by the vessel in a repair yard, the written concurrence of the local District Manager of Maintenance and Repairs of the Charterer should be obtained as to the statement of time lost in such repairs.

§ 302.87 *Concurrent "Off-Hire" situations.* When time is lost by the charterer from events or series of events which, under the provisions of the foregoing regulations, would require the simultaneous suspension, reduction or continuation of hire, the charterer will adjust

such instances as follows: (1) Determine the number of days and/or hours during which such joint repairs were made; (2) add the hire applicable to the two or more events; and (3) divide the sum thereof by the number of such events, the quotient thereof being the hire payable during such period to the owners.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,  
Administrator.

NOVEMBER 6, 1942.

[F. R. Doc. 42-11626; Filed, November 7, 1942;  
12:06 p. m.]

PART 306—GENERAL AGENTS AND AGENTS  
[General Order 12, Supp. 9]

COMPENSATION PAYABLE—DRY CARGO  
VESSELS

Amending §§ 306.7<sup>1</sup> and 306.8<sup>1</sup> of General Order No. 12.

Strike out the last paragraph of § 306.7 and the last sentence of § 306.8 of General Order No. 12 reading as follows: "No brokerage will be paid except with the prior approval of the Administrator and applications for such approval will not be considered unless brokerage was formerly paid in such trade"; all of Supplement 3-A; all of Supplement 4 and § 306.42 of Supplement 5 and add a new paragraph (f) to § 306.7 and also a new paragraph (f) to § 306.8 which shall apply to the payment of brokerage on cargo carried aboard Dry Cargo vessels, Combination Cargo and Passenger vessels and Colliers.

Section 306.7 *Compensation of agents in continental United States ports*, is hereby amended by adding the following paragraph (f):

(f) Payment of customary brokerage is authorized to brokers who performed services in connection with booking, handling, etc., of cargo in trades and on such commodities and under such conditions as it has been in the past customary to pay brokerage on cargo carried aboard dry cargo vessels sailing prior to 12:01 A. M. June 10, 1942. On vessels sailing after 12:01 A. M. June 10, 1942, brokerage may be paid at the customary rate, but not in excess of the following rates:

(1) General commercial cargo, commonly known as package cargo, loaded outward and homeward: 1¼% on the base freight rates before all surcharges, war or otherwise.

(2) Sugar, metals, ores and other bulk cargoes covered by bills of lading, charter party or contract of affreightment, outward, homeward and way, in the nearby trades, which includes Caribbean and Canadian: 1¼% on the base freight charges before all surcharges, war or otherwise: *Provided, however*, That brokerage shall not be paid on that portion of freight charges in excess of \$5.00 per handled ton.

(3) Sugar, metals, ores and other bulk cargoes covered by bills of lading, charter party or contract of affreightment, outward, homeward and way, in long voyage trades or in spheres outside of

those covered by No. 2 above: 1¼% on the base freight before all surcharges, war or otherwise: *Provided, however*, That brokerage shall not be paid on that portion of freight charges in excess of \$8.00 per handled ton.

(4) Bulk cargoes coastwise: 1¼% on the base freight before all surcharges, war or otherwise: *Provided, however*, That brokerage shall not be paid on that portion of freight charges in excess of 80¢ per handled ton on any bill of lading, contract of affreightment or charter.

(5) It is further provided that no shipper or consignee of cargo, or Agent or General Agent of the carrying vessel, shall act as broker or be paid brokerage, and that all brokers' invoices must be certified that no portion whatsoever of any brokerage received by them is to be refunded to any shipper, consignee or owner of the cargo.

Section 306.8 *Compensation of sub-agents at ports outside the continental United States* is hereby amended by adding the following paragraph (f):

(f) Payment of customary brokerage is authorized to brokers who perform services in connection with booking, handling, etc., of cargo in such trades and on such commodities and under such conditions as it has been customary to pay brokerage: *Provided, however*, That such payment of brokerage shall not exceed that as provided in § 306.7 (f) hereof: *And provided further*, That no more than one brokerage may be paid on any one cargo or shipment, and that no brokerage shall be paid to the Foreign Sub-Agent of the vessel.

E. S. LAND,  
Administrator.

NOVEMBER 7, 1942.

[F. R. Doc. 42-11685; Filed, November 9, 1942;  
11:37 a. m.]

TITLE 49—TRANSPORTATION AND  
RAILROADS

Chapter I—Interstate Commerce  
Commission

Subchapter A—General Rules and Regulations

PART 122—MONTHLY OPERATING REPORTS

REVENUES AND EXPENSES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 31st day of October, A. D. 1942.

The subject of monthly reports of revenues and expenses being under consideration, the following order was entered:

*It is ordered*, That the order of this Commission dated November 18, 1941, in the matter of monthly reports of revenues and expenses of Class I steam railways, and corresponding sections of the Code of Federal Regulations be, and hereby are annulled, effective January 1, 1943, and the following order shall become effective.

§ 122.1 *Revenues and expenses.*<sup>1</sup> (a) Each and every Class I steam railway,

<sup>1</sup> Report form filed as part of the original document. Copies may be obtained from the Commission.

excluding Class I switching and terminal companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act be, and they hereby are, required to file monthly reports of revenues and expenses in accordance with the form of report which is attached hereto and made a part of this order. Such monthly reports shall be made under oath, and filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the twenty-sixth day of the month next succeeding the month for which made. (Sec. 20, 24 Stat. 386; sec. 7, 34 Stat. 593, 35 Stat. 649; sec. 14, 36 Stat. 555; sec. 1, 38 Stat. 1196, 39 Stat. 441; secs. 434-438, 41 Stat. 493, 494; 49 U.S.C. 20 (1)-(10))

It is further ordered, That this order shall become effective as of January 1, 1943, and continue in effect until further order of this Commission.

By the Commission, division 1.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 42-11672; Filed, November 9, 1942; 10:49 a. m.]

Chapter II—Office of Defense Transportation

[General Permit ODT 24-3]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS

In accordance with the provisions of Title 49, Chapter II, Part 500, Subpart D, (General Order ODT 24,) § 500.42, of the Code of Federal Regulations, it is hereby authorized, that:

§ 520.602 *Certain operations authorized.* Notwithstanding the provisions of paragraphs (b) and (c) of § 500.41 of General Order ODT 24, any rail carrier may operate:

(a) An extra or special passenger train or a passenger train which is not scheduled for the purpose of transporting property and employees of any commercial telegraph company when necessary to permit the inspection, repair, or installation of property belonging to any such telegraph company and which is located upon the right-of-way of a rail carrier; or

(b) A passenger train the consist of which includes a car chartered, or the use of which by prior arrangement is restricted, to such persons traveling together as a group as may be designated by a commercial telegraph company, when necessary to permit the inspection, repair, or installation of property belonging to any such telegraph company and which is located upon the right-of-way of a rail carrier.

This general permit shall become effective on November 9, 1942, and shall remain in full force and effect until further order.

17 F. R. 7814.

No. 221—14

Issued at Washington, D. C., this 9th day of November 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-11676; Filed, November 9, 1942; 11:13 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

[Docket No. C-20]

COLUMBIA STEEL COMPANY

ORDER WITHDRAWING APPLICATION

Bituminous Coal Division.

In the matter of the application of Columbia Steel Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

On October 27, 1942, Columbia Steel Company requested that its application for exemption in the above-entitled matter be withdrawn and advised that it was accepting membership in the Bituminous Coal Code.

Now, therefore, it is ordered, That the application for exemption in Docket No. C-20 be, and it hereby is, deemed withdrawn as of the date of this Order.

Dated: November 6, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-11608; Filed, November 7, 1942; 10:31 a. m.]

[Dockets Nos. A-1706, A-1707, A-1708]

LILLYBROOK COAL COMPANY ET AL.

ORDER OF CONSOLIDATION AND DENYING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petitions of Lillybrook Coal Company, C. H. Mead Coal Company, and Lecony Smokeless Fuel Company for a change in the established minimum price of refuse coal produced at Mine Index Nos. 94, 117, and 21, District No. 7.

Original petitions, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties requesting temporary and permanent lower effective minimum prices for refuse coal produced at Mine Index Nos. 94, 117, and 21 in District No. 7; and

It appearing that the above-entitled matters raise similar and related issues and that insufficient facts have been presented for the granting of temporary relief herein without a hearing;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 30, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 25, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of intervention or otherwise, or which may be necessary corollaries to relief, if any, granted on the basis of these petitions.

The matter concerned herewith is in regard to petitions filed with the Division by Lillybrook Coal Company, C. H. Mead Coal Company and Lecony Smokeless Fuel Company requesting that the effective minimum price for refuse coal for Mine Index Nos. 94, 117, and 21, District No. 7, of \$1.10 per net ton f. o. b. the mine for shipment to Appalachian Electric Power Company at Glen Lyn, Virginia, and the Virginia Railway Company at Narrows, Virginia, be reduced to 90 cents per net ton f. o. b. the mine which was the effective minimum price prior to the Acting Director's Order of August 28, 1942, in General Docket No. 21.

Dated: November 7th, 1942.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 42-11686; Filed, November 9, 1942; 11:29 a. m.]

## DEPARTMENT OF AGRICULTURE,

Agricultural Adjustment Agency.

## COTTON MARKETING QUOTA REFERENDUM

TIME AND PLACE FOR BALLOTING, ETC.

In view of the fact that the Secretary of Agriculture of the United States on November 6, 1942, determined and proclaimed, pursuant to the provisions of section 345 of the Act of Congress known as the Agricultural Adjustment Act of 1938, that the total supply of cotton for the marketing year beginning August 1, 1942, exceeds by more than 7 percent the normal supply<sup>1</sup> thereof for such marketing year, a referendum, by secret ballot, of farmers who were engaged in the production of cotton in 1942, will be held on December 12, 1942, pursuant to section 347 of said Act and in accordance with the referendum regulations prescribed by the Secretary of Agriculture, to determine whether they favor or oppose cotton marketing quotas on the 1943 cotton crop.<sup>2</sup>

If two-thirds or more of the cotton farmers voting in the referendum favor cotton marketing quotas, the cotton marketing quotas established pursuant to the provisions of said Act will be in effect for the 1943 cotton crop. If more than one-third of the cotton farmers voting in the referendum oppose the cotton marketing quotas, the quotas will not be in effect in 1943.

*Eligibility to Vote*

1. Farmers who were engaged in the production of cotton in 1942 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord of a share tenant, or as share tenant or sharecropper are eligible to vote (except as provided in paragraph 2 below).

2. Since the Act provides that marketing quotas are not applicable to cotton the staple of which is 1½ inches or more in length, a person who was engaged in the production of such cotton in 1942 shall not be eligible to vote unless he was also engaged in the production of cotton in 1942 the staple of which was less than 1½ inches in length.

3. No cotton farmer (whether an individual, partnership, corporation, firm, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in 1942 in the production of cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of cotton in 1942, under the same rental or cropping agreement or lease, only the person or persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

<sup>1</sup> The Agricultural Adjustment Act of 1938 defines "normal supply," in the case of cotton, as a normal year's domestic consumption and exports plus 40 per centum of a normal year's domestic consumption and exports as an allowance for a normal carry-over.

<sup>2</sup> Post a copy of this notice at one or more public places within each community at least 10 days in advance of the date of the referendum.

5. In the event two or more persons engaged in producing cotton in 1942 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to vote.

6. There shall be no voting by proxy, or agent, or in any manner except the eligible voter personally depositing his ballot marked by him in the ballot box, but a duly authorized officer of a corporation, firm, association, or other legal entity, or duly authorized member of a partnership, may cast its vote. There shall be no voting by mail except that any eligible farmer who will not be present in the county in which he was engaged in the production of cotton in 1942 on the day of the referendum may obtain a ballot in the county in which he is located and cast his ballot by mailing it to the county office of the county in which he was a cotton producer in 1942 in time to reach that office before the polls are closed.

## PLACE FOR BALLOTING

The place for voting in the referendum in the \_\_\_\_\_ community will be \_\_\_\_\_.

## TIME

The polls, in accordance with the regulations for holding the referendum, shall be opened promptly at \_\_\_\_ o'clock a. m. and closed promptly at \_\_\_\_ o'clock p. m. on Saturday, December 12, 1942, local standard war time.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Signatures of members  
of the County Agricultural  
Conservation  
Committee)

Issued \_\_\_\_\_, 1942.

Done at Washington, D. C., this 6th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Acting Secretary of Agriculture.

[F. R. Doc. 42-11628; Filed, November 7, 1942;  
12:06 p. m.]

## DEPARTMENT OF LABOR.

Wage and Hour Division.

## HANDLING OF EGGS IN CERTAIN STATES

## OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION

Notice of opportunity to petition for review of the determination denying the application for exemption of the procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature.

Whereas, an application was filed by sundry parties for exemption of the procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursu-

ant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas, the Administrator of the Wage and Hour Division gave notice of a public hearing to be held at Hotel Nicolet, Minneapolis, Minnesota, on February 10, 1942 before Mr. Marshall S. Spaulding, a duly authorized representative of the Administrator, who was authorized to take testimony, hear argument, and determine:

Whether the procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota constitutes a separate branch of the egg industry and is of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder, and if so the appropriate limits of that branch of the industry; and

Whereas, following such hearing the said representative of the Administrator duly made his findings of fact and determined as follows:

1. Although comprehensive data are not available, it appears that many establishments engaged in procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota receive for packing 50 percent or more of their total annual receipts of eggs during a period of 14 weeks each year.

2. For the country as a whole, establishments engaged in the procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs receive less than 50 percent of their total annual receipts of eggs during the peak 14 weeks of the year.

3. Egg handling establishments, wherever located, carry on the same or similar operations and compete for the same markets in various parts of the country.

4. A large proportion of the establishments which engage in these egg handling operations also engage in handling poultry or dairy products and in other operations. Any one or more of these activities are carried on substantially throughout the year; the peak activity in egg handling occurring in the spring and the peak activity in the handling of poultry occurring in the summer and fall. With very few exceptions, the same employees are used to carry on all these operations.

5. The procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota does not constitute a separable branch of the egg handling industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 of the regulations issued thereunder.

6. The procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota is not an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the regulations.

The application is denied; and Whereas, said findings and determination were duly filed with the Administrator on October 29, 1942, at the National Office of the Wage and Hour Division, 165 West 46th Street, New York, New York, and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations notice is hereby given that any person aggrieved by the said determination may within fifteen days after the date this notice appears in the FEDERAL REGISTER file a petition with the Administrator at the National Office of the Wage and Hour Division requesting that he review the action of the said representative upon the record of the hearing. Such petition shall set forth the grounds upon which the petition for review is based.

Signed at New York, New York, this 4th day of November, 1942.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 42-11609; Filed, November 7, 1942; 11:21 a. m.]

VERONICA DRESS COMPANY  
CANCELLATION OF LEARNER EMPLOYMENT  
CERTIFICATE

Notice of cancellation of Special Certificate for the employment of learners in the single pants, shirts, and allied garments and women's apparel industries.

Notice is hereby given that the special certificate for the employment of learners, dated December 11, 1941, authorizing the employment of no more than six (6) learners at any one time between December 15, 1941 and December 15, 1942, issued to the Veronica Dress Company of Dickson City, Pennsylvania, has been ordered cancelled as of the first date of violation because of the violation of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.176 of the Regulations. If a petition is properly filed the effective date of the order of the cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 6th day of November 1942.

ISABEL FERGUSON,  
Duly Authorized Representative  
of the Administrator.

[F. R. Doc. 42-11674; Filed, November 9, 1942; 10:55 a. m.]

LEARNER EMPLOYMENT CERTIFICATES  
ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 9, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Peasinger Bros., 1801 Harney St., Omaha, Nebraska; Men's & boys' clothing; 1 learner (T); November 9, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Alabama Textile Products Corp., Riverfalls St., Andalusia, Alabama; Shirts, men's shorts; 10 percent (T); November 9, 1943.

R. J. Beals & Co., 171 Pleasant St., Malden, Massachusetts; Ladies' neckwear; 2 learners (T); November 9, 1943.

Betty Jane Frocks, Kentucky & Hunt Sts., McKinney, Texas; Ladies' dresses; 10 learners (T); November 9, 1943.

Blue Buckle Overall Co., Inc., 14th & Kemper St., Lynchburg, Virginia; Overalls, dungarees, jackets, army trousers and barrack bags; 10 percent (T); November 9, 1943.

Chic-Form Mfg. Co., 333 S. Market St., Chicago, Illinois; Brassieres, girdles and garter belts; 3 learners (T); November 9, 1943.

The Crown Overall Mfg. Co., Third, Plum & McFarland Sts., Cincinnati, Ohio; Trousers, jackets, suits, blouses, overalls, shirts, dungarees, army & navy trousers and jackets, army-jungle suits, ordnance plant trousers and shirts; 10 percent (T); November 9, 1943.

Cumberland Rainwear Co., Broad St., Jellico, Tennessee; Mackinaws, sport jackets; 5 learners (T); November 9, 1943.

Durable Sportwear Co., Inc., 47 Broadway, Lynbrook, New York; Men's & boys' cotton jackets, leather jackets, U. S. Army cotton jackets—wool lined; 10 learners (T); November 9, 1943.

Ely & Walker Dry Goods Co., 16th & Locust Sts., St. Louis, Missouri; Men's robes and neckwear; 10 learners (T); November 9, 1943.

The Emaus Shirt Co., Inc., Elm & Moyer Sts., Emmaus, Pennsylvania; Shirts; 10 percent (T); November 9, 1943.

Even Pul Foundations, Inc., 321 Main St., East Rutherford, New Jersey; Foundation garments; 10 learners (T); November 9, 1943.

H. B. Glover Co., 480-498 Iowa St., Dubuque, Iowa; Men's shirts, pajamas and coats; 10 percent (T); November 9, 1943. (This certificate replaces the one for 5 learners bearing the expiration date of December 4, 1942).

Golden Crown Shirt Co., 230 North 7th St., Bangor, Pennsylvania; Army officer's shirts; 10 percent (T); November 9, 1943.

Greenspoon Clothing Co., Inc., 1232 Washington Ave., St. Louis, Missouri; Men's coats; 2 learners (T); November 9, 1943.

Highland Art Embroidery Co., 5315 Butler St., Pittsburgh, Pennsylvania; Ladies' pinafore aprons, stamped goods for embroidery; 2 learners (T); November 9, 1943.

Honesdale Garment Co., Inc., 14th St., Honesdale, Pennsylvania; Women's & misses' sport dresses; 10 learners (T); November 9, 1943.

Laros Textiles Co., Bethlehem, Pennsylvania; Ladies' woven & knitted underwear; 10 percent (T); November 9, 1943.

Sedlis Mfg. Co., 467 Roosevelt Ave., Central Falls, Rhode Island; Cotton dresses; 10 percent (T); November 9, 1943.

Andrew Mochi Gown Co., 40-43 West 19th St., Bayonne, New Jersey; Pajamas and gowns; 4 learners (T); November 5, 1943 (This certificate became effective November 5, 1942).

Morgan Shirt Co., Inc., Morgantown, West Virginia; Dress shirts, pajamas, army shirts; 10 percent (T); November 9, 1943.

Neptune Garment Co., 116 Harrison Ave., Boston, Massachusetts; Weather-proof garments; 5 learners (T); November 9, 1943.

Saul-Klenberg Co., 236 Nelson St., S. W., Atlanta, Georgia; Rayon & cotton ladies' dresses; 10 percent (T); November 9, 1943.

Shriner Mfg. Co., Woodsboro, Maryland; Men's pants; 10 learners (T); November 9, 1943.

Shriner Mfg. Co., Union Bridge, Maryland; Pajamas; 5 learners (T); November 9, 1943.

Skyline Mfg. Co., Inc., Pine Grove Ave., Kingston, New York; Children's overalls, slacks, shorts; 10 percent (T); November 9, 1943.

Stratford Lingerie, Inc., 1-6 High St., Morristown, New Jersey; Slips; 3 learners (T); November 9, 1943.

Susquehanna Waist Co., 505 Wood St., Philadelphia, Pennsylvania; Ladies' blouses and shirt waists; 10 learners (T); November 9, 1943.

I. Taitel & Son, 525 N. Center St., Bremen, Indiana; Men's & boys' long pants, breeches and knickers; 5 learners (T); November 9, 1943.

Wachusett Shirt Co., Summer St., Leominster, Massachusetts; Shirts, pajamas and shorts; 10 percent (T); November 9, 1943.

B. Weiss Garment Mfg. Co., 1515 N. 7th St., Philadelphia, Pennsylvania; Ladies' & children's aprons; 3 learners (T); November 9, 1943.

White Fabric Co., 1954 University Ave., St. Paul, Minnesota; Nurses' white uniforms; 3 learners (T); November 9, 1943.

Wide Awake Shirt Co., Inc., 2047 Kutztown Rd., Reading, Pennsylvania; Shirts; 10 percent (T); November 9, 1943. (This certificate replaces the one for 5 percent, bearing the expiration date of January 26, 1943).

#### Cigar

Bayuk Cigar Co., 10th & Bainbridge Sts., Philadelphia, Pennsylvania; Cigars; 10 percent (T); November 8, 1943; Hand cigar stripper to have learning period of 160 hours at 75 percent of the applicable minimum wage.

#### Glove

Milwaukee Glove Co., 807 S. 14th St., Milwaukee, Wisconsin; Leather dress and work gloves; 5 learners (T); November 9, 1943.

#### Hosiery

Grey Hosiery Mills, 305 Fourth Ave. E., Hendersonville, North Carolina; Full-fashioned hosiery; 5 percent (T); November 9, 1943.

H. R. H. Silk Hosiery Mills, Inc., 1127 N. Morley St., Moberly, Missouri; Seamless hosiery; 5 learners (T); November 9, 1943.

Wm. G. Leininger Knitting Co., Komet Plant, Mohnton, Pennsylvania; Seamless hosiery; 5 learners (T); November 9, 1943.

Thornton Knitting Co., Denton, North Carolina; Seamless hosiery; 10 learners (E); July 9, 1943.

Varina Knitting Co., Varina, North Carolina; Seamless hosiery; 5 learners (T); November 9, 1943.

Vestal Mills, Inc., Jackson St., Athens, Tennessee; Seamless hosiery; 5 learners (T); November 9, 1943.

Wayne Knitting Mills, 641 Knitters Ave., Fort Wayne, Indiana; Full-fash-

ioned hosiery; 5 percent (T); November 9, 1943.

#### Telephone

Florida Telephone Corp., 200 Third St., Leesburg, Florida; To employ learners as commercial switchboard operators at its Leesburg Exchange located at 200 Third St., Leesburg, Florida; (T); November 9, 1943.

Florida Telephone Corp., Leesburg, Florida; To employ learners as commercial switchboard operators at its 213 East Broadway Exchange, located at Ocala, Florida; (T); November 9, 1943.

#### Textile

Berwick Weaving, Inc., Washington & Sycamore Sts., Berwick, Pennsylvania; Nylon parachute cloth and rayon piece goods; 3 learners (T); November 9, 1943.

Roselin Mfg. Co., Inc., 95 Milk St., Willimantic, Connecticut; Woven & braided narrow fabrics; 3 percent (T); November 9, 1943.

Lanning Bag & Specialty Co., 205 Front St., Harvard, Illinois; Cotton cloth bags; 3 learners (T); November 9, 1943.

W. Warren Thread Works, So. Broad St., Westfield, Massachusetts; Spool cotton and sewing thread; 3 learners (T); November 9, 1943.

Signed at New York, N. Y., this 7th day of November 1942.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 42-11673; Filed, November 9, 1942; 10:55 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6437]

#### KMTR RADIO CORPORATION

##### NOTICE OF HEARING

In re application of KMTR Radio Corporation (KMTR), dated January 5, 1942, for renewal of license, class of service, broadcast; class of station, broadcast; location, Los Angeles, California; operating assignment specified: Frequency, 570 kc; power, 1 kw; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders, to continue the operation of Station KMTR.

2. To determine whether the rights granted KMTR Radio Corporation, as licensee of Station KMTR, have without the consent of this Commission, been transferred, assigned, or otherwise disposed of in violation of section 310 (b) of the Communications Act of 1934, as amended.

3. To determine the manner in which programs of Station KMTR are produced and the amount of attention and supervision given to the same.

4. To determine the extent to which the applicant exercises control and

supervision over the operation of Station KMTR.

5. To determine whether the information supplied by the applicant in response to Broadcast Division Order No. 2, Rule 340.01 (both formerly in force and effect) and § 43.1 of the Federal Communications Commission Rules is true and accurate.

6. To determine whether, in view of the facts adduced under the foregoing issues, the granting of this application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: KMTR Radio Corporation, Radio Station KMTR, 1000 Cahuenga Boulevard, Los Angeles, California.

Dated at Washington, D. C., November 5, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-11670; Filed, November 9, 1942; 10:34 a. m.]

[Docket No. 6166]

#### DELTA BROADCASTING COMPANY, INC. (WQBC)

##### NOTICE OF HEARING

In re application of Delta Broadcasting Company, Inc. (WQBC), dated May 7, 1941, for modification of license, class of service, broadcast; class of station, broadcast; location, Vicksburg, Mississippi; operation assignment specified; frequency, 1,470 kc.; power, 500 w. night; 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application will be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine the areas and populations which may be expected to gain primary service should Station WQBC operate as proposed and what other broadcast service is available to these areas and populations.

3. To determine the areas and populations which may be expected to lose primary service should Station WQBC operate as proposed and what other broadcast service is available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of Station WQBC as proposed and Stations WBIG and WMBD.

5. To determine the areas and populations which may be expected to lose primary service, particularly from Stations WBIG and WMBD, should Station WQBC operate as proposed and what other broadcast service is available to these areas and populations.

6. To determine whether, in view of the facts adduced under the foregoing issues, the granting of the application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Delta Broadcasting Company, Inc., Radio Station WQBC, Hotel Vicksburg, Corner Clay and Walnut Streets, Vicksburg, Mississippi.

Dated at Washington, D. C., November 6, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-11669; Filed, November 9, 1942; 10:34 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 235]

84.37% OF THE PREFERRED STOCK AND 86.81% OF THE COMMON STOCK OF DENOBILI CIGAR COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

17,912 shares of \$25 par value third preferred capital stock and 13,022 shares of \$50 par value common capital stock (which constitute substantial parts, namely, 84.37% and 86.81%, respectively, of all outstanding shares of preferred and common stock) of DeNobili Cigar Company, a New York corporation, Long Island City, New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares of each class owned by them respectively, are set forth in Exhibit A attached hereto and made a part hereof,

17 F. R. 5205.

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Italy), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, 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, hereby vests such property in the Alien Property Custodian, 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 a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds

thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 14, 1942.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

EXHIBIT A

30,934 shares of the capital stock of DeNobili Cigar Company, the names and last known addresses of the registered owners of which, and the number and class of shares owned by them, respectively, are as follows:

Name	Last known address	Number of shares	
		Common stock	6 percent cumulative preferred stock
Giuseppina Borghini Azzolini	2 Via Mascardi, Roma, Italy	51	30
Banca Commerciale Italiana	Carrara, Italy	10	20
Anna Costa Bergalli	2 Piazzale Mazzini, Genova, Italy	35	36
Alfonso Bertoni	12 Corso Italia, Genova, Italy	74	52
Amelia Bertieri Bertoni	1 Via Casargis, Genova, Italy		266
Ernesto Bertoni	37 Via XX Settembre, Genova, Italy	36	86
Furio Bertoni	1 Via Casargis, Genova, Italy	185	124
Giovanna Gemma Bertoni	1 Via Casargis, Genova, Italy	179	138
Maria Luisa Bertoni	1 Via Casargis, Genova, Italy	179	120
Adriana Biet	42 Viale Coccarini, Rifone, Italy	50	74
Francesco Boccalandro	35 Via s. Giacomo e Filippo, Genova, Italy	25	30
Zelindo Bonacini	38 Via Canaceto, Modena, Italy	2	71
Alfonso Borri	Fontelungo Pistoiese, Firenze, Italy	40	
Maria Luisa Pardo Borri	12 Via Bonifacio Lupi, Firenze, Italy	30	108
Dino Borri	Casalini per Vinacciano, Pistoia, Italy	30	
Ludovina Braglia	107 Via Castiglione, Bologna, Italy		70
Angelo Bricchetto	37 Via XX Settembre, Genova, Italy	50	60
Elena Quaglia Brignani	3 Via Principe Amedeo, LaSpezia, Italy	50	200
Eugenia Bianchi Brignani	6 Via Chiodo, LaSpezia, Italy	20	200
Giuseppe Brunetti	20 Via Bizza, Genova, Italy	100	230
Marcella Orlando Bruno	4 Via Dante, Milano, Italy	18	14
Fratelli Bruzzo	Via 30, XX Settembre, Genova, Italy		210
Attilio Bruzzone	2 Piazza Corvetto, Genova, Italy	125	110
Mario Bruzzone	2 Piazza Corvetto, Genova, Italy	30	30
Carlo Bussola	Piscosa S. Pietro, ai due Frati a pasilippo, Napoli, Italy	10	24
Ugo Calabi	47 Viale Matiri Fascist, Roma, Italy	25	23
Agostino Canale	104 Palazzo Nuova Borea, Genova, Italy	120	162
Maria Canale	1 A, Viale Mojon, Genova, Italy	30	40
Pia Capparoni	2 Via, Principe Amedeo, LaSpezia, Italy	100	90
Enrichetta Capurro	10 Viale Mosto, Genova-Skurla, Italy	20	39
Ernesto Carpanani	3 Via Fieschi, Genova, Italy	25	202
Alessandri Cascini	13 Corso Solferini, Genova, Italy	100	80
Ernesto Cassini	13 Corso Solferini, Genova, Italy	100	110
Gaetano Cassini	13 Corso Solferini, Genova, Italy	105	70
Irene Monteferi Cavalieri	2 Via Giulio Caccini, Roma, Italy		50
Adriana Misciattelli Ceci	5 Piazza Venezia, Roma, Italy	100	
Maria Ceci	8 Via Ofanto, Roma, Italy	25	40
Carlo Massimo Chiappe	1 Via David Chiossone, Genova, Italy	12	30
Domenico Boccardi	12 Piazza Soziglia, Genova, Italy	20	39
Maria Teresa Chiappe	Palazzo Vaire, Alassio, Italy	12	36
Violante Ciano	24 Via Montebello, Livorno, Italy	50	40
Libera Levi Civita	50 Via Sardegna, Roma, Italy	10	20
Paola Codeglia	Piazza Cavour, LaSpezia, Italy	50	60
Laura Bingem Cohen	C/o Credito Italiano, Roma, Italy	10	20
Giorgio Colombo	25 Via delle Muratte, Roma, Italy		60
Agostino Conte	60 Via Garibaldi, Genova (Cornigliano), Italy	25	23
Vicenzo Cosentini	A. Prigilano (Conzenza), Italy		80
Anna Maria De Amicis	68 Via San Frattaroso, Genova, Italy	20	10
Angelo De Ferrari	11 Via Roma, Genova, Italy	215	240
Gian Nicolo De Ferrari	11 Via Roma, Genova, Italy	45	10
Elizabetta Orlando De Orchi	Piazza Cacciatori della Alpi, Como, Italy	18	5
Amia de Pasquali	2 Via Cairoli, Genova, Italy	226	202
Enrico de Pasquali	2 Via Cairoli, Genova Italy	66	50



Name	Last known address	Number of shares	
		Common stock	6 percent cumulative preferred stock
Federigo Enriquez	Via Sardegna 50, Roma, Italy	5	10
Bianca Maria Marvaldi	Via Oliveto 2, Genova-Quarto, Italy	5	18
Roberto Funaro	Via Roma 10, Livorno, Italy	6	4
Maria Franchetti Padovani	Via Fucino 31, Roma, Italy	5	5
Maria Giulitta	Corso Montegrappa 16, Genova, Italy	3	7
Vittoria Grimaldi	Passaggiata della Cipetta 10, Roma, Italy	2	2
Angella Grassi Gennarini	Piazzale Mazzini 2, Genova, Italy	6	6
Anna Maria Grassi	Piazzale Mazzini 2, Genova, Italy	6	5
Enrico F. Grassi	Piazzale Mazzini 2, Genova, Italy	5	6
Istituto Italiano Credito	Roma, Italy	10	10
Vittorio Mola	Principe Amedeo 2, LaSpezia, Italy	10	10
Adelaide Manni	Via A. Terlonia 2, Roma, Italy	5	2
Giovanni Miragoli	Via Lungo Tevere 27, Roma, Italy	5	5
Giorgio Medina	Via XX Settembre 37, Genova, Italy	3	3
M. Medina	San Sebastiano 15, Genova, Italy	2	2
Carlo Carli	Viale Marrara 30, Livorno, Italy	15	15
Gian Filippo Caretoni	Via Boncompagni 16, Roma, Italy	10	10
Luca Caffarena	Via Martin Piaggio, Genoa, Italy	10	10
Riccardo Cavalleroni	Via Roma 8, Genova, Italy	10	10
Engenio Chiappe	Via Lavide Chiossone 1, Genova, Italy	2	26
Umberto Cataldi	Via Searlatti 4, Roma, Italy	8	9
Maria Costa Staricco Canepa	Piazza Mazzini 2, Genova, Italy	5	5
Terenzio Del Chicca	Via Palestro 3, LaSpezia, Italy	5	5
Giuseppina De Bellegarde	Via dei Colli 4, LaSpezia, Italy	5	2
Gio Batta Da Pozzo	Principe Amedeo 4, LaSpezia, Italy	6	10
Giovanni Da Pozzo	Viale Mazzini 3, LaSpezia, Italy	5	10
Giuseppe De Ferrari	Via Azzaretti 46, Genova, Italy	7	10
Giacomo De Ferrari	Via Azzaretti 50, Genova, Italy	6	6
Mario Daglio	Discesa San Siro 12, Genova, Italy	3	23
Gladys De Riseis	Via Serra 3, Genova, Italy	2	9
Giuseppina Migone	San Fruttuoso, Genova, Italy	2	2
Maria Mosso Treves	Via Canova 21, Milano, Italy	5	5
Irene Muzio	Piazza Manin 41, Genova, Italy	5	5
Teresita Marmori	XX Settembre 13, LaSpezia, Italy	15	15
Francesco Mazzotti	Piazza Castello 28, Milano, Italy	15	30
Angelica Mazzotti	Piazza Castello 28, Milano, Italy	15	2
Adele Maria Marengo	Viale Magenta 2, Genova, Italy	5	10
Anna Marazza	Piazza San Leonardo 1, Pallanza, Italy	10	10
Maria Marazza	Piazza San Leonardo 1, Pallanza, Italy	20	20
Giovanni Marmori	XX Settembre 16, LaSpezia, Italy	20	20
Angelo Nizza	Via Corsica 2, Genova, Italy	12	4
Giacomo Nissim	Viale Landini 14, Firenze, Italy	13	10
Nina Ottolenghi Levl	San Marco 515, Venezia, Italy	10	4
Franco Oliva	Via Chiodo 15, LaSpezia, Italy	5	5
Bice Oldoini Rossi	Galileo Galilei 2, LaSpezia, Italy	7	7
Livietta Olandini	Via San Vito 4, Genova, Italy	10	10
Adele Puccio Lauricella	Via Santi Giacomo de Filippo, Genova, Italy	20	20
Elvira Paoletti Chappini	Via Emilia 24, Roma, Italy	5	3
Alberto Pongilione	Via Massimo d'Azeglio 21, LaSpezia, Italy	5	2
Paolo Pontremoli	XX Settembre 62, LaSpezia, Italy	5	5
Bice Paganini Bertolini	Via Dei Mille, 15, LaSpezia, Italy	7	10
Eligio Pensa	Via Palagi 10, Milano, Italy	5	5
Amalia Paganini	Via Genova, LaSpezia, Italy	5	2
Elena Pontremoli	Via Vittorio Veneto 9, LaSpezia, Italy	5	2
Lea Savio	Via delle Alpi 17, Roma, Italy	10	19
Maria Gialo Savio	Via delle Alpi 17, Roma, Italy	10	9
Nereo Sciarretta	San Sebastiano 15, Genova, Italy	5	5
Leone Sonino	Via Carducci 4, Roma, Italy	10	10
Alberto Sonnino	Lunge Tevere 1, Roma, Italy	3	3
G. B. Costa Staricco	Piazzale Mazzini 2, Genova, Italy	9	9
Gerolamo Costa Staricco	Piazzale Mazzini 2, Genova, Italy	9	8
Giuseppe Costa Staricco	Piazzale Mazzini 2, Genova, Italy	8	9
Francesco Staricco	Piazzale Mazzini 2, Genova, Italy	11	12
Giorgio Costa Staricco	Piazzale Mazzini 2, Genova, Italy	12	12
Mario Alberto Staricco	Piazzale Mazzini 2, Genova, Italy	11	12
Baccio Tassara	Tre Monumenti, Terni, Italy	13	10
Teresa Tassara Cipollini	Corso Vittorio Emanuele 121, Napoli, Italy	13	10
Antonio Tavoni	Vignola (Modena) Italy	4	8
Luigi Vienolo	Corso Firenze 6, Genova, Italy	5	5
Angelo Viglienzoni	Via Adamo Centurione, Genova, Italy	4	34
Bianca Raffo	Delva-LaSpezia, Italy	4	10
Eugenio Raffo	Via Cesare Cabella, Genova, Italy	4	4
Gaetana Rasponi	Via Boncompagna 14, Roma, Italy	5	10
Domènico Ramognino	Via F. Crispi 10, Roma, Italy	5	5
Carlo Rubatto	Salita Montaldo 9, Genova, Italy	10	36
Ninny Racah Soria	Via Properzio 6, Roma, Italy	2	2
Agostino Sardo Parodi	Via Marcello Durazzo 1, Genova, Italy	10	10
Alfredo Pensa	Via Trieste 3, Genova, Italy	10	5
Maria Luisa Guirio Poli	Via A. M. Maraglian, Genova, Italy	10	10
Elena Poli	Via A. M. Maraglian, Genova, Italy	10	10
Alberto Paoletti	Corso Firenze 30, Genova, Italy	6	10
Elena Queirolo	Piazza Manin 41, Genova, Italy	5	5
Alberta Queirolo	Piazza Manin 41, Genova, Italy	5	10
Jole Robson	La Rinchiostra, Massa, Italy	10	4
Total		13,022	17,912

[F. R. Doc. 42-11563; Filed, November 6, 1942; 11:30 a. m.]

OFFICE OF PRICE ADMINISTRATION,  
[Suspension Order 154]  
WILLARD M. BLODGETT  
ORDER RESTRICTING TRANSACTIONS  
Willard M. Blodgett, Fitzwilliam, New  
Hampshire, hereinafter called respond-

ent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held on September 25, 1942, in Concord, New

Hampshire. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator,

It is hereby determined that:

(a) Respondent is a dealer in gasoline within the meaning of Ration Order No. 5A, Gasoline Rationing Regulations.

(b) Respondent has violated § 1394.1503 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 17, 1942, and on at least one other occasion between July 22 and August 17, 1942, in Fitzwilliam, New Hampshire, respondent transferred five gallons of gasoline to a private consumer and into the fuel tank of a private passenger automobile without requiring the presentation of a gasoline ration coupon book and on each occasion respondent received in exchange for the transfer a gasoline ration coupon Class S.

Because of the great scarcity and critical importance of gasoline in the New Hampshire area, violations of Ration Order No. 5A, Gasoline Rationing Regulations, by respondent have necessarily resulted in the diversion of gasoline from military and essential civilian uses into nonessential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent.

(d) Any terms used in this Suspension Order No. 154 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order shall become effective 12:01 A. M. November 9, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 9, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125, 7 F.R. 2719; WPB Directive No. 1 and Supplementary Directive No. 1H (7 F.R. 3378, 3877, 5216))

Issued this 6th day of November, 1942.

PAUL M. O'LEARY,  
Deputy Administrator,  
In Charge of Rationing.

[F. R. Doc. 42-11585; Filed, November 6, 1942; 12:13 p. m.]

[Suspension Order 158]

FRANK ALEXANDER

## ORDER RESTRICTING TRANSACTIONS

Frank Alexander, 69 Storig Street, Closter, New Jersey, hereinafter called respondent was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing on the charges was held on October 2, 1942, in Newark, New Jersey. There appeared a representative of the Office of Price Administration. Respondent did not appear either in person or by attorney. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing.

It is hereby determined that:

(a) Respondent has violated § 1394-1102 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 17, 1942, in Demarest, New Jersey, respondent purchased and received the transfer of six A-1 gasoline ration coupons and on the 18th and 21st days of August, 1942, in Creeskill, New Jersey, respondent purchased and received delivery of gasoline and gave in exchange therefor certain of the gasoline ration coupons so purchased by him.

Because of the great scarcity and critical importance of gasoline in the New Jersey area, violations of Ration Order No. 5A, Gasoline Rationing Regulations, by respondent have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(b) That the gasoline ration heretofore issued to respondent by the Office of Price Administration is hereby revoked.

(c) Respondent shall forthwith surrender for cancellation to the War Price and Rationing Board which issued the same, all gasoline ration coupon books and coupons in his possession.

(d) Any terms used in this Order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Directive No. 1 and Supplementary Directive No. 1H, 7 F.R. 562, 3478, 3877, 5216)

Issued and effective this 6th day of November 1942.

PAUL M. O'LEARY,  
Deputy Administrator,  
in Charge of Rationing.

[F. R. Doc. 42-11586; Filed, November 6, 1942;  
12:13 p. m.]

[Order 1 Under MPR 19]

BOND-WOOLF AND COMPANY

## ORDER GRANTING ADJUSTMENT

Order No. 1 under Maximum Price Regulation No. 19—Southern Pine Lumber—Docket No. 3019-1.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 6, It is ordered:

(a) Bond-Woolf and Company, of Alcoa, Tennessee, may sell and deliver to the Aluminum Company of America at Alcoa, Tennessee, any Southern pine lumber which is to be and is used for crating aluminum, and the Aluminum Company of America may buy and receive such Southern pine lumber from Bond-Woolf and Company, at the maximum prices permitted by Maximum Price Regulation No. 19, plus the amount of inbound rail freight paid by Bond-Woolf and Company in bringing this lumber into their reprocessing mill at Alcoa, Tennessee.

(b) This Order No. 1 may be revoked or amended by the Administrator at any time.

(c) All prayers of the petition not granted herein are denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1381.208 of Maximum Price Regulation No. 19 shall apply to terms used herein.

(e) This Order No. 1 shall become effective November 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 7th day of November, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11660; Filed, November 7, 1942;  
12:37 p. m.]

[Order 11 Under MPR 161]

EAGLE LOGGING COMPANY, ET AL.

## OVERTIME ADDITIONS

Order No. 11 under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs.

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, It is hereby ordered:

(a) The following persons being on a 48-hour week may add to the maximum

prices of all logs produced by them \$1.00 per 1,000 ft., log scale:

Eagle Logging Company, Seattle, Washington.

Frank Pearce, Potlatch, Washington.  
Galbraith Timber Company, Bellingham, Washington.

Vancouver Plywood & Veneer Company, Vancouver, Washington.

Olympic Logging Company, Seattle, Washington.

Wooden & Combs Logging Co., Jewell, Oregon.

F. R. Henry Logging Co., Forks, Washington.

Anderson Bros. Company, Grand Ronde, Oregon.

Ira Smith Logging Company, Anacortes, Washington.

Crown Zellerbach Corporation (Siltcoos Division), San Francisco, California.

Hamilton Bros. Logging Co., Warrenton, Oregon.

Siuslaw Forest Products, Inc., Mapleton, Oregon.

Oison Bros. Lumber Company, Camas, Washington.

(b) The following company, having changed its status as an overtime company from a 60-hour basis to a 54-hour basis, may add to the maximum prices of all logs produced by it \$1.50 per 1,000 ft. log scale instead of \$2.00 per 1,000 ft. log scale as heretofore authorized by prior order of the Office of Price Administration:

West Fork Logging Co., Tacoma, Washington.

Authorization for the overtime addition of \$2.00 per 1,000 ft. log scale for this company terminated on September 27, 1942, because of the described change of status.

(c) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them \$1.50 per 1,000 ft., log scale:

Noon & Crippen Logging Co., Randle, Washington.

L. Marenakos, Renton, Washington.  
Weatherly Timber Company, Newberg, Oregon.

(d) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it \$2.00 per 1,000 ft., log scale:

M. & D. Timber Company, Aberdeen, Washington.

(e) The additions to maximum prices specified in paragraphs (a), (b), (c) and (d) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(f) This Order No. 11 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(g) This Order No. 11 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-11659; Filed, November 7, 1942;  
12:39 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2635]

AMERICAN BOX BOARD CO.

## ORDER SETTING HEARING ON APPLICATION, ETC.

In the matter of American Box Board Company Common Stock, \$1 Par Value.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November, A. D., 1942.

The American Box Board Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$1 Par Value, from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10:00 a. m. on Thursday, December 17, 1942, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That C. J. Odenweller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law. By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-11606; Filed, November 7, 1942; 9:48 a. m.]

[File No. 68-11]

BENJAMIN BAKER, BERNARD H. CHERNIN, ET AL.

## ORDER AUTHORIZING SOLICITATIONS

In the matter of Benjamin Baker, Bernard H. Chernin, Irving I. Goldsmith and Clifford J. Hilsinger, acting as a protective committee for holders of convertible obligations of Associated Gas and Electric Company, who previously held convertible debenture certificates of Associated Gas and Electric Company.

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 November, A. D. 1942.

A declaration having been filed on September 30, 1942, by the above-named party pursuant to sections 11 (g) and 12 (e) of the Public Utility Holding Company Act of 1935, and Rule U-62 pro-

mulgated thereunder, concerned with a proposed solicitation of authorizations by declarants as a Protective Committee for holders of Convertible Obligations, due 2002, of Associated Gas and Electric Company; an amendment having been filed on October 7, 1942, providing, in part, that the "declaration is to be deemed amended, and hereby is amended, so as to make the effective date thereof such date as shall be fixed by order of the Securities and Exchange Commission"; additional amendments having been filed on October 19, 1942, and October 24, 1942, which, among other things, expressly limit the solicitations of authorizations to persons who now hold Convertible Obligations of Associated Gas and Electric Company, and who became holders of these securities only upon exchange therefor of one or more of the following classes of securities of Associated Gas and Electric Company:

6% Convertible Debenture Certificates, Series A, B, C, D, and E.  
6% Convertible Debenture Certificates, Series B of 1929.  
6% Convertible Debenture Certificates, 1931 Series;  
6% Convertible Debenture Obligations, Series F.  
6½% Convertible Debenture Certificates, Series B (Manila).  
6½% Convertible Debenture Certificates, Series O (Manila);

The Commission having considered the declaration, as amended, and finding that the requirements of Rule U-62 are complied with and deeming it appropriate in the public interest and the interest of investors to permit the declaration to become effective;

*It is therefore ordered*, That the declaration, as amended, be allowed to become effective forthwith in the manner and on the terms set forth therein.

By the Commission.  
[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-11607; Filed November 7, 1942; 9:48 a. m.]

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO., ET AL.

## ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of November 1942.

In the matter of United Light and Power Company, United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, Iowa-Nebraska Light and Power Company, respondents, File No. 59-17; United Light and Power Company and its subsidiary companies, respondents, File No. 59-11; United Light and Power Company, applicant, File No. 54-25.

American Light & Traction Company (Traction), a registered holding company and a subsidiary of the United Light and Power Company (Power), also a registered holding company, having filed an application (designated as Ap-

plication No. 17) under the Public Utility Holding Company Act of 1935, particularly sections 11 (b) (1) and 11 (b) (2) thereunder, regarding the payment by Traction of \$4,000,000 in complete retirement of four promissory notes dated May 28, 1942, and due January 28, 1943, aggregating \$4,000,000 in face amount, which evidence all of Traction's outstanding bank loans; the funds to be used for this payment being a portion of the proceeds received from the sale, for \$10,000,000 in cash, of its holdings of San Antonio Public Service Company common stock, on October 24, 1942, such sale having been made pursuant to an order entered by this Commission under section 11 (b) (1) of the Act against Power and its subsidiaries on August 5, 1941, as amended by its supplemental and amendatory order of October 23, 1942; and

Said application having been filed on October 30, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The applicant having requested that an order be entered granting said application prior to November 10, 1942; and that such order conform with the requirements of sections 371 (b) and 371 (f) of the Internal Revenue Code as amended by section 171 of the Revenue Act of 1942 and contain the findings therein specified; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application pursuant to sections 11 (b) and 12 (c) of the Act and Rules U-23 and U-42 thereunder; and being satisfied that the date of approval of such application should be advanced; and

The Commission finding that the transactions hereinabove described are necessary or appropriate to the integration or simplification of the holding company system of which Traction is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U.S.C. Title 15, sec. 79K (b)):

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and the same is hereby granted.

By the Commission.  
[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-11661; Filed, November 9, 1942; 9:53 a. m.]

[File No. 70-418]

UNITED PUBLIC SERVICE CORPORATION  
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 7th day of November, A. D. 1942.

Notice is hereby given that a supplemental application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Public Service Corporation; and

Notice is further given that any interested person may, not later than November 23, 1942 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. At any time thereafter such supplemental declaration or application, as filed or as amended, may become effective or may be granted by order of the Commission or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said supplemental declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

United Public Service Corporation proposes to sell to Natural Gas Investment Company 4,082 shares of preferred stock, 6%, non-cumulative, par value \$100 per share, of Southern United Gas Company, for the sum of not less than \$80,000 in cash. Said shares of preferred stock of Southern United Gas Company are non-voting and constitute approximately 24.73% of the outstanding shares of preferred stock of said corporation and are all the outstanding securities of said corporation held by United Public Service Corporation.

United Public Service Corporation proposes to distribute the proceeds of such sale, together with the sum of \$73,000 of cash, to its stockholders according to their respective rights as a partial liquidating dividend when and as declared by its Board of Directors pursuant to the authority granted by its stockholders at a meeting held on December 29, 1941. United Public Service Corporation has outstanding 305,994 shares of common stock of a par value of 25¢ per share.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-11662; Filed, November 9, 1942;  
9:53 a. m.]

## WAR MANPOWER COMMISSION.

[Directive XIV]

### EMPLOYMENT STABILIZATION ON DAIRY, LIVESTOCK, AND POULTRY FARMS

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139<sup>1</sup> establishing the War Manpower

Commission, and having found after consultation with the members of the War Manpower Commission that production of dairy, livestock, and poultry products essential to the war effort is being seriously impaired by labor shortages attributable in large part to migration of qualified farm workers to other industries, to induction and voluntary enlistment of such workers in the armed forces, and to wasteful and ineffective utilization of such workers, that a coordinated program, involving employment and wage stabilization measures and measures for the protection of existing herds and flocks, is necessary to assure the fulfillment of agricultural production requirements for our armed forces, our Lease-Lend Program and necessary civilian consumption; that the Secretary of Agriculture will take all necessary or appropriate steps, in cooperation with the War Production Board, to safeguard herds of dairy cattle and calves from undue depletion through sale for slaughter, and will make appropriate investigations and take appropriate action to effect required adjustments in wages of dairy, livestock and poultry farm workers, and having further found that the measures hereinafter set forth will promote employment stabilization on dairy, livestock, and poultry farms and facilitate the recruitment and effective utilization of essential workers on such farms, it is hereby directed:

I. The Director of Selective Service shall take all lawful and proper steps, through appropriate instructions to local and appeal boards of the Selective Service System and otherwise, to the end that:

(a) All persons subject to training and service under the Selective Training and Service Act of 1940 as amended, while engaged as dairy, livestock or poultry farm workers and operators, as defined in paragraph V hereof, who are deferrable under that Act on grounds of dependency, are classified in Class III-B;

(b) All persons subject to training and service under the Selective Training and Service Act of 1940, as amended, while engaged as dairy, livestock, and poultry farm workers and operators who are not deferrable under that Act on grounds of dependency or on other than occupational grounds, and for whom replacements would be required and are not available, as determined in the light of the factors set forth in paragraph VII of this directive, are deferred on occupational grounds;

(c) Each person subject to training and service under the Selective Training and Service Act of 1940, as amended, who is not a dairy, livestock or poultry farm operator, who is skilled in dairy, livestock or poultry farm work and who is not deferrable on occupational or other grounds, is, as his order number is called or as his classification is reviewed, referred to the United States Employment Service for placement on essential dairy, livestock or poultry farms in accordance with such provisions of local Selective Service Board Release No. 149 as are consistent herewith;

(d) Each farm owner, operator or tenant subject to training and service under the Selective Training and Service Act of 1940, as amended, who is skilled in dairy, livestock or poultry farm work and who is not deferrable on occupational or other grounds, is, as his order number is reached or as his classification is reviewed, referred to such agency of the Department of Agriculture as the Secretary of Agriculture may designate, for placement as an operator or tenant on an essential dairy, livestock or poultry farm, in accordance with such provisions of local Selective Service Board Release No. 149 as are consistent herewith.

II. The Department of Agriculture shall take such action as may be necessary or appropriate to:

(a) Cooperate with the United States Employment Service in the War Manpower Commission, in its development and conduct of vigorous campaigns to recruit dairy, livestock, and poultry farm workers and operators from rural areas in which a surplus of such workers or operators exists, for placement on essential dairy, livestock, and poultry farms requiring such workers or operators, and upon request of the Farm Placement Service of the United States Employment Service, make available to it qualified personnel of the Department of Agriculture on a part-time basis to assist in such recruitment and placement campaigns, and particularly to assist in the recruitment and placement of dairy, livestock, and poultry farm operators;

(b) Provide transportation for individuals to dairy, livestock, and poultry farms on which they have agreed to work and to which they have been referred by the United States Employment Service;

(c) Develop training courses and establish training centers, in cooperation with the United States Office of Education in the Federal Security Agency, for the training of dairy, livestock, and poultry farm workers and operators;

(d) Provide reasonable subsistence for individuals transported or trained pursuant to subparagraphs (b) and (c) of this paragraph, during their transportation and training periods;

(e) Furnish such detailed information and standards to the Selective Service System and the United States Employment Service as they may require under this directive, in order to classify dairy, livestock, and poultry farm workers and operators for purposes of the Selective Training and Service Act, as amended, and effectively to carry out recruitment and placement campaigns with respect to such workers and operators;

(f) Conduct a vigorous program to encourage dairy, livestock, and poultry farm operators to secure replacements of required workers through the United States Employment Service and to accept qualified workers referred to them by the United States Employment Service;

(g) Develop and promote active programs for assuring the maximum effective utilization of workers on dairy, livestock, and poultry farms, and for providing additional animal units to essential small farms on which dairy, live-

<sup>1</sup> 7 F.R. 2919.

stock or poultry farm operators or workers are not fully employed;

(h) Develop and promote an active program to enable farm owners, operators, and tenants who are skilled in dairy, poultry or livestock production but whose farms do not constitute dairy, livestock or poultry farms as defined in paragraph V (c) of this directive, to bring their farms within the purview of this directive by assisting such farm owners, operators, and tenants to secure the necessary livestock, equipment, or land.

III. The United States Office of Education shall cooperate with the Department of Agriculture and the United States Employment Service in the training of dairy, livestock, and poultry farm workers as provided in paragraph II (c) of this directive, and in providing instructors for that purpose.

IV. In order to effectuate the purposes of this directive, it is essential that:

(a) The Army and the Navy (i) refrain from recruiting or accepting for voluntary enlistment any man who does not present a certificate from his Selective Service local board that he is not in Class II-A, II-B or III-B or is not entitled to such classification by reason of being an essential dairy, livestock or poultry farm worker or operator; and

(ii) Refrain from initiating programs to encourage the voluntary enlistment in the armed forces of dairy, livestock or poultry farm workers or operators, particularly in areas which the War Manpower Commission designates as areas in which critical shortages of such workers or operators exist;

(b) The Secretary of Agriculture (i) take such action with respect to wage rates on dairy, livestock, and poultry farms as is necessary to assist such farms in securing and maintaining an adequate supply of dairy, livestock, and poultry workers; and

(ii) Take all necessary or appropriate steps in cooperation with such other departments or agencies of Government as he deems proper, to safeguard herds of dairy cattle and calves from undue depletion through sale for slaughter;

(c) Dairy, livestock, and poultry farm operators (i) recruit workers through the United States Employment Service and accept for employment qualified workers, including workers who have received training under dairy, livestock, and poultry worker training programs such as those provided for under paragraph II (c) of this directive;

(ii) Employ relatively inexperienced workers and provide on-the-farm training for such workers; and

(iii) Cooperate fully with the several Government departments and agencies concerned in carrying out the employment stabilization program set forth in this directive;

(d) Dairy, livestock, and poultry farm workers cooperate fully with dairy, livestock and poultry operators and with the several Government departments and agencies concerned in carrying out the employment stabilization program set forth in this directive;

(e) Any employer who is not a dairy, livestock and poultry farm operator refrain from hiring or soliciting for the purpose of hiring, any dairy, livestock or poultry farm worker or operator, unless such worker or operator has been referred to him by the United States Employment Service. The War Manpower Commission will prescribe standards and procedures for such referrals, but no provision of this directive shall be construed to apply to a change of employment or activity by a dairy, livestock or poultry farm worker or operator from one dairy, livestock or poultry farm to another.

V. As used in this directive (a) "Dairy, livestock, and/or poultry farm worker" means an individual (other than a dairy, livestock or poultry operator) who, on or after the date of this directive, performed services on a dairy, livestock or poultry farm on a year-around basis and who devoted substantially full-time services to either or both

(i) The care of dairy cows, livestock, and poultry, and

(ii) The production of dairy, livestock or poultry products as an incident to ordinary farming operations.

The term shall include unpaid members of the family or household of a dairy, livestock or poultry worker or operator, provided such members otherwise are included within the above definition. Services performed on a farm in the production of feed crops used exclusively or primarily for dairy cows, livestock, and poultry on such farm shall be included as services performed in the care of dairy cows, livestock or poultry;

(b) "Dairy, livestock or poultry farm operator" means an individual engaged in the operation of a dairy, livestock or poultry farm, or charged with the direction or supervision of dairy, livestock or poultry farm workers on such a farm. Except where the context clearly requires otherwise, the term includes any corporation or other type of organization which through officers or employees directs or supervises dairy, livestock or poultry workers;

(c) "Dairy, livestock or poultry farm" means a farm (1) upon which the number of dairy cows (milk or dry) maintained is 12 or more and upon which milk is produced at the annual rate of 45,000 pounds or more, or (2) upon which are maintained or produced the number of animal units, from time to time determined by the Secretary of Agriculture as equivalents thereof for the purposes of this directive, except that: (i) Prior to February 1, 1943, the term shall include a farm upon which the number of dairy cows maintained is 8 or more and upon which milk is produced at the annual rate of 30,000 pounds or more, or the equivalent thereof in animal units as hereinabove provided; and (ii) during the period February 1, 1943, to May 1, 1943, the term shall include a farm upon which the number of dairy cows maintained is 10 or more and upon which milk is produced at the annual rate of 37,500 pounds or more, or the equivalent thereof

in animal units as hereinabove provided. In the application of the foregoing provisions with respect to the annual rate at which milk is produced on a farm and the number of dairy cows or animal units maintained thereon (1) reasonable allowance shall be made for temporary declines in the rate of milk production or in the number of cows or animal units maintained, and (2) reasonable additions, determined by the Secretary of Agriculture for the purposes of this directive, shall be made if all or substantially all the feed, including roughage, required for such cows or animal units is not produced on the farm on which such cows or animal units are maintained.

VI. Any worker, operator or employer, or group of workers, operators or employers, dissatisfied with any act or failure to act pursuant to this directive, other than an act or failure to act pursuant to paragraph I hereof, shall be given a fair opportunity to present his or their case to an appropriate Area War Manpower Committee. Such Committee shall make recommendations concerning such cases as well as other matters pertinent to the carrying out of this directive in its area, to the War Manpower Area Director, or such other official of the War Manpower Commission as may be designated for that purpose, for appropriate action. The Chairman of the War Manpower Commission shall prescribe rules, regulations and procedures for the carrying out of the responsibilities of Area Committees under this directive, including procedures for the review of the recommendations of the local Area Committees, by regional Management-Labor Committees and by the National Management-Labor Policy Committee.

VII. In determining whether a replacement for a particular dairy, livestock or poultry farm worker or operator would be required and is not available, for the purpose of paragraph I of this directive, or for the purpose of any other provision of this directive, consideration shall be given to the following factors, as determined in each case by the United States Employment Service:

(a) The labor required for the farm, as evidenced by conversion tables prepared by the United States Department of Agriculture indicating the number of animal units a single person is reasonably able to handle when (1) the required feed for dairy cows, livestock, and poultry is produced on the farm, and (2) the required feed is purchased;

(b) The workers available on the farm, and for this purpose each person devoting substantially full-time service to dairy, livestock, or poultry production on the farm shall be considered an available worker, with suitable allowance for reduced physical capacity, if any, of children, women, and handicapped persons; and

(c) The importance and skill of the particular individual under consideration and the possibility of recruiting a replacement of sufficient skill, experi-

ence, and training to carry on the work of such individual without impairment of production.

VIII. Each department and agency of the Federal Government is hereby directed to utilize its facilities and services, and take all lawful and appropriate steps under authority vested in it by law to achieve or promote compliance with the provisions of this directive. Each

procurement agency of the Federal Government is hereby directed to instruct its contractors to refrain from hiring or soliciting for the purpose of hiring, any dairy, livestock or poultry farm worker or operator for other than dairy, livestock or poultry farm work, unless such worker or operator has been referred to him by the United States Employment Service.

IX. This directive may be cited as the "Directive to Promote Employment Stabilization on Dairy, Livestock, and Poultry Farms."

PAUL V. McNUTT,  
*Chairman.*

NOVEMBER 6, 1942.

[F. R. Doc. 42-11623; Filed, November 7, 1942;  
11:42 a. m.]