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## *The President*

### EXECUTIVE ORDER 9289

REGULATIONS GOVERNING THE PAYMENT OF OVERTIME COMPENSATION TO EMPLOYEES OF THE EXECUTIVE DEPARTMENTS AND AGENCIES

By virtue of the authority vested in me as President of the United States, I hereby prescribe the following regulations governing the payment of compensation for employment in excess of 40 hours in any administrative workweek to civilian employees of the Government to whom the provisions of Senate Joint Resolution 170, 77th Congress, are applicable:

*Section 1.* Heads of Executive departments and agencies, or such officers or employees as they may designate, shall establish official hours of duty and a regular workweek for each employee or group of employees. No employee shall be required to work in excess of the officially established hours of duty except upon the order of the head of the department or agency or of such officer or employee as has been delegated specific authority to require such additional work.

*Section 2.* Overtime compensation for employment in excess of 40 hours during an officially established regular workweek, and for work ordered or approved in addition to the regular workweek so established shall be paid at the rate of one and one-half times the employee's regular rate of compensation, subject to the following limitations:

(a) No overtime compensation shall be paid on any part of an employee's basic rate of compensation in excess of $2,900 per annum;

(b) Each employee shall be paid only such overtime compensation or portion thereof as will not cause his aggregate compensation, composed of his basic rate of compensation and his overtime compensation, to exceed a rate of $5,000 per annum.

For the purpose of computing overtime compensation the pay for one hour shall be considered to be ⅛ of the employee's pay for one day and the pay for one day shall be considered to be 1/360 of the employee's per-annum salary.

*Section 3.* Overtime compensation of per-annum employees for employment during an officially established regular workweek in excess of 40 hours may be calculated on an annual basis and paid in equal amounts on the regular monthly or semi-monthly pay days.

*Section 4.* In the case of an employee to whom the annual- and sick-leave laws approved March 14, 1936, 49 Stat. 1161, 1162, as amended, are applicable, approved absence, except on leave without pay, during any part of the officially established regular workweek shall be charged as annual or sick leave as the case may be, and any absence on approved annual or sick leave shall not be construed to reduce the amount of overtime compensation to which the employee is entitled for employment during the officially established regular workweek.

*Section 5.* Overtime compensation for employment in excess of 40 hours per week during the period between December 1, 1942, and the date of issuance of these regulations shall be paid on the basis of the official hours of duty which employees were required to work during such period and on the basis of any additional overtime officially ordered or approved and currently recorded.

*Section 6.* Notwithstanding the provisions of this order, Federal civilian employees on vessels operated by the United States whose wages and allowances are computed on the basis of the special hours and conditions of their work may be compensated in accordance with the wage practices of the maritime industry.

*Section 7.* Employees such as certain forest-fire lookouts, forest guards, and lighthouse keepers the nature of whose work (as determined by the head of the department or agency concerned) requires them to remain at or within the confines of their posts of duty for more than 40 hours per week but does not require that all of their time be devoted to actual work shall be considered to have intermittent or irregular hours of duty within the meaning of the last proviso of section 1 of the said Senate Joint Resolution 170, 77th Congress.

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*Section 8.* This order shall take effect as of December 1, 1942, and shall be published in the FEDERAL REGISTER.

*Section 9.* Executive Orders Nos. 8837 of July 30, 1941, and 9117 of March 31, 1942, are hereby revoked as of the effective date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 26, 1942.*

[F. R. Doc. 42–14049; Filed, December 28, 1942; 12:36 p. m.]

## EXECUTIVE ORDER 9285

### ESTABLISHING THE UNITED STATES OF AMERICA TYPHUS COMMISSION

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, and for the purposes of protecting the members of the armed forces from typhus fever and preventing its introduction into the United States, it is hereby ordered as follows:

1. There is hereby established in the War Department, under the supervision and direction of the Secretary of War, a commission to be known as the United States of America Typhus Commission, hereinafter referred to as the Commission. The Commission shall serve with the Army of the United States, and shall consist of a Director, appointed by the Secretary of War, such officers of the Army Medical Corps as may be detailed as members thereof by the Secretary of War, such officers of the Navy Medical Corps and the Public Health Service as may be detailed as members thereof, upon request of the Secretary of War, by the Secretary of the Navy or the Federal Security Administrator, and such other persons as may be appointed as members thereof by the Secretary of War.

2. The Director of the Commission is authorized and directed to formulate and effectuate a program for the study of typhus fever and the control thereof, both within and without the United States, when it is, or may become, a threat to the military population. The operations of the Commission abroad shall be carried out in collaboration with the Department of State.

3. The Director of the Commission is authorized to employ necessary technical and nonprofessional personnel, and to make such expenditures, within the limits of funds made available to the Commission by the War Department, Navy Department, United States Public Health Service, or other Governmental agencies, as may be deemed necessary by him to accomplish the purposes of this order. Members of the armed forces may be detailed for duty with the Commission.

4. The Director shall take steps to secure the cooperation, assistance, and services of other Governmental agencies; make arrangements for the visiting by members of the Commission of such areas of neutral or allied nations as may be necessary to further the study of typhus fever; arrange for the analysis, study, and publication of scientific data and material obtained in such field investigations; establish and maintain typhus fever study units at appropriate Governmental laboratories; and procure such laboratory space, clinical facilities, and equipment as may be necessary to accomplish the purposes of this order. He shall collaborate with the Secretary of War, the Secretary of the Navy, the Administrator of the Federal Security Agency, and appropriate civilian organizations, when necessary, regarding the procurement of personnel and equipment in connection with the activities of the Commission, keep the Secretary of War informed in regard to the progress made in carrying out this order, and perform such other duties as from time to time the Secretary of War may assign to him.

5. All Executive departments, independent establishments, and other Federal agencies are hereby authorized and directed to assist the Secretary of War and the Director in carrying out this order, including the furnishing of equipment, transportation, and personnel facilities and assistance.

6. There is hereby established a United States of America Typhus Commission Medal, with suitable appurtenances, which shall be awarded by the President of the United States or at his direction, to any person who may render or contribute meritorious service in connection with the work of the Commission.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 24, 1942.*

[F. R. Doc. 42–14014; Filed, December 26, 1942; 3:23 p. m.]

## EXECUTIVE ORDER 9286

### MEDAL FOR MERIT

By virtue of and pursuant to the authority vested in me by section 2 of the act of July 20, 1942 (Public Law 671, 77th Congress), I hereby prescribe the following rules and regulations for the award of the decoration of the "Medal for Merit" created by said act:

1. The decoration of the Medal for Merit shall be awarded only by the President of the United States or at his direction. Awards of the Medal for Merit may be made to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations, as have, since the proclamation of an emergency by the President on September 8, 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services. Awards of the Medal for Merit made to civilians of foreign nations shall be for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations and shall have the prior approval of the Secretary of State.

2. There is hereby created a Board to be known as the "Medal for Merit Board", which shall consist of—

The Secretary of State
The Secretary of War
The Secretary of the Navy
The Chairman of the War Production Board, and
The Director of the Office of Civilian Defense

The Secretary of State shall act as Chairman of the Board. Each member of the Board may designate an alternate to represent him on the Board and empower the person so designated to act in his stead.

3. The Medal for Merit Board will receive and consider proposals for the award of the decoration of the Medal for Merit and submit to the President the recommendations of the Board with respect thereto.

4. The Medal for Merit Board is authorized to prescribe, with the approval of the President, such rules and regulations not inconsistent with the provisions of this order as may be necessary to accomplish its purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 24, 1942.*

[F. R. Doc. 42-14011; Filed, December 26, 1942; 3:23 p. m.]

## EXECUTIVE ORDER 9287

TRANSFERRING CERTAIN FUNCTIONS FROM THE COUNCIL OF NATIONAL DEFENSE TO THE SECRETARY OF THE INTERIOR

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), it is ordered that all of the functions, duties, and powers vested in the Council of National Defense by section 8 of the Federal Explosives Act of October 6, 1917 (40 Stat. 385), as amended by the act of December 26, 1941 (55 Stat. 863), be, and they are hereby, transferred to and vested in the Secretary of the Interior, to be exercised by him or by such officers or employees of the Department of the Interior as he shall from time to time designate.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 24, 1942.*

[F. R. Doc. 42-14012; Filed, December 26, 1942; 3:23 p. m.]

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## EXECUTIVE ORDER 9288

TRANSFERRING THE CONTROL AND JURISDICTION OVER CERTAIN TRACTS OF LAND FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF AGRICULTURE FOR ADMINISTRATIVE PURPOSES

PUERTO RICO

By virtue of the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and as President of the United States, it is hereby ordered that the following-described tracts of land in Puerto Rico, acquired under authority of that act and Executive Order No. 7057 of May 28, 1935, as amended, which tracts are not primarily suitable for cultivation, be, and they are hereby, subject to valid existing rights, transferred from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of Agriculture to be administered for forest purposes in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (50 Stat. 522):

1. RURAL: Parcel of land known as "El Retiro" located in place known as "Jauca" of Ward "Collores" of the municipality of Jayuya, P. R., containing THREE HUNDRED EIGHTY SEVEN CUERDAS AND TWENTY EIGHT HUNDREDTHS OF ANOTHER (387.28), equivalent to 152 hectares, 21 ares and 52 centares, bounded North, with lands of Laureana Perez, separated by municipal trail, with the Hacienda "Santa Rosa", property of Antonio Crispi and lands of Donato Reyes and Jacinto Reyes; South and East, with the Hacienda "Carmelita" property of The People of Puerto Rico; and West, with the Hacienda "Jauca", property of the Sucn. Serralles and lands of Laureana Perez.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 103 of volume 20 of Jayuya, property No. 399 quadruplicate, inscription 18.

2. RURAL: Parcel of land located in Ward "Anon" of the municipality of Ponce, containing ONE HUNDRED NINETY EIGHT CUERDAS AND EIGHTY THREE HUNDREDTHS OF ANOTHER (198.83) equivalent to 78 hectares, 14 ares and 81 centares; two cuerdas and forty six hundredths of another equivalent to 96 ares and 67 centares occupied by two rivers are deducted, remaining one hundred ninety six cuerdas and thirty seven hundredths of another (196.37) equivalent to 77 hectares, 18 ares and 14.1125 centares, bounded North, with Hacienda "El Retiro", property of Antonio Yumet Marin and Juan Masini Pietri; South, with "Hacienda Carmelita" property of The People of Puerto Rico and R. B. Noyes, separated by th. Carrillo River; East with R. B. Noyes, separated by the Carrillo River; and West, with "Hacienda Carmelita" property of The People of Puerto Rico and "Hacienda El Retiro" property of Antonio Yumet Marin.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 30, volume 406 of Ponce, property No. 14,274, inscription 1.

3. RURAL: Parcel of land located in Wards "Anon" and "San Patricio" of the municipality of Ponce, P. R., containing SIX HUNDRED NINE CUERDAS AND SEVENTY FOUR HUNDREDTHS OF ANOTHER (609.74) equivalent to 239 hectares, 64 ares, and 22 centares, bounded North, with lands of Sucesion Morales, separated by the dividing line between the jurisdictions of Ponce and Jayuya; South, with Radames Sotomayor, more lands of R. B. Noyes and Hacienda "Raices" property of Fernando M. Toro; East, with the farm known as "Inavon" property of Manuel Mayoral, before Luis Llorens; and West, with the "Hacienda Carmelita", property of The People of Puerto Rico.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 14, volume 404 of Ponce, property No. 14217, inscription 1.

4. RURAL: Parcel of land located in Ward Jayuya Arriba of the municipality of Jayuya, P. R., containing TWO HUNDRED SIX CUERDAS AND TWELVE HUNDREDTHS OF ANOTHER (206.12) equivalent to 81 hectares, 1 are, 34 centares, bounded North, with "Hacienda Gripina" and Emeterio Atienza; South, with Emeterio Atienza; East, with Emeterio Atienza; and West, with Hacienda "Gripina".

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 76, volume 7 of Jayuya, property No. 262, inscription 10.

5. RURAL: Parcel of land located in Ward "Saliente" of the municipality of Jayuya, P. R., containing ONE HUNDRED EIGHTY CUERDAS THREE HUNDRED FORTY SIX THOUSANDTHS OF ANOTHER (180.346) equivalent to 70 hectares, 88 ares and 31 centares and 129 milliares, bounded North, with lands of the United States of America, acquired from Ramon Ortiz Zayas; South, with lands of the United States of America, acquired from Luis Llorens Torres; East, with the Prieto River and West; with lands of the United States of America acquired from Emeterio Atienza.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 123, volume 22 of Jayuya, property No. 1086, inscription 9.

6. RURAL: Parcel of land located in Ward "Saliente" of the municipality of Jayuya, P. R., containing FIVE HUNDRED EIGHTY SEVEN CUERDAS AND SIXTY TWO HUNDREDTHS OF ANOTHER (587.62) equivalent to 230 hectares, 95 ares, and 68 centares, bounded North, with Carlos Fortieri, before Francisco de Jesus, heirs of Francisco Martin and farm known as "El Guineo", property of Pedro Correa; South, with the dividing line between Ponce and Jayuya which separates lands of the farm known as "Maravilla" property of Luis Llorens Echevarria, the dividing line between Juana Diaz and Jayuya, which separates the farm known as "Retiro" property of Julio Munet and the farm known as "Palma Sierra" property of the Banco Territorial y Agricola; East, the farm known as "Palma Sierra", property of the Banco Territorial y Agricola; and West, with Sucn. Mattei, before Olayo Vargas.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 156, volume 6 of Jayuya, property No. 214, inscription 8.

7. RURAL: Parcel of land located one half in Ward "Toro Negro" of the municipality of Ciales, P. R., and the other half in Ward Jayuya Arriba, of the municipality of Jayuya, formerly of Utuado, P. R., containing THREE HUNDRED SIXTEEN CUERDAS AND FIFTY SEVEN HUNDREDTHS OF ANOTHER (316.57) equivalent to 124 hectares, 42 ares and 45 centares; bounded North, with lands of Pablo Morales, Bartolo Castaner and Juan Ramon Figueroa; East, with lands of The People of Puerto Rico; South, with lands of Juan Bautista Galarzo and lands of the United States of America; and West, with lands of Emiliano Rivera, of Placido Davila, of Candido Gonzales and of Geronimo Franceschi.

Recorded in fee-simple (dominio) title in favor of the United States of America at folios 20 over and 88, volumes 12 and 23 of the municipalities of Ciales and Jayuya, Property Nos. 579 and 1230, inscriptions 3 and 3, respectively.

8. RURAL: Parcel of land located in Ward Toro Negro of the municipality of Ciales, P. R., containing TWO HUNDRED SIXTY CUERDAS AND FORTY NINE HUNDREDS OF ANOTHER (260.49) equivalent to 102 hectares, 38 ares and 13.37 centares, bounded North, with Juan Galarza and Sucn. Martinez; South, with Sucn. Antonio Passalacqua; East, with the remaining part of the farm from where this parcel has been segregated; and West, with Juan Galarza and Sucn. of Antonio Passalacqua.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 174, volume 72 of Ciales, property No. 4229, inscription 1.

9. RURAL: Parcel of land known as "Hacienda Bauta", located in ward Bauta Abajo of the municipality of Orocovis, containing SIX HUNDRED SEVEN CUERDAS AND NINETY TWO HUNDREDTHS OF ANOTHER (607.92) equivalent to 238 hectares, 93 ares, 68 centares and 77 milliares divided in two portions by lands of The People of Puerto Rico, where the Matrullas Lake is located, both of which portions meet at their northern boundary at the margin of the Matrullas River and lands of Dolores Colon, the boundary of the two portions being as follows: the portion of land on the East side of the Matrullas Lake is in boundary, North, with lands of Dolores Colon, Miguel Rivera and Horacio Berrios; South, with lands of Eugenio Guzman; East, with lands of Antonio Ocasio, Ulises Ocasio, Lucas Serrano and Juan Rivera; and West, with lands of The People of Puerto Rico where the Matrullas Lake is located; and the other portion of land west of the Matrullas Lake is in boundary North, with lands of Ramon Torres; South, with lands of Manuel Ralat and Eugenio Guzman, East, with the Matrullas River and lands of The People of Puerto Rico where the Matrullas Lake is located; and West, with lands of Abad Frau, Elias Rodriguez, Juan Gutierre, and Sucn. Manuel Ortiz.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 92 over, volume 51 of Orocovis property No. 8, septuplicate, inscription 27.

10. RURAL: Parcel of land located in Ward "Ala de la Piedra" of the municipality of Orocovis, P. R., containing SEVENTY NINE CUERDAS AND FIVE HUNDRED TWENTY SIX THOUSANDTHS OF ANOTHER (79.526) equivalent to 31 hectares, 25 ares and 70 centares, bounded North, with lands of The People of Puerto Rico separated in part by the Guineo Road and with the remaining 3.36 cuerdas of the principal estate from which this parcel has been segregated, property of the Sucn. Antonio Passalacqua y

Costa, composed by the vendors herein mentioned; South, with lands of The People of Puerto Rico and lands of Casimiro Figueroa; East, with lands of Casimiro Figueroa and lands of The People of Puerto Rico acquired from Sucn. Julio Olivieri; and West, with lands of The People of Puerto Rico and the remaining part of the principal estate from which this parcel is segregated; the Guineo Road runs thru this property on the northern and extreme northeast.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 75, volume 59 of Orocovis, property No. 2852, inscription 1.

11. RURAL: Parcel of land located in Ward "Toro Negro" of the municipality of Ciales, P. R., containing NINETY-SIX CUERDAS AND FORTY-THREE HUNDREDTHS OF ANOTHER (96.43) equivalent to 37 hectares, 90 ares, 8 centares and 4 milliares, bounded North, with lands of the United States of America acquired from Antonio Morell Bauza; South, with lands of Juan Galarza and lands of The People of Puerto Rico; East, with lands of The People of Puerto Rico; and West, with lands of Juan Galarza.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 73, volume 69 of Ciales, property No. 4009, inscription 4.

12. RURAL: Parcel of land located in Ward Jayuya Arriba of the municipality of Jayuya, P. R., containing NINETY-NINE CUERDAS AND NINETY-EIGHT HUNDREDTHS OF ANOTHER (99.98) equivalent to 39 hectares, 29 ares, and 48.94 centares, bounded North, with Sucn. Morales; South, with Compania Hidroelectrica de Ponce; East, with Emeterio Atienza; and West, with Compania Hidroelectrica de Ponce.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 116, volume 9 of Jayuya, property No. 365 duplicate, inscription 13.

13. RURAL: Parcel of land located in Ward "Anon" of the municipality of Ponce, P. R., containing FIVE HUNDRED CUERDAS (500), equivalent to 196 hectares, 51 ares and 97.08 centares, bounded North, with lands of Sucn. Morales and Ramona Munoz Viuda de Alonso, today the United States of America; East, with lands of Manuel Mayoral; South, with lands of Jose Franco and Compania de Fuerza Hidroelectrica de Ponce; and West, with lands of Roberto B. Noyes, today the United States of America.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 217, volume 410 of Ponce, property No. 14357, inscription 1.

14. RURAL: Parcel of land located in Ward Jayuya Arriba of the municipality of Jayuya, P. R., containing TWO HUNDRED NINETY FIVE CUERDAS AND TEN HUNDREDTHS OF ANOTHER (295.10) equivalent to 115 hectares, 98 ares and 67.69 centares, bounded North, with Juan Masini; East, with Ramon Ortiz Zayas, today Caribbean National Forest, Sucn. Egozcue and Luis Llorens Torres, today lands of the Puerto Rico Reconstruction Administration; South, with Manuel Mayoral; and West, with Sucn. Morales, Ramona Munoz Viuda de Alonso and Manuel Mayoral.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 29, volume 20, of Jayuya, property No. 829, inscription 1.

15. RURAL: Parcel of land located in Ward "Cacaos" of the municipality of Orocovis, P. R., containing THIRTY SIX CUERDAS AND EIGHTEEN HUNDREDTHS OF ANOTHER (36.18) equivalent to 14 hectares, 21 ares, and 93 centares, bounded North, with lands of Luis Torres, Candido Berdecia and Luis Torres; East, with Eustaquio Burgos and Juan Berdecia; South, with Juan Berdecia and Banco de Ponce; and West, with Ramon Torres.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 158, volume 56 of Orocovis, property No. 2718, inscription 1.

16. RURAL: Parcel of land located in Ward Bauta Abajo of the municipality of Orocovis, P. R., containing EIGHTY-FIVE CUERDAS AND SIX HUNDRED SIX THOUSANDTHS OF ANOTHER (85.606) equivalent to 33 hectares, 64 ares and 69 centares, bounded North, with lands of Eugenio Guzman; South, with lands of Sucesion Colon and lands of Sucn. Antonio Ortolaza; East, with Lucas Serrano; and West, with the Matrullas Lake, property of The People of Puerto Rico.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 147, volume 38 of Orocovis, property No. 273 duplicate, inscription 10.

17. RURAL: Parcel of land located in Ward "Collores" of the municipality of Juana Diaz, P. R., containing TWO HUNDRED CUERDAS AND EIGHTY HUNDREDTHS OF ANOTHER (200.80) equivalent to 78 hectares, 92 ares and 24.32 centares, bounded North, with the Toro Negro River which separates land of Maria Asuncion Garlarza Torres; South, with Fidel Aponte, Carlos Aponte, Jose S. Vazquez, Banco Credito y Ahorro Ponceno before, today C. R. Rosich; East, with Juan B. Galarza before, today Maria Asuncion Galarza Torres, lands of the Puerto Rico Reconstruction Administration (Coffee Program) today, before Juan B. Galarza; and West, with Luis Llorens Torres before, today the United States of America, Victor Munet before, today Virgilio Torres.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 115, volume 60 of Juana Diaz, property No. 3622, inscription 2.

18. RURAL: Parcel of land located in Ward "Collores" of the municipality of Juana Diaz, Puerto Rico, consisting of ONE HUNDRED THREE CUERDAS SEVENTY SEVEN HUNDREDTHS (103.77) equivalent to 40 hectares, 78 ares and 68.17 centares, bounded North, with the dividing line between the municipalities of Orocovis and Juana Diaz which separates them of lands of Gervasio Diaz; East, with the dividing line between the municipality of Juana Diaz and Villalba which separates lands of Sucn. Olivieri, United States of America (PRRA) and Philip L. Coffin; South, with lands of Victor Echevarria and Flor Rivera; and West, with a brook which separates lands of Carlos Roberto Colon Rosich.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 103, volume 90 of Juana Diaz, property No. 595 quadruplicate, inscription 20.

19. RURAL: Parcel of land located in Ward "Bauta Abajo" of the municipality of Orocovis, P. R., containing SEVENTY CUERDAS NINETY TWO HUNDREDTHS OF ANOTHER (70.92) equivalent to 27 hectares, 87 ares and 53.15 centares bounded North, with lands of Elvira Sanchez today, before Juana E. Rodriguez, Sucn. Jose Antonio Ocasio and Braulio Olmeda; East, with the Bauta River which separates lands of Domiciano Gonzales and Francisco Ortiz Santos; South, with lands of the Puerto Rico Reconstruction Administration (Coffee Program), Pedro Jose Gonzalez and Jesus Rivera Gonzales today, before Rogelio Rodriguez; and West, with lands of Sucn. Jose Antonio Ocasio and Clemente Colon.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 52 over, volume 44 of Orocovis, property No. 2161, inscription 2.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 24, 1942.*

[F. R. Doc. 42-14013; Filed, December 26, 1942; 3:23 p. m.]

## *Regulations*

## TITLE 6—AGRICULTURAL CREDIT

### Chapter II—Commodity Credit Corporation

[Oilseed Order 6]

### PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

### INVENTORY LIMITATION OF OILSEED PRODUCTS

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, and in view of the shortage of soybean, cottonseed, peanut and linseed oil meal and cake, *It is hereby ordered,* That:

Sec.
250.30 Definitions.
250.31 Inventory limitation.
250.32 Limitation on sales or deliveries.
250.33 Records.
250.34 Audit and inspection.
250.35 Reports.
250.36 Violations.
250.37 Appeals.
250.38 Communications to Commodity Credit Corporation.

AUTHORITY: §§ 250.30 to 250.38, inclusive, issued under W.P.B. Directive No. 7, 32 C.F.R., § 903.12, 7 F.R. 6518.

§ 250.30 *Definitions.* For the purposes of this order:

(1) "Oilseed product" as used herein shall mean cottonseed oil meal or cake, soybean oil meal or cake, peanut oil meal or cake, and linseed oil meal or cake.

(2) "Fifteen days' supply" means the total tonnage of oilseed products which, based on his current method and rate of operation, is needed by a person to fill his manufacturing, sales, or consumption requirements during the period of fifteen days next succeeding the delivery date specified in the purchase order therefor.

(3) "Purchase order" means any contract or offer to purchase, any agreement to acquire by exchange, any request for shipment or delivery under existing contracts, or any other action heretofore or hereafter taken by any person to obtain delivery of oilseed products.

(4) "Delivery date inventory" means that quantity of oilseed products determined by deducting from the inventory on hand at the time the purchase order is placed the quantity which, based on his current method and rate of operation, the purchaser represents that he will use in meeting his manufacturing, sales, or consumption requirements between the date on which the purchase order is placed and the delivery date specified in the purchase order.

(5) "Person" as used herein means any individual, partnership, business trust, association or corporation, or any organized group of persons, whether incorporated or not, but shall not include any departments or agencies of the United States Government.

§ 250.31 *Inventory limitation.* Beginning with the effective date of this order and ending on February 28, 1943, unless

otherwise authorized by Commodity Credit Corporation, no person shall (a) place any purchase order for oilseed products if the tonnage ordered, taken in conjunction with his delivery date inventory and any other unfilled purchase orders placed by him, would exceed a fifteen days' supply, as defined in § 250.30, or (b) accept delivery of any oilseed products to the extent that the tonnage delivered, taken in conjunction with his inventory on hand at the time of delivery, would constitute a total tonnage of oilseed products which, based on his current method and rate of operation, is needed by him to fill his manufacturing, sales or consumption requirements during the next succeeding fifteen-day period: *Provided*, That the foregoing inventory limitation shall not restrict to less than 45 tons the supply of oilseed products of any person who regularly receives deliveries of oilseed products in carload lots.

§ 250.32 *Limitation on sales or deliveries.* Beginning with the effective date of this order and ending on February 28, 1943, unless otherwise authorized by Commodity Credit Corporation, no person shall sell or deliver oilseed products to any person unless the person to whom such oilseed products are to be sold or delivered shall accompany his purchase order therefor with a certificate in substantially the following form:

The undersigned certifies to his vendor and the Commodity Credit Corporation that he is familiar with provisions of Oilseed Order No. 6 and that the fulfillment of the purchase order to which this certificate is annexed will not cause his inventory of oilseed products to exceed the quantity permitted by Oilseed Order No. 6.

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Purchaser

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Date

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Address

§ 250.33 *Records.* Every person subject to this order shall keep and preserve, for not less than two years, accurate and complete records concerning all sales, purchases, contracts for the sale or purchase, and deliveries of oilseed products.

§ 250.34 *Audit and inspection.* All such records shall, upon request, be submitted to audit and inspection by duly authorized representatives of Commodity Credit Corporation.

§ 250.35 *Reports.* Every person subject to this order shall execute and file with Commodity Credit Corporation such reports as the Corporation may from time to time request.

§ 250.36 *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to any seller of oilseed products or to the Commodity Credit Corporation in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from manufacturing, processing, using, purchasing, selling, transferring or otherwise disposing of or acquiring oilseed products.

§ 250.37 *Appeals.* Any appeal from the provisions of this order shall be made by filing with the Commodity Credit Corporation a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

§ 250.38 *Communications to Commodity Credit Corporation.* All reports required to be filed hereunder and all communications and appeals concerning this order shall be addressed to: Commodity Credit Corporation, South Agriculture Building, Washington, D. C.

Issued this 24th day of December 1942

[SEAL] J. B. HUTSON,
*President.*

[F. R. Doc. 42-13971; Filed, December 26, 1942; 12:13 p. m.

## TITLE 7—AGRICULTURE

### Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q.—Q. 72]

### PART 301—DOMESTIC QUARANTINE NOTICES

#### SUBPART—WHITE-FRINGED BEETLE

*Introductory note.* This revision of the quarantine and regulations is made principally because of the discovery during the past summer and fall of white-fringed beetle infestations in North Carolina in the vicinity of Wilmington and other places in New Hanover County, in the vicinity of Goldsboro, Wayne County, and in parts of Pender County. The regulated area is extended to include parts of the above counties as well as several areas in Alabama and Mississippi in which infestations of the beetles have been found since the quarantine and regulations were last revised. Brought within the regulated area for the first time are part of Lowndes County, Ala., and part of Jefferson Davis County, Miss. Minor additions to the regulated areas are made in Dallas County, Ala., and Forest, Harrison, Jackson, Jones, Pearl River, and Stone Counties, Mississippi.

All restricted articles are placed under quarantine throughout the year because of seasonal variation in the development of the pests in the different areas, the differences in the life history and habits of the various species, and other biological factors. However the quarantine provides for modification of certification requirements as to articles, seasons, or areas through administrative instructions issued from time to time by the Chief of the Bureau when in his judgment no hazard of dissemination of the beetles is presented by such modification. Articles brought under restriction for the first time in this revision include gravel, moss, and bulbs, corms, tubers, and rhizomes of ornamental plants. Peanut shells are no longer restricted by these regulations.

Minor modifications have been made in regulations pertaining to limited permits (paragraph (b) of § 301.72-5) and to the cleaning of railway cars (§ 301.72-8).

Arrangements for inspection of the restricted articles may be made by addressing the Bureau of Entomology and Plant Quarantine, P. O. Box 989, Gulfport, Miss., or other field offices listed in the administrative instructions.

*Determination of the Secretary of Agriculture*

The Secretary of Agriculture, having given the public hearing required by law and having determined that it was necessary to quarantine the States of Alabama, Florida, Louisiana, and Mississippi to prevent the spread of infestations of introduced species of the genus *Pantomorus*, subgenus *Graphognathus*, commonly known as white-fringed beetles, not theretofore widely prevalent or distributed within and throughout the United States, on December 14, 1938, promulgated Notice of Quarantine 301.72, part 301, chapter III, title 7, effective January 15, 1939, with regulations supplemental thereto, and revision thereof, effective on and after May 9, 1942, governing the movement of live white-fringed beetles in any stage of development and carriers thereof. The Secretary of Agriculture, having given a further public hearing in the matter, has determined that it is necessary to revise further the quarantine and regulations for the purpose of quarantining the State of North Carolina because of the discovery of substantial infestations of the white-fringed beetle therein.

*Order of the Secretary of Agriculture*

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161) and the Insect Pest Act of March 3, 1905 (7 U.S.C. 141, 143), the subpart entitled "White-fringed Beetle" of part 301, chapter III, title 7, Code of Federal Regulations [B.E.P.Q.—Q. 72] is hereby vised effective December 28, 1942, to read as follows:

#### SUBPART—WHITE-FRINGED BEETLE

*(Quarantine No. 72)*

AUTHORITY: §§ 301.72 to 301.72-9 (a), inclusive (except § 301.72-2a), issued under sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C., 1940 ed. 161. § 301.72-2a issued under sec. 1, 33 Stat. 1269; 7 U.S.C., 1940 ed. 141. § 301.72-9 (b) issued under sec. 3, 33 Stat. 1270; 7 U.S.C., 1940 ed. 143.

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture quarantines the States of Alabama, Florida, Louisiana, Mississippi, and North Carolina to prevent the spread of dangerous infestations of introduced species of the genus *Pantomorus*, subgenus *Graphognathus*, commonly known as white-fringed beetles, and under authority contained in the aforesaid Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141, 143), the Secretary of Agriculture prescribes regulations. Hereafter the following articles (as specifically named in the regulations sup-

plemental hereto, in modifications thereof, or in administrative instructions as provided in the regulations supplemental hereto), which are capable of carrying the aforesaid insect infestations, viz, (1) nursery stock and other stipulated plants or plant products; (2) soil independent of, or in connection with, nursery stock, plants, or other products; or (3) other articles as stipulated in § 301.72–3; or (4) live white-fringed beetles in any stage of development, shall not be transported by any person, firm, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed in the regulations supplemental hereto: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, designated by the Secretary of Agriculture as regulated areas, in the quarantined States, as, in his judgment, shall be adequate to prevent the spread of the said pest or pests. Any such limitation shall be conditioned, however, upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles and enforcing such other control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of said insect infestation: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

*Meaning of Terms*

§ 301.72–1 *Definitions*—(a) *The pests.* Species of the genus *Pantomorus*, subgenus *Graphognathus*, commonly known as white-fringed beetles, in any stage of development.

(b) *Regulated area.* Any area in a quarantined State which is now, or which may hereafter be, designated as regulated by the Secretary of Agriculture in accordance with the provisions of § 301.72 as revised.

(c) *Restricted articles.* Products or articles of any character whatsoever, the interstate movement of which is restricted by the provisions of the white-fringed beetle quarantine, and the regulations supplemental thereto.

(d) *Nursery stock.* Forest, field, and greenhouse-grown annual or perennial plants, for planting purposes.

(e) *Inspector.* Duly authorized Federal plant-quarantine inspector.

(f) *Certificate.* An approved document, issued by an inspector, authorizing the movement of restricted articles from the regulated areas.

(g) *Limited permit.* An approved document, issued by an inspector, to allow controlled movement of noncertified articles to designated and authorized destinations for processing or other restricted handling.

(h) *Administrative instructions.* Documents issued by the Chief of the Bureau of Entomology and Plant Quarantine relating to the enforcement of the quarantine.

(i) *Infested or infestation.* Infested by white-fringed beetles, in any stage of development. (See (a) above.)

(j) *Infested area.* That portion of the regulated area in which infestation exists, or in the vicinity of which infestation is known to exist under such conditions as to expose the area to infestation by natural spread of beetles, as determined by an authorized inspector.

*Areas Under Regulation*

§ 301.72–2 *Regulated areas.* The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Secretary of Agriculture as regulated areas:

*Alabama. In Conecuh County:* W. ⅔ T. 5 N., R. 9 E., and all of those portions of Tps. 5 and 6 N., R. 8 E. lying in Conecuh County; *in Covington County:* Secs. 30 and 31, T. 2 N., R. 18 E.; secs. 25, 26, 35, and 36, T. 2 N., R. 17 E.; T. 1 N., Rs. 17 and 18 E., and SE ¼ T. 1 N., R. 16 E., and all area south thereof to the Alabama-Florida State line; also all the town of Opp; *in Dallas County:* That area included within a boundary beginning on the Southern Ry. where it crosses Bougechitto Creek; thence SW along the Southern Ry. to Caine Creek; thence SE along Caine Creek to its intersection with Bougechitto Creek; thence northward along Bougechitto Creek to the starting point; all of Tps. 13 and 14 N., R. 11 E., and secs. 1, 12, 13, 24, 25, and 36, T. 14 N., R. 10 E.; *in Escambia County:* Secs. 32, 33, and 34, T. 1 N., R. 8 E., including all of the town of Flomaton; *in Geneva County:* Secs. 31, 32, and 33, T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; *in Lowndes County:* W. ⅔ T. 14 N., R. 12 E.; *in Mobile County:* That area included within a boundary beginning at a point where the eastern boundary of the city limits of Mobile, if extended northward, would intersect the northern boundary of S. ⅓ T. 3 S., R. 1 W.; thence west to Chickasaw Creek; thence northwestward along Chickasaw Creek to Eight-Mile Creek; thence westerly along Eight-Mile Creek to the western boundary of R. 1 W.; thence south to Eslava Creek; thence easterly along Eslava Creek to the city limits of Mobile; thence southeasterly following the city limits east, south, east, and north to the starting point, including all of Blakeley Island and the city of Mobile; also that area included within a boundary beginning at a point where old Highway 90 crosses Fowl River; thence southwestward along old Highway 90 to its junction with the Alabama-Mississippi State line; thence south along the Alabama-Mississippi State line to the southern boundary of N. ⅓ T. 7 S., R. 4 W.; thence east to the SE corner sec. 9, T. 7 S., R. 3 W.; thence north to the NE corner sec. 4 T. 7 S., R. 3 W.; thence east to the point where the south boundary of T. 6 S. intersects Fowl River; thence northwestward along Fowl River to the starting point; *in Monroe County:* W. ⅓ T. 8 N., all of T. 9 N., and the S ½ T. 10 N., all in R. 9 E.; S. ½ T. 10 N., all of Tps. 7, 8, and 9 N., R. 8 E., and those portions of Tps. 5 and 6 N., R. 8 E. lying in Monroe County; secs. 25, 26, 35, and 36, T. 7 N., R. 7 E., and secs. 1 and 2, T. 6 N., R. 7 E.; *in Wilcox County:* N. ½ T. 10 N. and S. ½ T. 11 N., R. 9 E., and secs. 8, 9, 10, 15, 16, and 17, T. 11 N., R. 9 E.

*Florida. In Escambia County:* All that part lying south of the northern boundary of T. 1 N., including all of the city of Pensacola, and that part of the county north of the southern boundary of T. 5 N. and east of the western boundary of R. 31 W.; *in Okaloosa County:* T. 5 N., R. 22 W., and secs. 1, 2, and 3, T. 5 N., R. 23 W., and all lands north of both areas to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, 24, T. 3 N., R. 24 W.; *in Walton County:* T. 5 N., Rs. 20 and 21 W., and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north of both areas to the Florida-Alabama State line; also secs. 1 to 24, inclusive, T. 4 N., R. 19 W.

*Louisiana.* All of Orleans Parish, including the city of New Orleans, and all of Saint Bernard Parish; *in East Baton Rouge Parish:* All of T. 7 S., Rs. 1 and 2 E. and 1 W., including all of the city of Baton Rouge; *in Iberia Parish:* All of secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E., and secs. 46, 55, 56, 57, 58, 59, 60, T. 13 S., R. 6 E.; *in Jefferson Parish:* That part lying north of the township line between Tps. 14 and 15 S.; *in Plaquemines Parish:* That part lying north of the township line between Tps. 15 and 16 S; *in Saint Tammany Parish:* All of secs. 38, 39, and 40, T. 7 S., R. 11 E., and secs. 40 and 41, T. 8 S., R. 11 E.

*Mississippi. In Covington County:* All of secs. 28, 29, 32, and 33, T. 6 N., R. 14 W.; *in Forrest County:* All that portion of T. 5 N., R. 13 W. lying west of Leaf River; E. ⅔ T. 5 N., R. 14 W. and secs. 5 and 8, T. 5 N., R. 14 W.; all of T. 4 N., Rs. 12 and 13 W., lying west of Leaf River, and that portion of T. 3 N., R. 12 W., lying south and west of Leaf River; that portion of T. 3 N., R. 13 W., lying east of U. S. Highway 49, and that portion of T. 2 N., R. 12 W. lying east of U. S. Highway 49; and secs. 1, 2, 3, 4, 9, 10, and 11 and those portions of secs. 12, 13, 14, 15, and 16 lying north of Black Creek in T. 1 N., R. 12 W.; and E. ⅚ T. 1 S., R. 12 W.; *in Harrison County:* That area included within a boundary beginning at the NW corner sec. 26, T. 4 S., R. 12 W., thence south to the NW corner sec. 14, T. 6 S., R. 12 W.; thence west to the NW corner sec. 16, T. 6 S., R. 12 W.; thence south to the intersection with Wolf River; thence southwesterly along Wolf River to Saint Louis Bay; thence south along the east shore of Saint Louis Bay to the Mississippi Sound; thence eastward along the Mississippi Sound to a point of intersection with the Bay of Biloxi; thence westerly along the Bay of Biloxi to the SE corner sec. 17, T. 7 S., R. 10 W.; thence north along the section line to the NE corner sec. 5, T. 7 S., R. 10 W.; thence west along the section line to Biloxi River; thence northwestward along Biloxi River to the intersection of the east line of sec. 5, T. 6 S., R. 11 W.; thence north to the Stone County line; thence west to the starting point including all properties extending over or into the Mississippi Sound and the Bay of Biloxi; *in Hinds County:* E. ½ T. 6 N., R. 3 W., and W. ⅓ T. 6 N., R. 2 W.; *in Jackson*

*County:* That area included within a boundary beginning at a point where the east line of sec. 19, T. 7 S., R. 5 W. intersects Escatawpa River; thence west along said river to the Pascagoula River; thence south along the Pascagoula River to the township line between Tps. 7 and 8 S.; thence east to the SE corner sec. 31, T. 7 S., R. 5 W.; thence north to the starting point; all that portion of T. 7 S., R. 9 W. lying in Jackson County and the W. ⅔ Tps. 7 and 8 S., R. 8 W.; *in Jefferson Davis County:* Secs. 1, 2, 11, and 12, T. 7 N., R. 19 W.; secs. 35 and 36, T. 8 N., R. 19 W.; sec. 31, T. 8 N., R. 18 W., and secs. 6 and 7, T. 7 N., R. 18 W., including all of the town of Prentiss; *in Jones County:* Secs. 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 9 N., R. 11 W.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, and 18, T. 8 N., R. 11 W.; secs. 13, 14, 24, 25, 35, and 36, T. 9 N., R. 12 W.; those portions of secs. 23 and 26, T. 9 N., R. 12 W., lying east of Tallahoma Creek; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 12 W.; secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 13 W., and those portions of secs. 28 and 33, T. 6 N., R. 13 W., lying west of Leaf River; *in Lamar County:* All of the town of Purvis; all of secs. 35 and 36, T. 1 N., R. 15 W.; sec. 31, T. 1 N., R. 14 W., and secs. 1 and 2, T. 1 S., R. 15 W.; *in Pearl River County:* All that area included within a boundary beginning at a point at the northern city limits of Poplarville in sec. 19, T. 2 S., R. 15 W. on the New Orleans & Northeastern R. R.; thence northeasterly along said railroad to a point where it intersects the south line of sec. 15, T. 1 S., R. 15 W.; thence east to the SE corner sec. 14, T. 1 S., R. 15 W.; thence north to the Lamar County line; thence west and north along said county line to the NW corner sec. 4, T. 1 S., R. 15 W.; thence south to the NW corner sec. 16, T. 1 S., R. 15 W.; thence west to the NW corner sec. 18, T. 1 S., R. 15 W.; thence south to the NW corner sec. 18, T. 2 S., R. 15 W.; thence west to the NW corner sec. 13, T. 2 S., R. 16 W.; thence south along the section line to a point where it would intersect the line of the northern boundary of Poplarville if extended westward; thence east along this line to the starting point; all of T. 5 S., R. 16 W., and the E. ½ of T. 5 S., R. 17 W.; *in Stone County:* W ⅓ Tps. 2 and 3 S., R. 11 W.; secs. 5, 6, 7, 8, 17, 18, 19, 20, T. 4 S., R. 11 W.; E. ⅓ T. 2 S., R. 12 W., and secs. 3, 4, 5, 8, 9, and 10, T. 2 S., R. 12 W.; E. ⅓ T. 3 S., R. 12 W.; and secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 S., R. 12 W.

*North Carolina. In New Hanover County:* The city of Wilmington; Cape Fear township; all that part of Harnett township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and that part of Masonboro township north of the new road between Sunset Park and Winter Park; *in Pender County:* Townships of Burgaw, Caswell, and Rocky Point, and that part of Columbia township lying south of an imaginary straight line drawn east and west across the township to connect the northern boundaries of Burgaw and Caswell townships; *in Wayne County:* Goldsboro township.

*Articles Prohibited Movement*

§ 301.72–2a *Beetles prohibited shipment.* The interstate shipping of living white-fringed beetles in any stage of development, whether moved independent of or in connection with any other article, is prohibited, except as provided in paragraph (b) of § 301.72–9.

*Articles Restricted Movement*

§ 301.72–3 *Restricted articles.* Except as provided in administrative instructions, the interstate movement of the following articles from any regulated area is regulated throughout the year:

(a) Soil, sand, gravel, clay, peat, or muck, whether moved independent of, or in connection with or attached to nursery stock, plants, products, articles, or things.

(b) Compost, manure, moss, and leafmold.

(c) Nursery stock.

(d) Grass sod.

(e) Potatoes.

(f) True bulbs, corms, tubers, and rhizomes of ornamental plants.

(g) Hay.

(h) Peanuts in shells.

(i) Seed cotton, cottonseed, and baled cotton lint and linters.

(j) Scrap metal and junk.

(k) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(l) Brick, tile, stone, and cinders.

(m) Concrete slabs, pipe, and building blocks.

(n) Implements, machinery, equipment, and containers.

CONDITIONS OF INTERSTATE MOVEMENT

§ 301.72–4 *Conditions governing interstate movement of restricted articles.* (a) *Certification required.* Restricted articles shall not be moved interstate from a regulated area to or through any point outside thereof unless accompanied by a valid inspection certificate issued by an inspector: *Provided,* That certification requirements as they relate to part or all any regulated area may be waived, during part or all of the year, by the Chief of the Bureau of Entomology and Plant Quarantine, on his finding and giving notice thereof, in administrative instructions, that the State concerned has promulgated and enforced adequate sanitary measures on and about the premises on which restricted articles originate or are retained, or that adequate volunteer sanitary measures have been applied, or that other control or natural conditions exist which have eliminated the risk of contamination by the pests in any stage of development.

(b) *Use of certificate on shipments.* Unless exempted by administrative instructions, every container of restricted articles moved interstate from any regulated area shall have securely attached to the outside thereof a certificate or permit issued in compliance with these regulations, except that in the case of shipments in bulk, by common carrier, a master permit attached to the shipping order, manifest, or other shipping papers, will be sufficient. In the case of shipments in bulk by road vehicle other than common carrier, a master permit shall accompany the vehicle. Master permits shall accompany shipments to destination and be surrendered to consignees on delivery.

(c) *Movement within continuous areas unrestricted.* No certificates are required for interstate movement of restricted articles when such movement is wholly within continuous regulated areas.

(d) *Articles originating outside the regulated areas.* No certificates are required for the interstate movement of restricted articles originating outside of the regulated areas and moving through or from a regulated area, when the point of origin is clearly indicated, when their identity has been maintained, and when the articles are protected, while in the regulated area, in a manner satisfactory to the inspector.

*Conditions of Certification*

§ 301.72–5 *Conditions governing the issuance of certificates and permits—* (a) *Approved methods.* Certificates authorizing the interstate movement of restricted articles from the regulated areas may be issued upon determination by the inspector that the articles are (1) apparently free from infestation; or (2) have been treated, fumigated, sterilized, or processed under approved methods; or (3) were grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, no infestation would be transmitted thereby: *Provided,* That certificates authorizing the interstate movement of soil, sand, gravel, clay, peat, muck, or compost, originating in an infested area may be issued only when such materials have been treated or handled under methods or conditions approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) *Limited permits.* Limited permits may be issued for the movement of noncertified restricted articles to destinations and consignees as may be authorized and designated by the Chief of the Bureau of Entomology and Plant Quarantine for processing or other handling. As a condition of such authorization and designation, persons or firms shipping, receiving, or transporting such articles may be required to agree in writing to maintain such sanitary safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of restricted products and cleaning of railway cars, trucks, or other vehicles used in the transportation of such articles as may be required by the inspector.

(c) *Dealer-carrier permit.* As a condition of issuance of certificates or permits for the interstate movement of restricted articles, persons or firms engaged in purchasing, assembling, exchanging, processing, or carrying such restricted articles originating or stored in regulated areas, may be required to execute a signed agreement stipulating that the permittee will carry out any and all conditions, treatments, precautions, and sanitary measures which may be deemed necessary.

*Procedure for Applicants*

§ 301.72–6 *Assembly of restricted articles for inspection.* Persons intending to move restricted articles, the certification of which is required, interstate from regulated areas shall make application for certification as far as possible in advance of the probable date of shipment. Applications must show the nature and quantity of articles to be moved, together with their exact location, and if practicable, the contemplated date of shipment. Applicants for inspection may be required to assemble

or indicate the articles to be shipped so that they may be readily examined by the inspector.

The United States Department of Agriculture will not be responsible for any cost incident to inspection or treatment other than the services of the inspector.

*Certificates and Permits May Be Canceled*

§ 301.72–7 *Cancelation of certificates or permits.* Certificates or permits issued under these regulations may be withdrawn or canceled and further certification refused whenever, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of infestation.

*Cleaning of Vehicles*

§ 301.72–8 *Cleaning of freight cars, trucks, and other vehicles.* When in the judgment of the inspector a hazard of spread of infestation is presented, thorough cleaning of freight cars, trucks, and other vehicles may be required before movement interstate to points outside the regulated areas when such freight cars, trucks, or other vehicles have been used for the transportation of uncertified restricted articles within regulated areas.

*Shipments for Experimental or Scientific Purposes*

§301.72–9 (a) *Articles for experimental or scientific purposes.* Articles subject to restrictions may be moved interstate for experimental or scientific purposes, on such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

(b) *Beetles for experimental or scientific purposes.* Live white-fringed beetles, in any state of development, may be moved interstate for scientific purposes only under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of white-fringed beetles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

Effective December 28, 1942.

Done at the city of Washington this 23rd day of December 1942. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
*Acting Secretary of Agriculture.*

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained at the office of the Bureau of Entomology and Plant Quarantine, Room 6, Gates-Cook Building (Tel. 1591), P. O. Box 989, Gulfport, Miss., or through a White-fringed Beetle Inspector at one of the subsidiary offices.

GENERAL OFFICES OF STATES COOPERATING

Alabama: Chief, Division of Plant Industry, Montgomery.

Florida: Assistant Plant Commissioner, State Plant Board, Gainesville.

Louisiana: State Entomologist, Baton Rouge.

Mississippi: Entomologist, State Plant Board, State College.

North Carolina: State Entomologist, Raleigh.

[F. R. Doc. 42–13904; Filed December 24, 1942; 2:43 p. m.]

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[B.E.P.Q. 485, Eleventh Revision]

## PART 301—DOMESTIC QUARANTINE NOTICES

### WHITE-FRINGED BEETLE REGULATIONS MODIFIED

§ 301.72a *Administrative instructions; modification of certification requirements for specified articles.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.72, Chapter III, Title 7, Code of Federal Regulations (Notice of Quarantine No. 72, on account of the white-fringed beetle), the certification requirements are hereby modified effective December 28, 1942, through June 15, 1943, for the interstate movement of the following articles and materials enumerated in § 301.72–3:

(a) Certificates may be issued for the interstate movement of the following materials under the conditions specified below:

(1) Soil, sand, gravel, clay, peat, or muck, when taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet.

(2) Sand and gravel, when washed, processed, or otherwise treated to the satisfaction of the inspector.

(b) All certification requirements are waived for the following articles and materials when free from soil and when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Potatoes, except that those freshly harvested are not exempt.

(2) True bulbs, corms, tubers, and rhizomes of ornamental plants, except that those freshly harvested or uncured are not exempt.

(3) Hay, except that peanut hay is not exempt.

(4) Seed cotton, cottonseed, and baled cotton lint and linters.

(5) Scrap metal and junk.

(6) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(7) Brick, tile, stone, and cinders.

(8) Concrete slabs, pipe, and building blocks.

(9) Implements, machinery, equipment, and containers.

*Articles Remaining Under Quarantine*

(c) Certification is required for the following articles and materials enumerated in § 301.72–3:

(1) All soil, sand, gravel, clay, peat, or muck, whether moved independent of, or in connection with, or attached to nursery stock, plants, products, articles, or things.

(2) Compost, manure, moss, and leafmold.

(3) Nursery stock.

(4) Grass sod.

(5) Potatoes, freshly harvested.

(6) True bulbs, corms, tubers and rhizomes of ornamental plants, when freshly harvested or uncured.

(7) Peanuts in the shell.

(8) Peanut hay.

This revision supersedes Circular B. E. P. Q. 485, tenth revision, which became effective August 3, 1942.

(7 CFR, § 301.72; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Effective December 28, 1942.

Done at Washington, this 23rd day of December 1942.

[SEAL] P. N. ANNAND,
*Chief.*

[F. R. Doc. 42–13905; Filed, December 24, 1942; 2:43 p. m.]

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## Chapter IX—Agricultural Marketing Administration

## PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

### ORDER SUSPENDING CERTAIN PROVISIONS, ETC.

Order suspending certain provisions of § 941.5 (a) of the order, as amended, regulating the handling of milk in the Chicago, Illinois, 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 Chicago, Illinois, marketing area, it is hereby determined that the

provisions of such order which provide that the price of Class I milk disposed of under a program approved by the Secretary of Agriculture for the sale or disposition of milk to low income consumers, including persons on relief, shall be a price which is less than the established price of Class I milk, 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 the provisions of § 941.5 (a)[1] of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, which relate to the price to be paid by handlers for Class I milk disposed of under a program approved by the Secretary of Agriculture for the sale or disposition of milk to low income consumers, including persons on relief, shall be, and hereby are, suspended, effective as of 12:01 a. m., c. w. t., January 1, 1943.

Done at Washington, D. C., this 24th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
*Assistant to the Secretary of Agriculture.*[2]

[F. R. Doc. 42-13903; Filed, December 24, 1942; 2:42 p. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter II—Office of Alien Property Custodian

### PART 503—GENERAL ORDERS

[General Order 17]

#### CUSTODY OF RECORDS

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 hereby issues the following regulation:

§ 503.17 *General Order No. 17.* (a) The files and papers (including, without limitation, all correspondence, records, reports and other documents) of the Office of Alien Property Custodian are in the custody and possession of the Alien Property Custodian. Officers, employees, representatives and agents of the Office of Alien Property Custodian have access to such papers exclusively for the limited purposes of their official duties.

(b) All information and all such files and papers obtained by officers, employees, representatives or agents of the Office of Alien Property Custodian in the course of any examination, investigation, study or other employment with respect to any matter relating to the functions, duties, responsibilities, authority and power committed to the Alien Property Custodian by Executive Order or statute or otherwise shall be deemed strictly confidential unless made a matter of public record by order of the Alien Property Custodian or his authorized representative or unless the Alien Property Custodian or his authorized representative shall otherwise direct.

(c) No officer, employee, representative or agent of the Office of Alien Property Custodian shall produce or disclose directly or indirectly, to any person or before any court or administrative agency or other tribunal, other than the Alien Property Custodian or an officer, employee, representative or agent of the Office of Alien Property Custodian, whether in response to a subpoena or otherwise, any such confidential information, or any such files or papers, or the existence and contents thereof, unless the Alien Property Custodian or his authorized representative shall have authorized the disclosure thereof as not being contrary to the public interest.

(d) Any officer, employee, representative or agent of the Office of Alien Property Custodian who is served with any such subpoena or other process or order requiring the production of such files or papers or disclosure of such information shall promptly advise the Alien Property Custodian of such service and of the nature of the information or documents sought and any facts or circumstances which may bear upon the desirability of making available such information or documents.

(e) Any officer, employee, representative or agent of the Office of Alien Property Custodian who is served with any subpoena, process or order of any court or administrative agency or other tribunal requiring the disclosure of any such information or the production of any such files or papers or the disclosure of the existence or contents thereof shall appear in court or before the administrative agency or other tribunal and unless authority to the contrary shall have been given as provided in paragraph (c) of this regulation shall respectfully decline to disclose the information or to produce the files or papers called for by such subpoena or other process or order, basing his refusal to do so upon this regulation.

(f) The files and papers of the Office of Alien Property Custodian are available to the President of the United States, or his specially authorized representative, and to the Congress or either House or a standing or special Committee of either House or joint Committee of the Congress.

(g) The files and papers of the Office of Alien Property Custodian will be made available to other agencies and departments of the United States under suitable safeguards pursuant to arrangements made with the several agencies and departments.

(h) It shall be the policy of the Alien Property Custodian to make available to the courts of the United States and of the several States, territories and possessions and to the executive agencies of the United States and of the several States, territories and possessions, information and documents in his possession as freely and promptly as is consistent in his judgment with the public interest.

(i) No officer, employee, representative or agent of the Office of Alien Property Custodian shall have authority to determine generally or specifically what files or papers or information may be disclosed unless expressly given authority for that purpose by the Alien Property Custodian, or his duly authorized representative.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on December 18, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42-14040; Filed, December 28, 1942; 10:56 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### Chapter VIII—Procurement and Disposal of Equipment and Supplies

### PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

#### MISCELLANEOUS AMENDMENTS

The following sections of War Department Procurement Regulations dated September 5, 1942,[1] as amended,[2] are hereby further amended as follows:

Sections 81.318 (a), 81.318a (a) and (b), 81.324 (a) and (b), 81.343, 81.347, 81.348, 81.353, 81.964, 81.965, 81.980, 81.1106, 81.1303, 81.1320, 81.1321, 81.1322, 81.1323, 81.1324, and 81.1325 are amended and §§ 81.370 to 81.386, 81.818, 81.819, and 81.978a are added.

The changes and additions contained herein were made in the War Department Procurement Regulations under date of December 4, 1942. Numbers to the right of the decimal point correspond with the respective paragraph numbers in procurement regulations.

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

#### DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

§ 81.318 *Special cases*—(a) *Purchases under contracts of Procurement Division, Treasury Department; Navy Department; Post Office Department; etc.* (1) Purchase orders covering such purchases will be distributed in accordance with § 81.317.

(2) The chief of the supply service concerned will secure compliance with all special instructions of the respective agencies which make the contracts.

* * * * *

#### MISCELLANEOUS

In § 81.318a paragraphs (a) and (b) are amended to show correct cross references, as follows:

§ 81.318a. *Assignments*—(a) *Basic statutes.* There are two statutes creating restrictions on assignments of con-

[1] 6 F.R. 3130, 4552, 4553.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

[1] 7 F.R 8082.

[2] 7 F.R. 8163, 9268, 9660, 10184, 10247.

tracts with and claims against the United States. In 1940 both of these statutes were amended by the addition thereto of a paragraph making the restrictions inapplicable in certain situations. (See paragraph (b) of this section.)

* * * * *

(b) *Assignment of Claims Act of 1940.* In 1940 by the enactment of the Assignment of Claims Act (Public No. 811—76th Congress) the restrictions created by sections 3477 and 3737 of the Revised Statutes referred to in paragraph (a) of this section were, subject to certain conditions therein specified, made inapplicable to any case in which monies due or to become due under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution including any Federal lending agency. The conditions specified in the Act are, in general, those set forth in paragraphs (a), (b) and (e) of the standard Article contained in § 81.355.

* * * * *

MANDATORY AND OPTIONAL CONTRACT PROVISIONS

Paragraph (d) (1) and (2) of the standard Article quoted in § 81.324 (a) and paragraphs (b) (3) and (d) (1) and (2) of the standard Article quoted in § 81.324 (b) are amended as follows:

§ 81.324 *Termination for convenience of the Government.* (a) * * *

Article * * * *Termination for the convenience of the Government.* * * *

(d) * * *

(1) By reimbursing the contractor for all actual expenditures and costs certified by the Contracting Officer as having been made or incurred with respect to the uncompleted portion of the contract;

(2) By reimbursing, or providing for the payment or reimbursement of, the contractor for all expenditures made and costs incurred with the prior written approval of the Contracting Officer in settling or discharging that portion of the outstanding obligations or commitments of the contractor which had been incurred or entered into with respect to the uncompleted portion of the contract; and

* * * * *

(b) * * *

Article * * * *Termination for convenience of the Government.* * * *

(b) * * *

(3) Transfer to the Government, in accordance with the directions of the Contracting Officer, all materials, supplies, work in process, facilities, equipment, machinery or tools acquired by the contractor in connection with the performance thereof, and all plans, drawings, working drawings, sketches, specifications and information for use in connection therewith. If and as the Contracting Officer so directs or authorizes, the contractor shall sell at a price approved by the Contracting Officer, or retain at a price mutually agreeable, any such materials, supplies, equipment, machinery, tools, or other things: *Provided, however,* That the contractor may retain any such equipment, machinery and tools as of right if he so elects in writing, stating that he will forego reimbursement therefor. The proceeds of any such sale, or the agreed price, shall be paid or credited to the Government in such manner as the contracting officer may direct so as to reduce the amount payable by the Government under this Article.

* * * * *

(d) * * *

(1) By reimbursing the contractor for all actual expenditures and costs certified by the Contracting Officer as having been made or incurred with respect to this contract including expenditures and costs made or incurred in connection with any portions of the contract which may have been completed prior to termination, as well as expenditures and costs made or incurred after termination in completing those portions of the contract which the contractor may have been required by the notice of termination to complete.

(2) By reimbursing or providing for the payment or reimbursement of, the contractor for all expenditures made or costs incurred with the prior written approval of the Contracting Officer in settling or discharging any outstanding contractual obligations or commitments incurred or entered into by the contractor with respect to this contract; and

* * * * *

The introductory paragraph and paragraph (c) of the rate of wages clause quoted in § 81.343 are amended as follows:

§ 81.343 *Rate of wages clause.* * * *

*Rate of wages.* (In accordance with the act of August 30, 1935, 49 Stat. 1011, as amended by the act of June 15, 1940, 54 Stat. 399 (U. S. Code, title 40, secs. 276a and 276a–1), this article shall apply if the contract is in excess of $2,000 in amount and is for the construction, alteration, and/or repair, including painting and decorating, of a public building or public work within the geographical limits of the States of the Union, the Territory of Alaska, the Territory of Hawaii, or the District of Columbia.)

* * * * *

(c) The regulations of the Secretary of Labor, referred to in article __ hereof, allow certain "permissible deductions" from the wages required by this article to be paid.

* * * * *

The introductory paragraph in § 81.347 and clauses (d) and (f) of the standard Article quoted therein are amended as follows:

§ 81.347 *Advance payments with interest.* A clause substantially as follows will be included in fixed-price contracts when it is contemplated that advance payments with interest will be made thereon:

* * * * *

(d) If, upon the completion of the contract, or upon its termination for other than the fault of the contractor, the advance payments made to the contractor have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the contractor, and if the sum or sums due the contractor be insufficient to cover such balance, the deficiency shall be paid by the contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder: *Provided, however,* That in the event of such termination of the contract for other than the fault of the contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the contractor, the contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the _____ or his duly au-
(Chief of supply service)
thorized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the contractor, as determined by the _____ or his duly au-
(Chief of supply service)
thorized representative the amount of such excess shall, upon demand made by the _____ or his duly author-
(Chief of supply service)
ized representative be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this subparagraph is not met upon receipt of such demand by the contractor, the amount demanded will bear interest at the rate of six per cent (6%) rather than two and one-half per cent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such additional interest over and above the regular two and one-half per cent is hereby waived as to any sum paid by the contractor within 15 days after the amount becomes due hereunder.

* * * * *

(f) On the unliquidated balance of the advance payments outstanding, the contractor agrees to p interest at the rate of two and one-half per cent per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the contractor presents to the contracting officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the Contracting Officer or his duly authorized representative on the face thereof; and credits arising from case repayments to the Government by the contractor shall be made as of the dates and checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due to contractor under this contract: *Provided, however,* That in no event shall deductions on account of interest exceed five per cent (5%) of the gross payment due the contractor prior to any deduction under this paragraph or paragraph (e) or any other provisions of this contract. In the event the accrued interest carried forward and deducted from subsequent payments, the interest shall not be compounded, and shall, subject to the provisions of paragraph (d) hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon which the contractor completed his performance under the contract.

* * * * *

Clause (d) of the standard Article quoted in § 81.348 is amended as follows:

§ 81.348 *Advance payments without interest.* * * *

(d) If, upon the completion of the contract, or upon its termination for other than the fault of the contractor, the advance payments made to the contractor have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any

payments otherwise due the contractor, and if the sum or sums due the contractor be insufficient to cover such balance, the deficiency shall be paid by the contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder: *Provided, however,* That in the event of such termination of the contract for other than the fault of the contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the contractor, the contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the _____ or his duly author-
(Chief of supply service)
ized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the contractor, as determined by the _____ or his duly author-
(Chief of supply service)
ized representative the amount of such excess shall, upon demand made by the _____ or his duly author-
(Chief of supply service)
ized representative be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this subparagraph is not met upon receipt of such demand by the contractor, the amount demanded will bear interest at the rate of six per cent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the contractor within 15 days after the amount becomes due hereunder.

In § 81.353 the statement contained in the last three lines is redesignated paragraph (b) and amended and paragraph (a) is added as follows:

§ 81.353 *Walsh-Healey Act; representations and stipulations.*

* * * * *

(a) *Changes in regulations under Walsh-Healey Act.* From time to time there are issued by the Secretary of Labor changes in regulations under the Walsh-Healey Act which have the effect of modifying the standard representations and stipulations which are required to be inserted in supply contracts subject to that Act (See for example, subparagraph (5) of § 81.917 (b).) Accordingly, if desired, there may be added to the representations and stipulations set forth above an additional paragraph as follows:

(i) The foregoing representations and stipulations shall be subject to all applicable regulations, determinations and exemptions of the Secretary of Labor now or hereafter in effect.

(b) *Convict labor.* For discussion of the provision with respect to convict labor contained in paragraph (d) of the representations and stipulations set forth in this section, see § 81.903 (b).

TERMINATION OF FIXED PRICE (LUMP SUM) CONTRACTS

*Termination for the Convenience of the Government*

§ 81.370 *Authority to terminate.* The procedure provided in the succeeding paragraphs will be followed whenever the chief of any supply service shall find that it is in the interest of the government to terminate a lump sum contract now or hereafter entered into otherwise than for default under a clause similar to the usual Delays-Damages articles set forth in §§ 81.352 and 81.1302 (i).

§ 81.371 *Where the contract does not contain standard termination article.* If the contract does not contain an article in substantially the form set forth in § 81.324 (a) in the case of a lump sum supply contract or, in the case of a lump sum construction contract in substantially the form set forth in § 81.324 (b), the contracting officer will communicate with the contractor and will endeavor to amend the contract by supplemental agreement in substantially the form set forth in § 81.378. If no such amendment can be obtained, the procedure set forth in §§ 81.373 and 81.374 will be followed, depending upon whether or not the contract contains an article authorizing termination for the convenience of the Government.

§ 81.372 *Where contract contains standard termination article*—(a) *Notice of termination.* If the contract contains or has been amended to contain an article substantially in the form set forth in § 81.324 (a), in the case of a lump sum supply contract, or in the case of a lump sum construction contract, in substantially the form set forth in § 81.324 (b), the contracting officer shall transmit to the contractor a written Notice of Termination and Request for a Negotiated Settlement in triplicate substantially as set forth in paragraph (b) of this section. It is to be noted that the words "uncompleted portion of the" where appearing in italics in the form are not appropriate to a notice of termination of a lump sum construction contract containing an article substantially like that in § 81.324 (a), and will be omitted from any notice relating to such a contract.

(b) *Form of notice of termination.*

NOTICE OF TERMINATION AND REQUEST FOR A NEGOTIATED SETTLEMENT

The necessity and convenience of the Government require that your contract No._____ be terminated and that steps be taken immediately to bring about a settlement of the amount due to you. Accordingly, your Contract No. _____ is hereby terminated as of _____, 194__, pursuant to Article _____ of the contract.

It is the desire of the Government to work out with you by negotiation a settlement agreement that will properly and justly compensate you for the *uncompleted portion of the* contract.

You are hereby instructed (1) to suspend all work and the placing of all orders and subcontracts under this contract; (2) to terminate all subcontracts and cancel all existing orders and (3) to cause all work to cease thereunder, with the following exceptions: _____.

After taking the steps above indicated, and to provide the basis for such negotiated settlement, you are requested to submit as promptly as possible a statement showing:

1. The portion of the total contract price previously paid, detailed as to date, number, and amount of each invoice.
2. The aggregate amount due under the contract for articles delivered or work performed and unpaid for, detailed as to date, number, and amount of each invoice.
3. The aggregate amount which will be due under the contract for all articles heretofore completed by you or work performed by you (including spare parts, drawings, information and other things) called for in the contract and not previously delivered.
4. Total direct labor costs incurred with respect to the contract.
5. Total direct material costs so incurred.
6. Total indirect factory expense so incurred.*
7. Production engineering expense, indicating labor and burden.*
8. Other engineering and similar expenses itemized in reasonable detail.*
9. Total administrative expenses incurred in respect to the contract.*
10. Total subcontractors' claims incurred, or to be incurred, with respect to the uncompleted portion of the contract, including actual or estimated charges for cancellation or termination of sub-contracts and purchase orders.
11. Total credits for material and parts diverted, or to be diverted, credits for salvage value of scrap and other credits applicable to the contract.
12. A computation of the profit realized on completed articles or work performed, together with such further figures, cost analyses, and information as will in your opinion assist the Contracting Officer to determine any allowance for profit which should be taken into account in negotiating such a settlement.
13. All accrued equipment rental.**

If your own classification of accounts is substantially similar to the above, that classification will be satisfactory.

You are also requested to furnish an inventory of raw materials and materials in process and finished products on hand, and to supply schedules which show in detail the source and description of all significant charges summarized on the statement. You are further requested to submit a transcript of your advance payment account if any, as reflected by your books.

Vendors and subcontractors should be advised that the statement of charges submitted by them may be subject to an audit by Government auditors, and that an inspection of the supplies and materials covered by the purchase order or subcontract will be made by a Government inspector. All accounting and other records pertinent to the determination of the amount of settlement should be preserved by you and by your subcontractors and vendors. These documents will be of importance to you if a settlement by negotiation cannot be effected and may be of assistance to you in connection with negotiations. They should be carefully preserved.

If you are willing to enter into negotiations looking toward a negotiated settlement of the amount due with respect to the uncompleted portion of the contract in connection with this termination, please indicate

*Items 6, 7, 8 and 9 should be omitted or modified where inappropriate, as in the case of many construction contracts.

**Item 13 will usually be applicable only to construction contracts.

your willingness to do so by signing the three copies, returning two executed copies to this office so that they will be received not later than ----------, 194 --, and retaining the third copy for your files.

----------, 194 --.

The undersigned is willing to enter into negotiations for a settlement as indicated above.

---

(Contractor)

By ---

(Name)

---

(Official Position)

---

(Contracting Officer)

(c) *Termination of contracts at end of war.* Termination of a contract as part of a general termination of war contracts at, about the time of, or following the cessation of the present hostilities will take place under the articles set forth in § 81.324 (a) and (b), as provided in paragraph (1) of those articles, even if the contract could then be terminated under any contract article relating to Delays—Damages (See for example, §§ 81.352 and 81.1302 (i)) by reason of some default of the contractor, unless the Contracting Officer shall find such defaults (1) have been gross or willful and (2) have caused substantial damage to the Government. The purpose of paragraph (1) of the standard termination articles is to give contractors assurance that at the end of the war the Government will not, in order to terminate, take unfair advantage of technical minor, or unintentional defaults which have not caused substantial damage to the Government, and make settlements under the Delays—Damages articles instead of under the more liberal provisions of the standard articles set out in § 81.324 (a) and (b). The second sentence of paragraph (1) of the standard articles does not in any way affect the termination of contracts during the war, or, indeed, any terminations except those which take place as part of the general termination of contracts at or about the end of the present war.

(d) *Audit and negotiation.* If the contractor indicates his acceptance of the proposal to enter into negotiations for a settlement, then upon receipt of the contractor's statement and accompanying exhibits, the contracting officer will verify the same by such procedure and to the extent prescribed by the chief of the supply service concerned, subject to any general audit instructions issued by the Director, Fiscal Division, Headquarters, Services of Supply, and will then attempt to reach an agreement with the contractor as to the amount to be paid to the contractor (a) on account of the uncompleted portion of the contract, in the case of a lump sum supply contract containing an article in substantially the form set forth in § 81.324 (a), or (b) on account of the contract as a whole in the case of a lump sum construction contract containing an article in substantially the form set forth in § 81.324 (b). Under either contract article, there may be determined by agreement the amount due with respect to (1) expenses for the protection of government property, incurred after the effective date of the termination notice, and (2) settlement expenses.

(e) *Settlement under termination articles.* The Contracting Officer in determining what constitutes a proper settlement under a termination article substantially in the form of either of those contained in § 81.324 (a) and (b) is given a very wide range of discretion and may act upon such evidence as is satisfactory to him under all the circumstances with a view to reaching a fair adjustment expeditiously and with a minimum of technicality. He may allow the contractor by way of settlement such amount as will, in his judgment give to the contractor, fair, full and reasonable compensation for the contractor's costs, expenses and commitments, together with such allowance for profit as the contracting officer deems just and equitable to the contractor and reasonable under all the circumstances. Future procurement will be assisted by settlements involving (1) prompt payment to the contractor so that working capital for use in other contracts will not be unreasonably withheld from him, and (2) by reducing, as much as is consistent with protection of the interests of the Government, the time of Government personnel and of executive and accounting personnel of the contractor necessarily devoted to the termination adjustments.

(f) *Appropriate settlements.* In arriving at any agreement, whether or not a provision permitting such action is contained in the contract, the contracting officer may permit the contractor to retain title to partially completed materials and equipment, supplies, work in process, materials, and fabricated parts, provided that the Government shall be credited with the agreed value of such items. No allowance shall be made by way of profit or expenditure on account of supplies and other things which are undeliverable because of destruction or damage whether or not because of the fault of the contractor, except to the extent that the Government shall have expressly assumed the risk of destruction or damage. The contracting officer may, but is not required to, regard the provisions of the formula provided in the articles set forth in § 81.324 (a) and (b), respectively, which will govern the determination of the amount due in the event of a failure to negotiate a settlement, as providing general standards for fixing the amount of appropriate settlements by negotiation under such articles respectively. The provisions of either such formula, however, shall not be regarded as controlling any such settlement, but merely as providing an approximate guide by which the contracting officer may be assisted.

(g) *Determination of amount due by negotiated settlement agreement.* (1) If the Contracting Officer and the contractor reach an agreement as to the amount payable on account:

(i) Of the uncompleted portion of the contract in the case of a lump sum supply contract, and

(ii) Of the contract as a whole, so far as terminated, in the case of a lump sum construction contract containing an article substantially in the form set forth in § 81.324 (b),

then the Contracting Officer shall proceed to enter into a supplemental agreement for the final termination of the contract, using the substance of whichever of the forms set forth in §§ 81.375 or 81.376 hereof is appropriate.

(2) In the case of a lump sum supply contract containing an article substantially in the form set forth in § 81.324 (a) such agreement shall provide for the payment to the contractor, subject to any deductions mentioned below in subparagraph (4), of the sum of:

(i) The agreed amount on account of the uncompleted portion of the contract; and,

(ii) All as more fully provided in the contract, (*a*) the contract price, to the extent unpaid, of all supplies (including spare parts, drawings, information and other things) which have been completed and delivered, or work performed, in accordance with the provisions of the contract and to which title has been transferred to the Government; and (*b*) the agreed amount for, or reimbursement of, expenditures made and costs incurred by the contractor subsequent to the receipt of the termination notice for the protection of Government property for such other expenses and costs as may be necessary in the settlement of the contract.

(3) In the case of a lump sum construction contract containing substantially the article set forth in § 81.324 (b), such agreement shall provide for the payment to the contractor, subject to any deductions mentioned below in subparagraph (4), of the sum of:

(i) The agreed amount (in addition to and without duplication of prior payments) to be paid to compensate the contractor for his costs and work; and

(ii) All as more fully provided in the contract, the agreed amount of, or reimbursement for, expenditures and costs incurred by the contractor after the date of termination for the protection of Government property and for such other expenses as may be necessary in the settlement of the contract.

(4) Any payments under any such settlement agreement shall be subject to the amount of any claims which the Government may have against the contractor under or in connection with the contract, including (but not limited to) a reasonable deduction on account of defects in the materials of workmanship of work performed for the Government, or of completed or partially completed supplies delivered to the Government, pursuant to the contract. The aggregate of all amounts payable by reason of the termination of any such contract, plus the sum of all amounts previously paid under the contract, shall not exceed the total contract price, adjusted in accordance with any applicable provisions of the contract, in the event that the contract contains an article calling for price adjustment (of the type usually referred to as an escalator clause) to the extent that the contracting officer shall deter-

mine that any such adjustment is required by the contract. The agreement may provide for withholding, or requiring the contractor to create, reasonable reserves to cover any unsettled claims for labor or material under the contract. Any such supplemental agreement shall provide for the liquidation of the outstanding balance of the advance payment account under any provisions of the contract or any separate agreement relating to advance payments made in connection with this contract.

§ 81.373 *Where the contract contains no article substantially in the form set forth in § 81.324 (a) and (b), or where there is failure to agree on a negotiated settlement.* If the contract does not contain an article in substantially the form set forth in § 81.324 (a), in the case of a lump sum supply contract, or in the case of a lump sum construction contract, in substantially the form set forth in § 81.324 (b), or if under a contract which does contain such an article the contracting officer and the contractor fail to agree on a settlement, then the contracting officer shall proceed to determine the amount payable to the contractor in accordance with any provision of the contract for termination for the convenience of the Government. Where settlement is made in accordance with provisions of any formula contained in the termination article of the contract, and not by negotiation, or where a settlement by negotiation is made as hereafter provided in this paragraph, the contracting officer will make such settlement by such procedure and after such verification and audit as may be prescribed by the chief of the supply service concerned, subject to any general audit instructions of the Director, Fiscal Division, Headquarters, Services of Supply. Such settlement shall give effect to the provisions of the contract or of any separate agreement governing the liquidation of any advance payments made in connection with the contract. If at any stage of the settlement procedure, the contracting officer and the contractor reach an agreement as to the amount payable on account of such a contract, or portion thereof, the contracting officer may embody such agreement in a final settlement agreement in the form set forth in whichever one of §§ 81.375 or 81.376 is appropriate in the particular case, supplemented, if that be desired, by § 81.378 in cases referred to in the title of that section. Such agreement shall be transmitted to the Director, Purchases Division, Headquarters, Services of Supply, for approval, unless the provision for termination of the contract for the convenience of the Government, prior to any amendment by such agreement, contains a provision for fixing by negotiation the amount to be paid to the contractor with respect to the contract or the portion thereof affected by the agreement, in which event such transmission is unnecessary.

§ 81.374 *Procedure where contract does not contain article for termination for convenience of the Government.* If there is no provision in the contract for termination for the convenience of the Government and the contractor fails to agree to an amendment of the contract to provide for such termination, the chief of the supply service either (1) should continue the performance of the contract, or (2) take such steps as may be possible to obtain the cooperation of the contractor in modifying or terminating the contract so as to cause minimum expense or loss to the Government. The chief of the supply service may approve or make an agreement for the termination of such a contract and for its settlement by reason of such termination, in such form as he may deem for the best interests of the Government, and such agreement need not be presented for approval of the Director, Purchases Division.

§ 81.375 *Settlement agreement for use where a lump sum supply contract contains a provision for termination for the convenience of the Government substantially in the form contained in § 81.324 (a) and permits settlement by negotiation of amount due with respect to uncompleted portion of the contract.*

THIS SUPPLEMENTAL AGREEMENT, entered into this _____ day of _____, 194__, by the UNITED STATES OF AMERICA, hereinafter called "The Government" represented by _____ executing this contract
(authorized officer)
and _____ hereinafter called "the Contractor",

WITNESSETH THAT:

WHEREAS, the Contractor and the Government have entered into Contract No. W. ____ under date of _____, 194__, as amended and supplemented by _____, dated _____, 194__; and

WHEREAS, said contract provides for termination of such contract at the convenience of the Government and for the determination by negotiation of the amount payable on account of the uncompleted portion of the contract and of certain other items; and

WHEREAS, the Government and Contractor after negotiations have arrived at an agreement as to the sum payable on account of such uncompleted portion of the contract and for other items; and

WHEREAS, in the light of such agreement, the additional amount payable to the Contractor upon termination pursuant to the provisions of the contract has been found by the Government and the Contractor to be the sum of $__(x)__, which sum the Contractor is willing to and does accept in full and complete settlement except as may be otherwise set forth hereinafter of all liabilities and obligations of the Government under the aforesaid contract;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

ARTICLE 1. The Contractor shall furnish and deliver to the Government at the places and times hereinafter stated the following materials and items:

(Insert description of all items including completed and partially completed supplies, spare parts, work in process, materials, fabricated parts, plans, drawings, information and other things which the Contractor is to deliver to the Government.)

ARTICLE 2. Upon delivery of all the materials and items specified in Article 1 above in accordance with the terms of Article 1, the Government upon presentation by the Contractor of properly certified invoices or vouchers will pay to the Contractor in addition to the sum of $__(a)__ previously paid to the Contractor for its work and services hereunder, the sum of $__(x)__ for all its costs, expenditures, liabilities, commitments and work done pursuant to the contract.

Said sum of $__(x)__ is made up as follows:

a. Payment in full for completed supplies, (including spare parts, drawings, information and other articles and items) called for by the contract, at the contract price therefor, so far as not previously paid $__(u)__.

b. Payment in full compensation to the Contractor for the uncompleted portion of the contract, including without limitation, a reasonable allowance for profit or anticipated profit $__(v)__.

c. Payment in full for expenditures made and costs incurred after the suspension notice for the protection of Government property and for such other expenditures and costs as were necessary in connection with the settlement of the contract $__(y)__.

ARTICLE 3. The Contractor agrees to accept the said additional sum of $__(x)__ in full and complete settlement of all its rights and of all obligations and liabilities of the Government under this aforesaid contract and agrees to release, and does hereby release, the Government from all further liability and obligation under said contract (except as may be otherwise set forth hereinafter) provided that said additional payment is made in accordance with Article 2 hereof.

ARTICLE 4. Upon payment of the additional sum specified in Article 2 hereof, the contract shall terminate and all rights and liabilities of the parties thereto and all obligations of the Government to make further payments or to carry out other undertakings thereunder shall cease forthwith and forever, except:

(1) All rights, and liabilities of the respective parties under the articles, if any, of this contract, applicable to patent infringement and patent license rights which shall continue in full force and effect;

(2) All rights and liabilities of the respective parties under the articles, if any, of said contract, concerning defects which may hereafter appear in any supplies and materials furnished the Government pursuant to said contract or of this supplemental agreement which rights and liabilities shall continue in full force and effect.

[Here add any excepted matters in addition to (1) and (2).]

IN WITNESS WHEREOF—

§ 81.376 *Settlement agreement for use where a lump sum construction contract contains a provision for termination for the convenience of the Government substantially in the form contained in § 81.324 (b).*

THIS SUPPLEMENTAL AGREEMENT, entered into this _____ day of _____, 194__, by the UNITED STATES OF AMERICA, hereinafter called "The Government" represented by _____ executing
(authorized officer)
this contract and _____ hereinafter called "the Contractor",

WITNESSETH THAT:

WHEREAS, the Contractor and the Government have entered into Contract No. W _____ under date of _____, 194__, as amended and supplemented by _____, dated _____ 194__, and

WHEREAS, it has been determined that it is in the best interest of the Government to terminate the aforesaid contract; and

WHEREAS, said contract provides for termination of such contract at the convenience of the Government and for the determination by negotiation of the amount payable on account of the contract; and

WHEREAS, the Government and Contractor after negotiations have arrived at an agreement as to the sum payable on account of such contract; and

WHEREAS, in the light of such agreement, the amount payable to the Contractor upon termination pursuant to the provisions of the contract has been found by the Government and the Contractor to be the additional sum of $__(x)__, which sum the Contractor

is willing to and does accept in full and complete settlement except as may be otherwise set forth hereinafter of all liabilities and obligations of the Government under the aforesaid contract;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

ARTICLE 1. The Contractor shall furnish and deliver to the Government at the places and times hereinafter stated the following materials, supplies, equipment, machinery and machinery tools and items:

(Insert description of all items including all materials, supplies, work in process, facilities, equipment, machinery tools, plans, drawings, information and other things which the Contractor is to deliver to the Government.)

ARTICLE 2. Upon delivery of all the items specified in Article 1 above in accordance with the terms of Article 1, the Government upon presentation by the Contractor of properly certified invoices or vouchers will pay to the Contractor in addition to the sum of $__(a)__ previously paid to the Contractor for its work and services hereunder, the sum of $__(x)__ for all its costs, expenditures, liabilities, commitments and work done pursuant to the contract, a total sum of $__(a)__ plus __(x)__.

Said sum of $__(a)__ plus __(x)__ is made up as follows:

a. Payment in full compensation to the Contractor on account of the settlement of this contract, including without limitation, a reasonable allowance for profit or anticipated profit $__(y)__.

b. Payment in full for expenditures made and costs incurred after the suspension notice for the protection of Government property and for such other expenditures and costs as were necessary in connection with the settlement of the contract $__(z)__.

ARTICLE 3. [Note:—Article 3 and subsequent articles of this form are the same as those similarly numbered found in § 81.375].

§ 81.377 *Supplemental agreement for use where contract contains no provision for termination for the convenience of the Government, or contains a termination article which does not provide for a negotiated settlement of the amount due in respect of the uncompleted portion of the contract.*

THIS SUPPLEMENTAL AGREEMENT, entered into this _____ day of _____, 194__, by the UNITED STATES OF AMERICA, hereinafter called "the Government" represented by _____ executing this contract
(authorized officer)
and _____ hereinafter called "the Contractor",

WITNESSETH THAT:

WHEREAS, the Contractor and the Government have entered into Contract No. W____ under date of _____, 194__, as amended and supplemented by _____, dated _____, 194__; and

WHEREAS, it is desirable to amend said contract so that termination thereof for the convenience of the Government and a settlement of the rights of the parties by reason of any such termination may be effected expeditiously, without undue expense, and with a minimum of administrative delay and inconvenience, and

WHEREAS, pursuant to the First War Powers Act and Executive Order No. 9001, issued pursuant thereto, the Secretary of War acting through his duly delegated officer, has authorized the amendment of existing War Department contracts so as to make adequate provision for termination for the convenience of the Government and for the negotiation of settlements in connection therewith and has found that such amendment will facilitate the prosecution of the war.

NOW, THEREFORE, the parties do agree to amend the aforesaid contract and the same is hereby amended by

(Here make such change in the contract as may be necessary to the end that it will contain provisions for termination at the convenience of the Government substantially the same as those set forth in § 81.324 (a) in the case of a lump sum supply contract or, in the case of a lump sum construction contract, as § 81.324 (b), of these procurement regulations.)

§ 81.378 *Provisions for inclusion in contract forms set forth in §§ 81.375 or 81.376 where it is desired in the supplemental agreement of settlement to amend an existing lump sum contract to provide for a negotiated settlement.* This provision may be inserted in any appropriate case immediately after the first "Whereas" in the form suggested in § 81.375 hereof in the case of a lump sum supply contract, or in § 81.376, in the case of a lump sum construction contract as set forth in the heading of this paragraph.

NOW, THEREFORE, the following amendments of said contracts are hereby effected:

TITLE I

WHEREAS, pursuant to the First War Powers Act and Executive Order No. 9001, issued pursuant thereto, the Secretary of War acting through his duly delegated officer, has authorized the amendment of existing War Department contracts so as to make adequate provisions for termination for the convenience of the Government and for the negotiation of settlements in connection therewith, and has found that such an amendment will facilitate the prosecution of the War.

NOW, THEREFORE, the parties do agree to amend the aforesaid contract and the same is hereby amended by

(Here make such change in the contract as may be necessary to the end that it will contain provisions for termination at the convenience of the Government substantially the same as those set forth in § 81.324 (a) or § 81.324 (b) as the case may be of these regulations.)

TITLE II

WHEREAS, said contract has been hereby amended as aforesaid, and (Here should be inserted the provisions of §§ 81.375 or 81.376, which follow the first "Whereas" clause in such paragraphs.)

TERMINATION UPON DEFAULT OF CONTRACTOR

§ 81.379 *Steps to be taken in event of default.* In any case where a contractor fails to perform within the time prescribed in his contract or is otherwise in default, the chief of the supply service may take any of the following courses:

(a) The contractor may proceed and may be charged with the actual damages resulting from the delays or other default. If the contract provides for liquidated damages, such damages and not actual damages must be charged.

(b) A supplemental agreement may be made with the contractor's surety, if any, providing for the completion of performance of the contract and for payment therefor. Such supplemental agreement should clearly state that all rights against the contractor are preserved so far as the surety does not undertake to cure the effect of defaults by the contractor.

(c) Where the contractor has not given a performance bond, or where the surety under such a bond has pursuant to any requirement thereof been given an opportunity (if such requirement is contained in the bond) to complete the contract but does not elect to do so, the Government may terminate the contract pursuant to any applicable provision thereof.

§ 81.380 *Steps to be taken in event of termination because of default.* If termination is effected pursuant to a contract provision substantially similar to that set forth in §§ 81.352 or 81.1302 (i) of these procurement regulations, the chief of the supply service may, but is not required to, take advantage of the remedies provided for in such contract provision or available by law. In lieu of making use of such remedies he may, if he finds that to do so will facilitate the prosecution of the war, make a supplemental agreement with the contractor for the termination of the contract upon such terms as may be agreed upon. Such agreement shall be subject to the approval of the Director, Purchases Division, Headquarters, Services of Supply, except where the chief of the supply service shall find any one of the following facts:

(a) That the Government no longer has need for the supplies called for by the contract.

(b) That the default of the contractor is excusable.

(c) That the supplies, undelivered because of the Contractor's default, can be obtained from some source other than the contractor on a basis as favorable, or substantially as favorable, as that set forth in the contract. In such event, even if for reasons of policy the supply service may wish to buy supplies of the type covered by the contract on terms more expensive or less favorable to the Government than those set forth in the contract, the contractor should not be charged with such excess expense. (For example, the supply service may desire to buy from particular producers or in particular geographical areas in order to distribute war work more widely, despite any extra expense involved. The excess expense in such a case is not equitably to be charged to the contractor.)

(d) That any excess cost charged to the contractor would be nominal.

§ 81.381 *Delays.* The contracting officer, at any time before final settlement (and notwithstanding any provision of the contract requiring that notice be given of the cause of delay in performance), may extend the time fixed for performance by supplemental agreement. If the contractor shall be in default by reason of delay at the date thereof, such supplemental agreement shall be subject to the approval of the Director, Purchases Division, Headquarters, Services of Supply, unless the contracting officer shall find that such delay caused no substantial damage to the Government. The contractor shall not in any case be considered in default by reason of delay if such delay is excusable within the meaning of the contract.

TERMINATION OF COST-PLUS-A-FIXED-FEE CONTRACTS

§ 81.382 *Termination of cost-plus-a-fixed-fee contracts for the convenience of the Government.*

§81.383 *Authorized officer.* The chief of the supply service concerned, may direct or approve the termination of a cost-plus-a-fixed-fee contract by the contracting officer.

§ 81.384 *Notice of termination.* In terminating a cost-plus-a-fixed-fee contract as a whole, the contracting officer will promptly transmit to the contractor a written Notice of Termination substantially as follows:

Pursuant to the provisions of Article____ of Contract No. _____ between the Government and yourself, that contract is hereby terminated. Effective at once, you will terminate all subcontracts and cancel all existing orders and cause all work thereunder to cease, with the following exceptions: _____

Subject to customary approval of ratifcation by the contracting officer, you are authorized and requested to pay all invoices, charges, salaries, wages and other obligations actually incurred by you in connection with this contract and due on or before the effective date of this notice.

You are requested to advise all vendors and subcontractors to submit to you, as promptly as possible, a statement of the charges that will be involved in the cancellation and termination of their orders for subcontracts. Such charges shall be set forth substantially under the following headings:

(1) Amount of total contract price previously paid.
(2) Direct labor.
(3) Direct materials.
(4) Indirect factory expense.*
(5) Administrative expenses.*
(6) Subcontractors claims.
(7) Credits for scrap, etc.
(8) Production engineering expense, indicating labor and burden.*
(9) Other engineering and similar expenses.*
(10) Other items of claim in detail.

Vendors or subcontractors whose classification of accounts are similar to the above may follow their own classification. All such vendors and subcontractors should be advised that they may be required to support such statement of charges with appropriate and pertinent accounting and other records; that the statement of charges may be subject to an audit by Government auditors; and that an inspection of the supplies and materials covered by the Purchase Order or subcontract will be made by a Government inspector. Vendors and subcontractors should be directed to preserve all relevant records and papers.

You will be reimbursed for the cost of all services rendered by you in connection with this termination of Contract No. ____ in accordance with the provisions of the contract.

(a) In the event of partial termination the first paragraph of the foregoing notice will be omitted and in lieu thereof the following paragraph:

Pursuant to Article __ of Contract No. ____ entitled "Changes" you are directed to omit work covered by the contract as follows: (Here insert a statement of the work to be omitted, and following that the remainder of the notice set forth above.

*Items 4, 5, 8, and 9 to be omitted in the case of construction contracts unless applicable in the particular instance.

§ 81.385 *Audit procedure.* The contracting officer will see that the audit procedure prescribed by the chief of the supply service concerned, subject to any general instructions issued by the Director, Fiscal Division, Headquarters, Services of Supply, is followed and that verification of the amounts due is completed in accordance with that procedure as rapidly as possible.

§ 81.386 *Termination agreement.* When the amount due to the Contractor has been determined in accordance with the provision of the contract, a final termination agreement will normally be prepared, embodying a general release by the contractor of all claims against the United States, and stating in detail any continuing obligations or rights, patent licenses, covenants of indemnity, and similar matters.

ADJUSTMENTS OF CONTRACTS BECAUSE OF CHANGED FEDERAL EXCISES

§ 81.818 *Excises repealed by Revenue Act of 1942.* Section 611 of the Revenue Act of 1942 repealed as of November 1, 1942 excise taxes imposed by Internal Revenue Code, section 3406 (a), subsection (5), (7), (8) and (9) relating respectively to electric signs, rubber articles, washing machines and optical equipment. Section 614 and 615 of the Revenue Act of 1942 have revised sections 3405 and 3406 (a) (6) of the Internal Revenue Code so as to exempt from excise taxation certain commercial refrigerating apparatus and cash registers of the type used in registering over-the-counter retail sales.

§ 81.819 *Adjustments of lump sum contracts by reason of removal of certain federal excise taxes.* The standard tax provision prescribed by § 81.357 of these regulations requires certain adjustments in contract prices by reason of changes in taxes after the date of the award of the contract, including those taxes directly applicable to the supplies or work covered by the contract or the materials used in work or manufacture under the contract (all as more fully set out in § 81.357). The removal of the Federal excise taxes mentioned in § 81.818 will require readjustment in the price of any contract containing the tax article set forth in § 81.357, for or including items which were subject to these taxes at the time the award was made, if and to the extent that the Contractor included any such tax in the price and has been relieved of the burden of the tax by the change in tax statute. To facilitate the prosecution of the war by reducing to a minimum the serious administrative burden of making these adjustments and the time of contractors and government officers consumed in determining the amount thereof, the chiefs of the supply services are authorized pursuant to the First War Powers Act 1941 and Executive Order No. 9001 to negotiate and enter into supplemental agreements with contractors with respect to the amount of any such adjustments after such verification and check thereof as the chiefs of the supply services severally shall prescribe. To expedite the negotiation of such adjustments the amount thereof may be determined by estimate, spot check, audit, or in any other manner deemed reasonable or appropriate by the chief of the supply service concerned. No such adjustment shall be required in respect of any contract or class of contracts as to which the chief of the supply service concerned shall determine that the amount of adjustment possibly to be obtained will not be substantial or warrant the interference with the orderly conduct of the procurement program or the expenditure of the time and effort involved in making or determining the amount of the same.

(a) No adjustment will be required of the contract price under any contract for or including supplies or materials which were subject to the repealed taxes when the award was made if the contract provided that the contract price did not include the taxes on such supplies or materials or if the contract did not include a provision similar to that found in the second sentence of the tax article set forth in § 81.357.

OVERTIME WAGE COMPENSATION

In § 81.964 paragraph (e) is amended; paragraphs (f) and (g) are amended and, together with paragraph (h), are redesignated (i), (j) and (k), respectively; new paragraphs (f), (g) and (h) are added; paragraphs (i), (j), (k), (m), (n) and (o) are amended and redesignated (l), (m), (n), (q), (r), and (v), respectively; paragraph (l) is redesignated (p), and new paragraphs (o), (s), (t), (u), and (w) are added, as follows:

§ 81.964 *Current interpretations.*

* * *

(e) *Double time mandatory for seventh consecutive day worked.* When work is performed on any seven consecutive days, double time must be paid for the work on the seventh day. The exceptions to this requirement are set forth in paragraphs (f) and (g) of this section. Double time must be paid even though the seven days during which the work has been performed fall in two workweeks. Payment of double time on the seventh successive work day is mandatory even though (1) an existing collective bargaining agreement does not require it or (2) an existing agreement or applicable statute provides for overtime at the rate of time and one-half for hours over eight in a day or over forty in a week or for the sixth day or (3) the work is of a type for which overtime need not be paid under exceptions contained in section 7 of the "Fair Labor Standards Act of 1938". Where more than seven but less than fourteen successive days are worked, double time is required only on the seventh consecutive day. The seven consecutive days must have been worked after October 1, 1942.

(f) *Double time not mandatory for seventh consecutive day worked under limited special circumstances.* Double time need not be paid for work on the seventh consecutive day worked if by agreement the employer and employee have arranged a mutually satisfactory

work schedule which affords a day of rest in each regular work week. A regular work week would be seven consecutive days starting on the same calendar day each week. Whether or not a work schedule is mutually satisfactory is governed by ordinary principles of contract law.

(g) *Same.* Double time is not required for an employee who, having worked six successive days, works a seventh consecutive day on an exchange basis as an accommodation to a fellow employee. Contra where the employer makes such a request.

(h) *Computation of double time for seventh day.* Double time may be based either on the wage earned on the seventh consecutive day or on the average hourly pay for the full workweek; it may be computed on the same basis the employer uses in computing other overtime. Double time required for the seventh successive day may not be credited against overtime required for any other period of the week by any law or by the employment contract; the double time requirement under the order is an added penalty. Time and one-half paid for work on a designated holiday occurring on one of the first six days may not be credited against double time due for the seventh successive day work.

(i) *Computation of number of days worked.* "The Order does not require that any particular number of hours be worked in any day for that day to be regarded as a day worked under paragraphs I (A) (1) and I (A) (2)." (Section 4, release of September 25, 1942.) In computing the number of days worked, only days actually worked should be counted. See however, paragraphs (j)–(l) of this section. Where otherwise regarded as time worked a day spent in travel on the employer's behalf is included for the purpose of computing the seventh successive work day, whether the travel is on one of the first six days or occurs on the seventh.

(j) *Same: Inability to work.* Whether or not seven or six days have been worked in any work week within the meaning of paragraphs I (A) (1) and I (A) (2), respectively of the order, where, through no fault of the employee, he does not work on one of the previous work days in the work week, although he is ready and willing to do so, "* * * [will] depend upon the circumstances of each case, and [the question] is generally to be solved in accordance with the custom, practice or agreement in the industry or plant * * *" (Section 3, release of September 25, 1942.) Thus, "where the employee reports for work pursuant to instructions and is sent home, such days will be considered days actually worked where so regarded by custom, practice or agreement in the industry or plant." (Footnote No. 2, release of September 25, 1942.) When an employee is told on the previous day not to report for work on the next day, that day need not be counted in computing the seventh successive day, although whether or not such day is counted in computing the sixth day depends on the custom, practice or agreement in the particular plant (see paragraph 946.20 below).

(k) *Same: Absenteeism.* "* * * since one of the purposes of the Order is to discourage absenteeism, where the employee absents himself for reasons of personal convenience the day is not included in the computation." (Section 3, release of September 25, 1942.)

(l) *Same: Enumerated holidays included in the computation.* "* * * Since it is the purpose of the Order to give recognition to the enumerated days as holidays, they should be counted as days worked for the purpose of computation of the seventh and sixth days of work under paragraphs I (A) (1) and I (A) (2) whether or not work is actually performed and whether or not compensation is paid for the holidays if no work is performed." (Section 5, release of September 25, 1942.) If one of the designated holidays falls on what would be the seventh successive day, and no work is performed, the day is not the seventh day of work for which double time is payable.

(m) *Premium pay on holidays: When forbidden.* (1) "* * * Double time on holidays is forbidden unless such holidays fall on the seventh day worked under paragraph I (A) (1) [of the Order] * * *" (Section 5, release of September 25, 1942.)

(2) Time and one-half on undesignated holidays is forbidden unless such holidays fall on the sixth day worked in any regularly scheduled work week under paragraph I (A) (2) of the order, and unless such premium pay is "* * * required by the provisions of law or employment contracts * * *" (paragraph I (A) (2), Executive Order 9240).

(n) *Same: when mandatory.* Time and one-half is required for work on the six holidays specified in paragraph I–B of the order. Under the order, it is permissible to pay employees straight time or less on such holidays even though the employee is given the day off. The order requires time and one-half for work performed on the enumerated holidays whether or not forty hours were previously worked in the workweek. However, if time and one-half is paid because of a holiday occurring on one of the early days in a week, credit may be taken by the employer in computing the amount which must be paid for hours in excess of forty per week under the Fair Labor Standards Act, unless the employment agreement provides that such credit may not be taken (see paragraph (s) of this section).

(o) *Determination of sixth holiday.* Determination whether another holiday is of greater local importance than Memorial Day for purposes of application of provisions of paragraph I (B) of the order may be made by the employer, assuming that such a determination is not in conflict with the employment contract.

(p) *Same: not pyramided.* See paragraph (v) of this section.

(q) *Other kinds of premium payments not prohibited.* The order does not prevent the payment of special compensation under other justifiable circumstances which do not depend upon the number of hours or days worked in a week. The order does not prohibit extra compensation customarily paid or provided for in the employment contract for night shifts, unusually long shifts, or special emergency work, even if occurring on Saturday or Sunday, unless they are in fact means to evade the terms of the order. The order does not forbid payment of a bonus unrelated to Saturday or Sunday work as such, or differential pay for different shifts. The order permits payment of time and one-half for hours over eight in one day or in excess of forty in a week, or for the sixth work day in the week, where required by law or employment contract, even though such hours fall on Saturday or Sunday. The order permits payment of time and one-half for hours in excess of eight worked on any day, including Saturday, where required by any law or employment contract, even though such a day is, for example, only the fourth day worked in a workweek and the total number of hours worked in the week including that day is less than 40. The order does not affect the requirements of the Fair Labor Standards Act or the Walsh-Healey Act, nor does the order purport to deal with vacation pay in any respect.

(r) *When time and one-half may be paid for work on the sixth day.* Where by custom an employee has received time and one-half for the sixth work day, although no written contract so provides, the order does not prohibit continuance of the practice. In computing the sixth work day, for purposes of paragraph I (A) (2) of the order, existing practices or customs or agreement in the particular plant are controlling since premium pay for the sixth work day is not mandatory under the order. For example, see paragraphs (s)–(u) of this section.

(s) *Computation of time and one-half for sixth day.* Whether time and one-half paid for work on a designated holiday occurring in the early part of the week may be credited against time and one-half due for the sixth work day depends upon the terms of the employment contract. Whether an employee may be penalized for tardiness by deduction from the time and one-half required by either law or contract for work on the sixth day of the work-week similarly depends upon the terms of the employment contract.

(t) *Computation of number of days worked.* See paragraphs (i)–(k) of this section.

(u) *Same: Whether enumerated holidays are to be included in the computation.* Whether a designated holiday on which no work is performed is counted in computing the sixth day, depends upon the agreement in the particular plant. If no agreement on the subject exists it should be counted.

(v) *Premium rates not pyramided.* "Where particular work is subject to different premium rates under separate paragraphs of the order or applicable statutes, (e. g. work on a holiday which is also the seventh successive day of work), the order does not require that the several premium rates be pyramided, but does require that the highest single rate be paid." Where an employee works a designated holiday which is also the sixth work day, payment of time and one-half satisfies both the requirement of the order and

of a law or of an employment contract requiring payment of time and one-half for the sixth work day, since pyramiding of premium payments would be contrary to the order which forbids more than time and one-half for work on a designated holiday.

(w) *Workday and workweek schedules.* The order does not penalize setting up different workweeks for different classes of employees or the use of swing-shifts, whereby the plant is kept in continuous operation but each employee is given a day of rest each week. Nor does the order penalize changes in the starting day of the workweek, unless this is done for purposes of evasion. The workday and the calendar day need not coincide; an employee whose scheduled shift continues after twelve midnight is still regarded as having worked only one day. The order does not penalize variance in the hours worked in the different days of the workweek, such as a schedule of four days work of eight hours per day and two days work of twelve hours per day.

In § 81.965 paragraph (a) is amended, paragraph (c) is redesignated paragraph (d), and a new paragraph (c) is added as follows:

§ 81.965 *Exceptions*—(a) *Shipbuilding stabilization agreement.* All work subject to the Zone Standards Agreements for the shipbuilding and ship repair industry has been excepted from the provisions of the order for a period of 60 days from October 1, 1942. An extension of the exception is anticipated and notice thereof will be included in these regulations.

* * * * *

(c) *Holiday provisions of the order incorporated in building trades stabilization agreement.* While work covered by the Building Trades Stabilization Agreement has been exempted from the order, the holiday provisions of the order (paragraph I (B)) have been incorporated in the Stabilization Agreement by resolution of the Board of Review, which performs the function of administering the Stabilization Agreement. (Interpretative Resolution No. 2 of the Board of Review passed on November 10, 1942).

(d) *Miscellaneous.* * * *

§ 81.978a *List of designated industries referred to in § 81.978.* Abrasives; aircraft; automobiles; chemicals and allied products; cotton manufactures; dyeing and finishing textiles; footwear; iron and steel and their products; leather; logging; machinery; meat products; metal mining; nonferrous metals and their products; nonmetallic mining and quarrying; petroleum, coal and natural gas products; petroleum and natural gas production; planing mills; professional and scientific instruments, photographic apparatus and optical goods; railroad equipment; rayon manufactures; refractories products; rubber products; sawmills; street and suburban railways and buses; surgical, medical and dental instruments, equipment, and supplies; tobacco products; woolen and worsted manufactures; work clothing.

Section 81.980 (d) (4), (f) (2), (l) (1), (n), (o), and (p) are added as follows:

§ 81.980 *General Orders of National War Labor Board.* * * *

(d) *General Order No. 4.* * * *

(4) *General Order No. 4–B.* The time as of which to determine whether an employer employs "not more than eight individuals" within the meaning of General Order No. 4 is the time when the wage or salary adjustment is agreed to, or, if it is not made by agreement, the time when it is put into effect. But an employer who, during any given year following October 3, 1942, in the case of wages, or October 27, 1942, in the case of salaries, has made adjustments affecting in the aggregate eight employees, will not, if he wishes to make any further adjustments within said year, be exempt under General Order No. 4.

* * * * *

(f) *General Order No. 6.* * * *

(2) *Interpretation No. 1 of General Order No. 6—Question.* Paragraph (b) of General Order No. 6 provides that unless a higher rate is approved by the Board, the rate for a new job classification shall be fixed "at a level not exceeding that which prevails for similar classifications within the area." What is the meaning of the quoted phrase? Specifically, must the rate on new jobs be fixed at not exceeding the average of the rates in the area for similar classifications, if the employer is to be free to proceed without the necessity of seeking approval by the Board of what otherwise would constitute a wage increase?

*Answer.* The object of paragraph (b) of General Order No. 6 was to prevent an employer, upon opening a new plant or creating new job classifications in his existing plant, from paying rates which would unstabilize the rate structure in the area affected by his action. In interpreting General Order No. 6 this object should be kept in mind, and the order should be given a practical and common sense reading.

(1) *The creation of a new job classification in an existing plant.* (a) Major considerations to be borne in mind in making rulings in these cases are that the rates for the new jobs should bear a direct relation to and be in balance with the existing rate structure in the plant. If comparison with other rates in the plant is not appropriate, then the new rates should bear the same relation to rates for similar classifications in the area as the existing rates in the plant bear to comparable rates in the area.

(b) In these cases of creating new job classifications in existing plants the local Wage and Hour offices, guided by the above considerations and with the approval of the appropriate Wage and Hour Regional Director, may make final rulings except in unusual circumstances, for example where it is proposed to set up in an existing plant a new department of substantial size. In such exceptional cases, the application for a ruling should be transmitted by the local Wage and Hour office to the War Labor Board Regional Director and there be processed as set out below.

(2) *The establishment of a new plant.* (a) Whether in a given case it would unstabilize wages in the area to permit a particular employer to fix the rates for a new plant at any level up to the maximum being paid in the area, or whether he should be permitted to pay only the average, or less than the average, will depend on his traditional wage history in relation to the wages of the industry generally, or of the area if he has theretofore operated in the area, the nature of the work in which he is engaged, the rates being paid for comparable work in comparable establishments, and other pertinent factors.

(b) Applications in these cases should be transmitted, without a ruling by the local Wage and Hour office but with such information as said office may deem helpful, to the War Labor Board Regional Director. In his discretion the Regional Director may rule on the case or refer it for a ruling to a tripartite panel. If the new plant is of substantial size and will employ a large proportion of skilled labor, the Regional Director should refer the case to a panel.

(c) It will be proper and sometimes necessary for the Regional Director or the panel to hold hearings relative to the proper level at which the applicant's rates for the new plant should be fixed. To such a hearing should be invited interested representatives of industry and labor.

(3) In all cases the applicant should show the data on the basis of which the proposed rates were determined.

*Question.* Does the foregoing relate to salaries as well as wages?

*Answer.* Yes, under General Order No. 6–A.

* * * * *

(l) *General Order No. 12.* * * *

(1) On November 25, 1942, the National War Labor Board determined that General Order No. 12 applies to employees of the District of Columbia.

* * * * *

(n) *General Order No. 14. Authorization to the War Department to pass on wage and salary adjustments for designated civilian employees.* (A) The National War Labor Board hereby delegates to the Secretary of War, to be exercised on his behalf by the Wage Administration Section within the Civilian Personnel Division, Headquarters, Services of Supply (hereinafter referred to as the "War Department Agency"), the power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering civilian employees within the continental limits of the United States and Alaska, employed by

(1) The War Department,

(2) The Army Exchange Service, and

(3) Government-owned, privately-operated facilities of the War Department.

all in accordance with the further provisions of this Order.

(B) There shall be a standing tripartite Appeals Committee, to consist of two representatives to be appointed by the War Department Agency and two representatives each of industry and labor to be appointed by the National War Labor Board. The Committee may have such assistants as the Board may designate. The Board hereby delegates to the Appeals Committee the power to pass upon appeals from rulings by the War Department Agency under category A (3) above, and to perform such other duties as are hereinafter prescribed.

(C) In the performance of their respective duties the War Department Agency and the Appeals Committee shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, and all general orders and policies of the National War Labor Board announced thereunder. The War Department Agency, without making an initial ruling thereon, may refer to the Board, through the Appeals Committee, for decision by the Board any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(D) The War Department Agency and the Appeals Committee shall transmit to the Review and Analysis Division of the National War Labor Board copies of their respective rulings and rules of procedure as they are issued, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(E) Any ruling by the War Department Agency hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) In cases under category A (3) above, to the right of any aggrieved party, within a period of ten days after the issuance of the ruling, to file an appeal with the Appeals Committee.

(F) Any ruling by the Appeals Committee hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) To the right of any aggrieved party, including the War Department, within a period of ten days after the issuance of the ruling, to petition the National War Labor Board for leave to appeal to the Board. The burden shall be upon the petitioner in such cases to show why the Board should be called upon to act.

(G) Any ruling by the War Department Agency hereunder shall be deemed to be the act of the National War Labor Board unless and until reversed or modified by the Appeals Committee or by the Board. Any such order of reversal or modification shall allow the War Department Agency a period of two weeks after (1) the time for appeal from the order of the Appeals Committee has elapsed, or (2) if the case has been appealed to the Board, from the date of the Board's order, within which to comply with the order.

(H) The term "government-owned, privately-operated facilities of the War Department" shall include for the purposes of this Order only those facilities (1) in which the War Department has contractual responsibility for the approval of pay roll costs, and (2) which are designated in lists furnished from time to time to the Board by the War Department Agency. The Board may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Board believes that the policies of Executive Order No. 9017 or Executive Order No. 9250 will be furthered by the Board's acting directly upon the wage and salary adjustments of such facility.

(I) Where disputes about wages or salaries arise between the private operators of said facilities and their employees, the disputes shall be referred to the War Department Agency. The Agency's rulings in such cases shall be final, subject to the same rights of appeal and review as in cases of rulings by the Agency upon applications for voluntary wage or salary adjustments. The Agency's jurisdiction over disputes shall include only those concerning wages and salaries. The National War Labor Board may in its discretion refer other disputes to the Appeals Committee for such action as the Board may specify in the particular case.

(o) *General Order No. 15.* Where under the provisions of a bona fide collective agreement there has been established an impartial chairman, umpire or arbitrator whose duties include the fixing of rates for new jobs, his decisions so rendered need not be submitted for approval to the National War Labor Board: *Provided,* That:

(1) The rate for each new job shall be fixed in an amount which is directly related to and in balance with the established rates of the other jobs covered by the agreement, and shall be consistent with the Board's Wage Stabilization Policy of November 6, 1942.

(2) A bi-weekly report of rates so fixed shall be transmitted to the Division of Review, Analysis and Research of the National War Labor Board together with sufficient information to establish the aforesaid relationship and balance.

(3) Such decisions shall be subject to the Board's ultimate power of review but any modification or reversal thereof will not be retroactive.

(4) The establishment of such rates should not result in any substantial increase of the level of costs and shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(p) *General Order No. 16.* Adjustments which equalize the wage or salary rates paid to females with the rates paid to males for comparable quality and quantity of work on the same or similar operations, and adjustments in accordance with this policy which recognize or are based on differences in quality or quantity of work performed, may be made without approval of the National War Labor Board, provided that:

(1) Such adjustments are reported, when made, to the Division of Review, Analysis and Research of the National War Labor Board together with sufficient information to show that they are in accordance with the policy referred to above;

(2) Such adjustments shall be subject to the Board's ultimate power of review, but any modification or reversal thereof will not be retroactive;

(3) Such adjustments shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justified reductions in such price ceilings.

§ 81.1106 *Numbering of compressed gas cylinders.* See in this connection AR 850-60 (September 29, 1942) covering the safe handling, storing, shipping and using of compressed gas cylinders.

* * * * *

(b) *Assignment of serial numbers.* The serial numbers which are to be used by the purchasing officers of the War Department will be assigned by the Director, Purchases Division, Headquarters, Services of Supply, to the chief of the supply service concerned upon request. Letters should be prefixed and suffixed to those serial numbers to indicate type and size of cylinder as indicated below.

* * * * *

(h) *System of serial numbers.* The use of serial numbers, together with letters prefixed and suffixed thereto, will conform with the following:

(1) *High pressure cylinders made under Interstate Commerce Commission specification 3A for service pressure, 1,800 lbs. per square inch and higher.*

| Prefix | Required for cylinders |
|---|---|
| A | 2 15/16" i. d. x 73/8" (approximately). |
| C | 3 1/8" i. d. x 13" (approximately). |
| D | 3 15/16" i. d. x 16 3/4" (approximately). |
| DE | 3 15/16" i. d. x 21 1/4" (approximately). |
| E | 3 15/16" i. d. x 25 3/4" (approximately). |
| EE | 4 1/8" i. d. x 26" (approximately). |
| EF | 5" i. d. x 26" (approximately). |
| F | 5" i. d. x 51" (approximately). |
| FG | 6 5/8" i. d. x 43" (approximately). |
| G | 8" i. d. x 51" (approximately). |
| H | 8 1/2" i. d. x 51" (approximately). |
| J | of internal capacity of 2,750 cu. in. up to and including 4,100 cu. in. |
| JC | For 75 pounds of carbon dioxide. |
| L | having internal capacity of over 4,100 cu. in. |
| LC | For 100 pounds of carbon dioxide. |

Examples: E1234; H1234; etc.

NOTE. Suffix letters to serial numbers are not to be used.

* * * * *

In § 81.1303 paragraph 5 of Article I in the contract form is amended as follows:

§ 81.1303 *W.D. Contract Form No. 3.* * * *

ARTICLE I. *Statement of work.* * * *

5. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the Contractor shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this Article must be asserted within 10 days from the date the change is ordered (unless the Contracting Officer, with the approval of the Secretary of War or his duly authorized representative, shall grant a further period of time prior to the date of final settlement of the contract). Nothing provided in this Article shall excuse the Contractor from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the construction of the work under this contract or where the actual cost varies from the estimated cost.

* * * * *

Articles 3, 4, and 6 of the contract form in § 81.1320 are amended as follows:

§ 81.1320 *W.D. Contract Form No. 20.* * * *

ARTICLE 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with_____
(Insert percent to be
_____
deposited which shall be not less than 75%) percent (____%) of all other cash payments under the principal contract (or principal contracts), shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank the special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of the principal contract (or principal contracts), (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor: (*Provided,* That it is understood that all funds deposited in the said special account created hereunder may be used by the Contractor for the purposes of either or all of the principal contracts without regard to the origin of such payments; and) * *Provided,* That for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to the principal contract (or principal contracts), as it (or they) may be amended, may be charged against funds deposited in the special account in that proportion which the amount of the work being done under the principal contract (or principal contracts), as it (they) may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the_____
(Chief of
_____ or his duly authorized rep-
supply service

*This proviso to be used where agreement is supplemental to two or more contracts.

resentative, or by other person to whom authority to make advance payments has been delegated, withdrawals from special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank, or any other person, upon such account or accounts by virtue of assignment to it of the principal contract (or contracts) or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the_____
(Chief of supply service)
_____ or his duly authorized representative, the bank shall not act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the_____
(Chief of supply service)
_____ or his duly authorized representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the_____
(Chief of supply service)
_____ or his duly authorized representative.

ARTICLE 4. If, you upon completion of the principal contract (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor, in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract; *Provided, however*, That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonable required in order to secure the eventual repayment in full to the Government of such unpaid advance payments. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the_____
(Chief of supply service)
or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the_____
(Chief of supply service)
or his duly authorized representative the amount of such excess shall, upon demand by the_____
(Chief of supply service)
or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made; *Provided, however*, That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder.

* * * * *

ARTICLE 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the contractor presents to the contracting officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the contracting officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due the Contractor under this contract, *Provided, however*, That, in no event shall deductions on account of interest exceed five percent (5%) of the gross payment due the Contractor prior to any deduction under this Article or Article 5 or any other provision of this contract. In the event the accrued interest exceeds such five percent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of Article 4 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

* * * * *

Articles 5 and 6 of the contract form in § 81.1321 are amended as follows:

§ 81.1321 *W.D. Contract Form No. 21.* * * *

ARTICLE 5. If, upon completion of the principal contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however*, That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the _____
(Chief of supply service)
_____ or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined, by the _____
(Chief of supply service)
_____ or his duly authorized representative, the amount of such excess shall, upon demand by the _____
(Chief of supply service)
_____ or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder, and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

ARTICLE 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per an-

num. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the contractor presents to the contracting officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the contracting officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments on account of the fixed fee which which may be made to the Contractor from time to time under this contract. In the event the accrued interest exceeds any such payment, the excess of such interest shall be carried forward and deducted from subsequent payments on account of the fixed fee. The interest shall not be compounded, and shall, subject to the provisions of Article 5 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

* * * * *

In § 81.1322 Articles 5 and 6 of the contract form are amended as follows:

§ 81.1322 *W. D. Contract Form No. 22.* * * *

ARTICLE 5. If upon termination of the Letter Purchase Order for other than the fault of the Contractor, the advance payments made to the Contractor and all interest which may have accrued thereon in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such payments and accrued interest shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, or its termination due to failure to enter into the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, the Contractor notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payments and any interest which may have accrued thereon: *Provided,* That the Contractor may retain in the account an amount sufficient to meet the outstanding obligations incurred by it in good faith pursuant to authorization by the Contracting Officer under Paragraph 2 of the Letter Purchase Order until assumption and discharge of such obligations by the Government or final disallowance thereof. Furthermore, if, in the opinion of the _____
(Chief of supply service)
or his duly authorized representative the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____
(Chief of supply service)
or his duly authorized representative, the amount of such excess shall, upon demand by the _____ or his
(Chief of supply service)
duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than at two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such additional interest over and above the regular two and one-half percent (2½%) is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made and all interest which may have accrued thereon, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligations to the Government on account thereof.

ARTICLE 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half per cent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the Contractor presents to the contracting officer or his duly authorized representative full and accurate date for the preparation of each such voucher which date shall, as to each such voucher, be certified by the contracting officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. It is agreed that pending the execution of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order that the Contractor may, if he so elects, make direct repayment to the Government on account of advances made out of his own free funds, or may be required to make repayment out of the special account or otherwise as provided by Article 5. As soon as such monthly computations shall have been made, the interest charge shall be allowed to accrue, and shall not be payable until such time as provision is made for such payment under the provisions of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, except as provided by Article 5 hereof. The interest shall not be compounded, and shall, subject to the provisions of Article 5, cease to accrue upon the termination of the contract for other than the fault of the Contractor.

* * * * *

Article 4 of the contract form in § 81.1323 is amended as follows:

§ 81.1323 *W.D. Contract Form No. 23.* * * *

ARTICLE 4. If, upon completion of the principal contract (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor, the Contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the _____
(Chief of supply service)
or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____ or his duly
(Chief of supply service)
authorized representative, the amount of such excess shall, upon demand made by the _____ or his duly
(Chief of supply service)
authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%)

per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

* * * * *

In § 81.1324 Article 5 of the contract form is amended as follows:

§ 81.1324 *W.D. Contract Form No. 24.* * * *

ARTICLE 5. If, upon completion of the principal contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the _____
(Chief of supply service)
or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____
(Chief of supply service)
or his duly authorized representative, the amount of such excess shall, upon demand by the _____ or his duly
(Chief of supply service)
authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

* * * * *

Article 5 of § 81.1325 is amended as follows:

§ 81.1325 *W. D. Contract Form No. 25.* * * *

ARTICLE 5. If upon termination of the Letter Purchase Order for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect to such contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, or its termination due to failure to enter into the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order on or before the date of expiration set forth in Paragraph 6 of the Letter Purchase Order, or any duly authorized extensions thereof, the Contractor, notwithstanding any ultimate rights to be reimbursed agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment or advance payments made hereunder: *Provided,* That the Contractor may retain in the account an amount sufficient to meet the outstanding obligations incurred by it in good faith pursuant to authorization by the Contracting Officer under Paragraph 2 of the Letter Purchase Order until assumption and discharge of such obligations by the Government or final disallowance thereof. Furthermore, if, in the opinion of the _____ or his duly
(Chief of supply service)
authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____ or his
(Chief of supply service)
duly authorized representative, the amount of such excess shall, upon demand made by the _____ or his
(Chief of supply service)
duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligations to the Government on account thereof.

* * * * *

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

[F. R. Doc. 42-14010; Filed, December 26, 1942; 3:18 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

#### REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 17 and 23 (a) thereof, hereby takes the following action:

Section 240.17a-5 [Rule X-17A-5][1] is hereby amended by adding after paragraph (b) (2) thereof the following paragraph to be known as paragraph (b) (3):

§ 240.17a-5 *Reports to be made by certain exchange members, brokers and dealers.* (a) * * *

(b) * * *

(3) If the schedules furnished pursuant to the requirements of items (a), (b) and (c) of Part II of Form X-17A-5 are bound separately from the balance of the report they shall be deemed confidential, except that they shall be available for official use by any official or employee of the United States or any state; by national securities exchanges and national securities associations of which the person filing such report is a member; and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest. Nothing contained in this paragraph shall be deemed to be in derogation of the rules of any national securities association or national securities exchange which give to customers of a member, broker, or dealer the right, upon request to such member, broker, or dealer, the right, upon request to such member, broker, or dealer, to obtain information relative to his financial condition.

Effective December 24, 1942.

By the Commission.

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

[F. R. Doc. 42-13902; Filed, December 24, 1942; 2:41 p. m.]

[1] 7 F.R. 9917.

## TITLE 30—MINERAL RESOURCES

### Chapter III—Bituminous Coal Division

[Docket No. A-1729]

### PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

#### ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for coals of certain mines in District No. 3, and for a change in shipping point for a certain mine in District No. 3.

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 of certain mines in District No. 3 and for a change in shipping point; and

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, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I and R–IV, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II and R–V, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III and R–VI, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are 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: December 7, 1942.

[SEAL] DAN H. WHEELER,
*Director.*

### TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

| Mine index No. | Code member | Mine name | Seam | Shipping point | Railroad | Freight origin group No. | Size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 475 | Borgman, Inc., L. H. & J. W. | Monitor #5 | M. V. Freeport | Manown, W. Va. | B. & O. | 70 | J | J | J | J | J | J | J | J | J | J | (†) | (†) | (†) | (†) | (†) | (†) |
| 553 | Coburn, Bruce T. | Coburn | Pittsburgh | Clarksburg, W. Va. | B. & O. | 60 | F | F | F | F | F | F | F | F | F | F | (†) | (†) | (†) | (†) | (†) | (†) |
| [1]433 | Factory Coals, Inc. | Factory mine #1 (S) | Pittsburgh | Kingmont, W. Va. | Monon | River | DE | DE | DE | DE | DE | DE | DF | DF | DF | DF | B | B | B | B | B | B |
| [1]434 | Factory Coals, Inc. | Factory mine #2 (S) | Pittsburgh | Kingmont, W. Va. | Monon | River | DE | DE | DE | DE | DE | DE | DF | DF | DF | DF | B | B | B | B | B | B |
| [1]476 | Haught, Kenneth | Hunsaker | Pittsburgh | Kingmont, W. Va. | Monon | River | DE | DE | DE | DE | DE | DE | DF | DF | DF | DF | B | B | B | B | B | B |
| 476 | Haught, Kenneth | Hunsaker | Pittsburgh | Kingmont, W. Va. | B & O | 50 | DE | DE | DE | DE | DE | DE | DF | DF | DF | DF | B | B | B | B | B | B |
| 473 | Presco Mining Co., Inc. | No. 1 (S) | Bakerstown | Kingwood, W. Va. | B & O | 70 | G | G | G | G | G | G | G | G | G | G | (†) | (†) | (†) | (†) | (†) | (†) |
| [1]1370 | Scritchfield, D. L. | Scritchfield #1 | Pittsburgh | Kingmont, W. Va. | Monon | River | DE | DE | DE | DE | DE | DE | DF | DF | DF | DF | B | B | B | B | B | B |

†Indicates no classification effective for this size group.

[1] For River and Ex-River Shipments Mine Index Nos. 433, 434, 476 and 1370 will take the same prices as mines with Index Numbers 42–54–100–106–113–119–121–127–130–132–1226–1233 and 1219 shown in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3, Docket No. A–1059. Docket No. A–1632, Docket No. A–1702, and adjustments thereto, with the following exceptions:

(1) When shipments of classification "D" coals are made from Mine Index Nos. 433, 434, 476 and 1370 the prices in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3 must be increased ten cents (10¢) per net ton.

(2) When shipments of classification "E" coals are made from Mine Index Nos. 433, 434, 476 and 1370 the prices in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3 must be increased five cents (5¢) per net ton.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 476, 553; Group No. 3: 475; Group No. 6: 473.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 476, 553; Group No. 3: 475; Group No. 6: 473.

§ 323.6 *Alphabetical list of code members*—Supplement R–IV

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

| Mine index No. | Code member | Mine name | Seam | Shipping point | Railroad | Freight origin group No. | Size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 285 | B. & H. Coal Co. (E. H. Burke) | Clelland #4 | Pittsburgh | Kingmont, W. Va. | B & O | 50 | F | F | F | F | F | F | F | F | F | F | (†) | (†) | (†) | (†) | (†) | (†) |

†Indicates no classification effective for this size group.

NOTE.—The above prices are applicable only via the Freight Origin Group, Shipping Point, and Railroad shown for the mine. Freight Origin Group, Shipping Point, and Railroad previously assigned to this mine are no longer applicable.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–V. For railroad fuel prices add this mine index number to the groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 285.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–VI. For railroad fuel prices add this mine index number to the groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 285.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

| Code member index | Mine index No. | Mine | Seam | County | Size groups | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Lump over 2", egg over 2", bottom size | Lump 2"-egg 2", bottom size, but over 1¼" | Lump 1¼" and under, egg 1¼" and under, bottom size | All nut and pea 2" and under | Run of mine, resultant over 2" | 1¼" and 2" slack | ¾" slack |
| | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Borgman, Inc., L. H. & J. W. | 475 | Monitor #5 | M. V. Freeport. | Preston | 245 | 245 | 245 | 220 | 220 | 210 | 200 |
| Hall, Herbert | 439 | Herbert Hall | Pittsburgh | Braxton | 243 | 238 | 238 | 213 | 213 | 198 | 188 |
| Haught, Kenneth | 476 | Hunsaker | Pittsburgh | Marion | 243 | 238 | 238 | 213 | 213 | 198 | 188 |
| Mayle, Jared | 474 | Radcliff | H. V. Kittanning. | Barbour | 228 | 223 | 223 | 198 | 198 | 188 | 178 |
| Presco Mining Co., Inc. | 473 | No. 1 (s) | Bakerstown | Preston | 255 | 255 | 255 | 230 | 230 | 220 | 210 |

[F. R. Doc. 42–13882; Filed, December 24, 1942; 11:26 a. m.]

[Docket No. A–1740]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

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 of certain mines in District No. 3; and

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 necesary 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, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are 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: December 9, 1942.

[SEAL] DAN H. WHEELER,
*Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

| Mine index No. | Code member | Mine name | Seam | Shipping point | Railroad | Freight origin group No. | Size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 481 | Bailey, Cecil A | Bailey #2 | H. V. Kittanning | Meriden, W. Va. | B & O | 31 | J A DE A | J A DE A | J A DE A | J A DE A | J A DE A | J A DE A | H A DF A | H A DF A | H A DF A | H A DF A | (†) A B A | (†) A B A | (†) A B A | (†) A B A | (†) A B A | (†) A B A |
| 478 | Cherry River Coal & Coke Co | Cherry River #1 | Sewell | Holcomb, W. Va. | B & O | 10 | | | | | | | | | | | | | | | | |
| 482 | Mountaineer Engineering Co | Cottrell (S) | Pittsburgh | Fairmont, W. Va. | Mongh | 52 | | | | | | | | | | | | | | | | |
| 477 | Sewell Coal & Coke Co | Cherry River #2 | Sewell | Holcomb, W. Va. | B & O | 10 | | | | | | | | | | | | | | | | |

†Indicates no classification effective for this group.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 482; Group No. 3: 481; Group No. 5: 477, 478.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 482; Group No. 3: 481; Group No. 5: 477, 478.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

| Code member index | Mine Index No. | Mine | Seam | County | Size groups: Lump over 2", egg over 2", bottom size | Lump 2", egg 2" bottom size but over 1¼" | Lump 1¼" and under, egg 1¼" and under, bottom size | All nut and pea 2" and under | Run of mine resultant over 2" | 1¼" and 2" slack | ¾" slack |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Bailey, Cecil A | 481 | Bailey #2 | H. V. Kittanning. | Barbour | 228 | 223 | 223 | 198 | 188 | 188 | 178 |
| Cherry River Coal & Coke Co. | 478 | Cherry River #1 | Sewell | Nicholas | 273 | 268 | 268 | 243 | 243 | 233 | 213 |
| Greene, Brooks C | 480 | Greene | Redstone | Upshur | 243 | 238 | 238 | 213 | 203 | 198 | 188 |
| Mountaineer Engineering Co. | 482 | Cottrell (S) | Pittsburgh | Marion | 243 | 238 | 238 | 213 | 213 | 198 | 188 |
| Sewell Coal & Coke Co | 477 | Cherry River #2 | Sewell | Nicholas | 273 | 268 | 268 | 243 | 243 | 233 | 213 |
| Wood, G. R | 479 | Wood | Redstone | Upshur | 243 | 238 | 238 | 213 | 203 | 198 | 188 |

[F. R. Doc. 42–13886; Filed, December 24, 1942; 11:27 a. m.]

No. 253——4

[Docket No. A–1723]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Memorandum opinion and order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for establishment of minimum prices for coals of Ruff & Schrameck Coal Co. (W. V. Ruff) and Jackson County Brick Co.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division by the above-named party, requesting the establishment both temporary and permanent, of minimum prices for the coals of the Ruff & Schrameck Coal Company Mine, Mine Index No. 1607 for truck shipments, and requesting the temporary establishment of minimum prices for truck shipments for coals produced at Mine Index No. 1597 of Jackson County Brick Company, and praying that no determination of permanent prices be made until such time as petitioner has had an opportunity to obtain sufficient factual data to propose permanent minimum prices for the coals of that mine.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; that no petitions of intervention have been filed with this 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 be, and the same hereby 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 matters, 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 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 the order, unless otherwise ordered, with respect only to the temporary relief herein granted to Ruff & Schrameck Coal Company Mine, Mine Index No. 1607; the temporary relief herein granted to Jackson County Brick Company Mine, Mine

Index No. 1597, shall not be made final until such time as all factual data necessary to establish permanent minimum prices has been obtained by petitioner and submitted to the Division for consideration or until further order of the Director.

Dated: December 9, 1942.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

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

| Code member index | Mine Index No. | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| SECTION NO. 8, MADISON COUNTY | | | | | | | | | | | | | | | | | | |
| Ruff & Schrameck Coal Company (W. J. Ruff) | 1607 | Ruff & Schrameck Coal Co. | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 170 | 150 | 155 | 150 | 150 | 150 | 120 | 110 | 55 |

[F. R. Doc. 42-13883; Filed, December 24, 1942; 11:26 a. m.]

[Docket No. A-1762]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

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 establishment of price classifications and minimum prices for certain mines 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 of the Stone Brothers Mine, Mine Index No. 1618, of Stone Brothers; the Eli Willey No. 3 Mine, Mine Index No. 1616, of Eli Willey; and the Riverside Coal Company Mine No. 2, Mine Index No. 1612, of Herbert J. Wyatt, for truck shipments; and

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: December 11, 1942.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

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

| Code member index | Mine Index No. | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| SECTION NO. 5 | | | | | | | | | | | | | | | | | | |
| MCDONOUGH COUNTY | | | | | | | | | | | | | | | | | | |
| Stone Brothers (Ike Stone) | 1618 | Stone Bros | 2 | 260 | 255 | 250 | 240 | 235 | 230 | 175 | 170 | 165 | 160 | 160 | 160 | 130 | 120 | 65 |
| Willey, Eli | 1616 | Eli Willey #3 | 2 | 260 | 255 | 250 | 240 | 235 | 230 | 175 | 170 | 165 | 160 | 160 | 160 | 130 | 120 | 65 |
| SECTION NO. 7 | | | | | | | | | | | | | | | | | | |
| VERMILION COUNTY | | | | | | | | | | | | | | | | | | |
| Wyatt, Herbert J. (Riverside Coal Co.) | 1612 | Riverside Coal Co. #2 | 7 | 245 | 240 | 235 | 225 | 220 | 215 | 175 | 170 | 165 | 160 | 160 | 160 | 130 | 120 | 65 |

[F. R. Doc. 42-13884; Filed, December 24, 1942; 11:26 a. m.]

[Docket No. A-1739]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for the D & F Mine.

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 of the D & F Mine (Mine Index No. 173) of the D & F Coal Mining Co., Subdistrict C of District No. 23; and

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 § 343.4 (*Code member price index*) is amended by adding thereto Supplement R-I, § 343.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R-II, and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are 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: December 9, 1942.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 23:

§ 343.4 *Code member price index*—Supplement R–I. Insert the following listing in proper alphabtical order:

| Producer | Mine | Mine Index No. | County | Shipping point | Subdistrict price group | Railroad | F. O. G. No. | Prices section | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Rail | Truck |
| D & F Coal Mining Co... | D & F.. | 173 | Thurston. | Bucoda, Wash.. | "C" | NP | 31 | § 343. 5 | § 343. 21 |

§ 343.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R–II

[Minimum f. o. b. mine prices in cents per net ton for rail transportation into all market areas]

The coals of the D & F Mine (Mine Index No. 173) shall be subject to the same minimum prices as are presently in effect for the coals of the Monarch Mine (Mine Index No. 20) in Subdistrict "C" of District No. 23.

§ 343.21 *General prices*—Supplement T. Insert under Subdistrict "C" in proper alphabetical order the following Code Member name, mine name, mine index number, county, and minimum prices:

FOR TRUCK SHIPMENTS

| Code member | Mine | Mine index No. | County | Size groups | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 5 | 8 | 12 | 13 | 15 | 16 | 19 | 20 | 21 | 23 | 24 |
| *Subdistrict C*[1] | | | | | | | | | | | | | | | | | |
| D & F Coal Mining Co. | D & F | 173 | Thurston. | 435 | 425 | 400 | 375 | 375 | 350 | [2] 275 | [2] 275 | [2] 275 | 325 | 300 | [2] 275 | [2] 225 | 150 |

[1] When truck coal from Subdistrict C is sold to established retail dealers for storage, or when sold to public institutions and industrial consumers, the above prices may be reduced 25¢ per net ton.
[2] These prices apply when coal is unwashed. When coal is washed, 10 cents per net ton must be added.

[F. R. Doc. 42–13885; Filed, December 24, 1942; 11:27 a. m.]

## Chapter VII—Defense Supplies Corporation

[Regulation 1, Amendment 1]

### PART 701—PETROLEUM COMPENSATION ADJUSTMENTS

Section 701.1, *Definitions*, paragraphs (f) and (k) are hereby amended to read as follows:

§ 701.1 *Definitions.* * * *

(f) "Aviation gasoline" means aviation gasoline of 87 octane, A. S. T. M., or higher and all hydrocarbon components thereof (including natural gasoline).

* * * * *

(k) "Actual origin", means, in the case of crude, the well producing the crude imported into District One by the substitute method of transportation and, in the case of compensable products, except those acquired under an exchange or purchase, the refinery (which term shall include natural gasoline and recycling plants) manufacturing the compensable products imported into District One by the substitute method of transportation. If compensable products are purchased or acquired under an exchange in Districts Two or Three, "actual origin" means the point at which the compensable products imported into District One are delivered to the applicant under the sale or the exchange.

* * * * *

Section 701.1, *Definitions*, is hereby amended by adding new paragraphs to be numbered (o), (p), (q), (r), (s), (t), and (u), which will read as follows:

(o) "Compensable intra-district-movement" means the movement of compensable products, other than aviation gasoline, made upon the prior written request of the Petroleum Administration for War (formerly the Office of Petroleum Coordinator for War), which request was approved by the Defense Supplies Corporation, from a refinery, terminal or bulk storage plant in District One, to a point in District One, which movement would not normally have been made by the applicant in the absence of a tanker shortage. Except as provided in this paragraph (o) and in § 701.5 (d) (1), as amended, movements of products refined, purchased or otherwise acquired in District One shall not be compensable.

(p) "Revenue price increases" means increases in maximum prices heretofore or hereafter authorized by the Office of Price Administration Under Revised Price Schedule 88 (Petroleum and Petroleum Products) for the express purpose of providing compensation for higher transportation costs involved in the use of substitute methods of transportation.

(q) "Revenue" means, in the case of an applicant who is a reseller, an amount equal to the volume of petroleum products sold by the applicant on or after August 1, 1942, multiplied by the applicable revenue price increase in effect at time of sale; and, in the case of an applicant who is a consumer, means an amount equal to the volume of petroleum products shipped from actual origin in Districts Two or Three on or after August 1, 1942, and imported into District One for his own consumption, multiplied by the applicable revenue price increase in effect at destination at time of delivery to the destination.

(r) "In-transit-handling" means terminaling, storage or other handling (including loading or unloading) incurred or which would have been incurred in connection with the movement of crude or compensable products under either the substitute method or normal method of transportation, and which occurred or would have occurred subsequent to the actual origin if the substitute method of transportation is involved or subsequent to the normal origin if the normal method of transportation is involved and which occurred or would have occurred prior to the actual destination in District One which is common to both methods of transportation.

(s) "Substitute cost of in-transit-handling" means the actual cost to the applicant not to exceed at any single point the lower of (1) 4¢ per barrel, or (2) the applicable ceiling rate, if any, of in-transit-handling incurred under the substitute method of transportation in connection with all movements included in an application filed pursuant to this regulation.

(t) "Average cost of in-transit-handling" means the weighted average substitute cost of in-transit-handling per barrel of crude and compensable products on which in-transit-handling is incurred by the applicant and determined for the calendar month for which an application for petroleum compensatory adjustments is filed.

(u) "Normal cost of in-transit-handling" means an amount determined by multiplying the average cost of in-transit-handling by the number of barrels of crude or of compensable products moved by the substitute method of transportation each time in-transit-handling would have been incurred had it been moved by the normal method of transportation.

Section 701.2, *Persons eligible to apply for petroleum compensatory adjustments*, is hereby amended to read as follows:

§ 701.2 *Persons eligible to apply for petroleum compensatory adjustments.* A person who produces, manufactures, acquires or purchases crude or compensable products in Districts Two or Three and imports the same, by substitute method of transportation, for manufacture or sale within District One,

or who makes a compensable intra-district movement, may file an application for a petroleum compensatory adjustment on account of any claim for extra costs covered by this regulation. In addition to the above, any person who, during the twelve month period ending June 30, 1941, regularly imported compensable products for his own consumption within District One, and who imports, by substitute method of transportation, compensable products from Districts Two or Three for his own consumption in District One, shall likewise be eligible to file an application for petroleum compensatory adjustment under this regulation.

Section 701.3, paragraph (a), *Filing application for compensation,* is hereby amended to read as follows:

§ 701.3 *Filing application for compensation*—(a) *Place of filing.* Applications for petroleum compensatory adjustment shall be filed with Price, Waterhouse & Co., 56 Pine Street, New York, New York.

* * * * *

Section 701.4, paragraph (c), *Petitions for reconsideration or interpretation,* is hereby amended to read as follows:

§ 701.4 *Inspection and payment of claims.* * * *

(c) *Petitions for reconsideration or interpretation.* (i) Should any claim be rejected in whole or in part or should any applicant desire an interpretation of this regulation then the applicant may request the Defense Supplies Corporation to reconsider its action or to issue an interpretation. If the request is in connection with a rejected claim, it must be filed within thirty (30) days after such claim is rejected. Such request shall be addressed to Defense Supplies Corporation, 811 Vermont Avenue, N. W., Washington, D. C., and shall state clearly and concisely the question involved and the applicant's views thereon.

Section 701.5, paragraph (a), *Amount of compensatory adjustment,* is hereby amended to read as follows:

§ 701.5 *Extra transportation and compensable product costs*—(a) *Amount of compensatory adjustment.* (1) Extra transportation and compensable product costs shall be computed on the basis of the crude or compensable products actually moved by the substitute method of transportation. The amount of the claim, in case crude or aviation gasoline is imported, shall be equal to the excess of (i) the cost of transporting crude or aviation gasoline from the actual origin to the destination in District One by the substitute method of transportation, over (ii) the cost of transporting similar crude or aviation gasoline from the normal origin to the same destination in District One by the facilities which would have been used under the normal method of transportation, plus, in the case of crude only, 17¢ per barrel. In any case where crude is purchased away from the well, under the substitute method of transportation, the amount of the transportation costs from the well to the point of purchase to be included in the claim shall not exceed the difference between the price paid for such crude and the prevailing price for such crude at the well is of the date of purchase. The amount of the claim in case compensable products other than aviation gasoline are imported shall be equal to the excess of (*a*) the value of such compensable products at the actual origin plus the cost of transporting such compensable products from the actual origin to the destination in District One by the substitute method of transportation, over (*b*) the value of similar compensable products at the normal origin plus the cost of transporting similar compensable products from the normal origin to the same destination in District One by the facilities which would have been used under the normal method of transportation. The amount of the claim in the case of a compensable intra-district movement shall be computed in accordance with the formula contained in the written request for such movement, issued by the Office of Petroleum Coordinator for War (now Petroleum Administration for War) and approved by the Defense Supplies Corporation.

(2) Any person submitting an application for a petroleum compensatory adjustment shall account for all revenue. The amount of such revenue, less adjustments hereinafter provided for, shall be deducted from the amount of any claim for which an application is filed hereunder. The revenue to be deducted from the amount of claims filed hereunder shall be adjusted as follows:

(i) If the applicant is a participant in the plan for the equitable sharing of revenues and extra transportation expenses, adopted and approved March 12, 1942, under Recommendation No. 12, as Amended, (Title 32—National Defense, Chapter XIII—Office of Petroleum Coordinator for National Defense), then, the amount of revenue such applicant is obligated to account for under the terms of such plan may be deducted from the revenue to be credited against the applicant's claim.

(ii) If the applicant has acquired petroleum products on which a previous owner has accounted or is obligated to account for revenue accruing from the sale of such products either under the said plan or under this regulation, then the amount of such revenue may be deducted from the revenue arising from the sale of like products to be credited against the applicant's claim. Should there be an excess of deductions under this paragraph over revenue from like products, such excess shall be carried forward and may be deducted from the revenue thereafter accruing on sales of like products. Where an adjustment is claimed on the ground that a previous owner is obligated to account or has accounted for the revenue, the applicant shall submit an affidavit from such previous owner or owners in quadruplicate, stating that such owner or owners is obligated to, and has accounted, or will account for such revenue.

Section 701.5, paragraph (b), *Method of determining value of compensable products other than aviation gasoline,* is hereby amended to read as follows:

(b) *Method of determining value of compensable products other than aviation gasoline*—(1) *Value at the actual origin.* (i) If purchased by the applicant the value of compensable products at the actual origin shall be the price paid therefor.

(ii) If acquired by the applicant in Districts Two or Three under an exchange, the value of compensable products shall be the prevailing market price to resellers in effect at the actual origin on date of shipment therefrom for like methods of shipment.

(iii) If manufactured by the applicant, the value of compensable products shall be the applicant's wholesale price[1] in effect at the point of actual origin for such product on date of shipment.

Section 701.5, paragraph (c), *Method of determining extra transportation costs,* is amended to read as follows:

(c) *Method of determining extra transportation costs.* Transportation costs, under both the normal and substitute methods of transportation, shall be computed on the basis of the crude or compensable products actually moved by the substitute method of transportation, and shall be computed to the first actual delivery point in District One which is common to both methods.

Except as hereinafter provided only costs computed or incurred in respect of the use of the following facilities may be included in an application for compensatory adjustments for extra transportation costs. The costs for the use of any facilities shall be computed on the basis prescribed below:

| *Facilities used* | *Rate or cost to be used in computation* |
|---|---|
| Pipe line (gathering or trunk line). | Rate prescribed by or on file with an authorized regulatory body for the movement and material involved, or in the absence of such a rate, then the actual cost of the movement. |
| Tanker | The maximum voyage charter rate for the material and voyage involved as prescribed by the United States Maritime Commission or the War Shipping Administration. |
| Tank cars | Freight paid. |
| Barges | Rates prescribed by or on file with an authorized regulatory body for the voyage and material involved, or in the absence of such a rate, then the actual cost of the movement, provided, that such rate or cost shall not exceed any applicable ceiling rate. |

[1] "Wholesale price" as used above means an amount which is equal to the weighted average net realization to the point of actual origin for all sales to resellers (not including sales in District One or sales to service stations or other retail outlets) made by direct shipment from such point during the calendar month in which shipment under the substitute method of transportation was made from the actual origin. If sales are made on any basis other than F. O. B. point of actual origin, then "net realization" means the price the seller would have received had such sales been made F. O. B. point of actual origin at a price calculated to give the buyers the same laid down costs.

| *Facilities used* | *Rate or cost to be used in computation* |
|---|---|
| Lake steamers. | Rates prescribed by or on file with an authorized regulatory body for the voyage and material involved, or in the absence of such a rate, then the actual cost of the movement, provided, that such rate or cost shall not exceed any applicable ceiling rate. |
| Trucks and other transportation facilities. | Actual cost of the movement, provided, that such cost shall not exceed any applicable ceiling rate. |

If in-transit-handling is incurred by applicant under the substitute method of transportation on or after January 1, 1943, then the normal cost of in-transit-handling shall be deducted from the applicant's claim and the substitute cost of in-transit-handling may be included in such applicant's claim, provided such in-transit-handling was incurred pursuant to the prior written request of the Office of Defense Transportation. If in-transit-handling is or has been incurred by an applicant under the substitute method of transportation prior to January 1, 1943, then the normal cost of in-transit-handling shall be deducted from the applicant's claim and the substitute cost of in-transit-handling included by such applicant in his application filed hereunder, provided such in-transit-handling was incurred pursuant to the request of the Office of Defense Transportation or the Office of Petroleum Coordinator for War (now Petroleum Administration for War) and the inclusion thereof is approved by the Office of Defense Transportation.

(d) *Exchanges.* (1) Where, during the period August 1, 1942 to December 31, 1942, inclusive, compensable products are acquired under an exchange which takes place entirely within District One, the cost of the normal method of transportation shall be computed to the point in District One where the applicant receives the compensable products from the other party under the exchange, and the cost for the substitute method of transportation shall be computed to the point in District One at which the compensable products are delivered by the applicant to the other party under the exchange. If compensable products received under an exchange are moved by the applicant to a point in District One which normally would not be supplied from the point at which the products were received, then, the applicant may add to the cost of the substitute method of transportation the transportation costs incurred in moving such compensable products from the point of receipt under the exchange to the first actual delivery point in District One which is common to both methods of transportation, and the cost of the normal method of transportation shall be computed to the same destination. If prior to January 1, 1943, products are acquired in District One in exchange for products delivered in Districts Two or Three the claim shall be presented in such form as to show all facts concerning the exchange and the proper method for determining compensation will be prescribed by Defense Supplies Corporation.

(2) On and after January 1, 1943, when products are delivered under an exchange in District One, transportation costs shall be computed as though no exchange were involved; i. e., the cost under both the normal and substitute methods of transportation will be computed to the point in District One where delivery is made under the exchange unless a point which is common to both methods of transportation was reached prior thereto.

This Amendment No. 1 to Petroleum Compensatory Adjustment, Regulation No. 1, shall become effective as of August 1, 1942; except that any application for a petroleum compensatory adjustment for the months of August, September, October or November, 1942, may be prepared and filed either on the basis of the regulation as amended or on the basis of the regulation as it existed prior to this amendment. If an application for a petroleum compensatory adjustment for August, September, October or November has been filed prior to the date of issuance of this amendment, then a supplementary claim may be filed within 30 days after the date of issuance of this amendment modifying such claim to conform to this amendment.

Issued this 14th day of December 1942.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, Jr., *Vice President.*

I, Dudley H. Digges, Secretary of Defense Supplies Corporation, do hereby certify that this is a true and correct copy of Amendment No. 1 to Regulation No. 1 of Defense Supplies Corporation entitled "Petroleum Compensatory Adjustments" which was approved by the Executive Committee of Defense Supplies Corporation at a meeting thereof duly called and held on December 1, 1942.

In witness whereof, I have hereunto set my hand and caused the corporate seal of Defense Supplies Corporation to be affixed this the 26th day of December 1942.

[SEAL] DUDLEY H. DIGGES,
*Secretary.*

[F. R. Doc. 42-14022; Filed, December 28, 1942; 10:53 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter III—Bureau of Mines

### PART 303—GENERAL LICENSE PERTAINING TO EXPLOSIVES

#### SODIUM NITRATE USED AS FERTILIZER

§ 303.1 *Extension of general purchaser's license for sodium nitrate as fertilizer.* The expiration date of General License No. 6 (§ 301.6) [1] a general purchaser's license for sodium nitrate as a fertilizer for use in the production of food, fiber, medicinal herbs, tobacco, or inedible oils, approved June 22, 1942, and published June 26, 1942,[1] as amended August 14, 1942,[2] is hereby extended for a period of six months from December 31, 1942, or to the close of business on June 30, 1943, unless sooner terminated. (Sec. 6, 55 Stat. 863).

R. R. SAYERS,
*Director.*

DECEMBER 7, 1942.

The foregoing extension is approved, and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 42-14020; Filed, December 28, 1942; 10:52 a. m.]

[1] 7 F.R. 4760.
[2] 7 F.R. 6670.

## Chapter VI—Selective Service System

[Order No. 76]

### GLENDORA PROJECT, CALIFORNIA

#### ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675, dated February 6, 1941, hereby designate the Glendora Project to be work of national importance, to be known as Civilian Public Service Camp No. 76. Said camp, located at Glendora, Los Angeles County, California, will be the base of operations for forest research work in the State of California, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 76 will consist of conduct of studies to develop the best methods of watershed management directed toward achieving maximum yields of useful water, reduction of erosion and control of floods, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture, in conjunction with the California Forest and Range Experiment Station, insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
*Director.*

DECEMBER 24, 1942.

[F. R. Doc. 42-14039; Filed, December 28, 1942; 11:30 a. m.]

## Chapter IX—War Production Board

### Subchapter B—Director General for Operations

### PART 1010—SUSPENSION ORDERS

[Suspension Order S-184]

C. ATHOL SAYRE

C. Athol Sayre of Muskogee, Oklahoma, is engaged in the business of constructing houses. On February 17, 1942, and on March 25, 1942, he applied on Form PD-105 to the War Production Board for priorities assistance under Preference Rating Order P-55 to construct three dwelling houses in Muskogee. In these applications he agreed to give reasonable preference as to occupancy to defense workers and further agreed that the dwelling houses to be built by him were to be rented and not sold. Upon the basis of these agreements, Preference Rating Order P-55 was issued to him. Notwithstanding his agreements, Mr. Sayre rented one of the dwellings to a non-defense worker and sold the other two dwelling units to non-defense workers in violation of his agreements to give preference as to occupancy to the defense workers and his agreement to hold the houses for rent.

Mr. Sayre's failure to abide by his agreement has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.184 *Suspension Order S-184.* (a) Deliveries of material to C. Athol Sayre, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to C. Athol Sayre 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.

(b) No allocation shall be made to C. Athol Sayre, his successors and assigns, of any material 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.

(c) Nothing contained in this order shall be deemed to relieve C. Athol Sayre 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 December 28, 1942, and shall expire on March 28, 1943, at which time the restrictions contained in this order shall 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 24th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13895; Filed, December 24, 1942; 1:26 p. m.]

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### PART 1010—SUSPENSION ORDERS

[Suspension Order S-185]

RICHARD J. NASSER, ET AL.

Richard J. Nasser and Henry Nasser, of San Francisco, California, are engaged in the moving picture theater business as theater operators. John E. Kramer, of San Francisco, is a building contractor and Alexander A. Cantin, of San Francisco, is an architect.

On or about August 25, 1942, Richard J. Nasser, Henry Nasser and Charles Peterson, of San Francisco, as owners, John E. Kramer, as contractor, and Alexander A. Cantin, as architect, began construction, as defined in Conservation Order L-41, of a theater building located at 412 MacDonald Avenue, Richmond, California. The estimated cost of construction, as defined in said order, of such theater building substantially exceeded $5,000.00 and said persons were aware of Conservation Order L-41 prior to the beginning of such construction. This constituted a wilful violation of Conservation Order L-41, as amended on July 23, 1942.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States by diverting scarce material to uses prohibited by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.185 *Suspension Order S-185.* (a) Neither Richard J. Nasser, Henry Nasser, John E. Kramer, Alexander A. Cantin, nor any other person shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to continue or complete construction of the theater building located at 412 MacDonald Avenue, Richmond, California, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order no application filed by Richard J. Nasser, Henry Nasser, John E. Kramer, Alexander A. Cantin, nor any other person for authorization to complete the theater building located at 412 MacDonald Avenue, Richmond, California, shall be granted.

(c) Nothing contained in this order shall be deemed to relieve Richard J. Nasser, Henry Nasser, John E. Kramer or Alexander A. Cantin 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 December 29, 1942 and shall continue 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 24th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13896; Filed, December 24, 1942; 1:26 p. m.]

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### PART 1010—SUSPENSION ORDERS

[Suspension Order S-186]

OSIPOW ELECTRIC SUPPLY COMPANY

Abraham Osipow and Jess Osipow, copartners doing business as Osipow Electric Supply Company, of Los Angeles, California, are engaged in the business of distributing electrical supplies as wholesalers. They operate a warehouse, as defined in General Preference Order M-9-a.

From February 7, 1942, to June 15, 1942, Osipow Electric Supply Company accepted and filled unrated wholesale orders for 769,605 feet of copper wire and cable, having a value of approximately $14,183.51. The orders for 727,713 feet of such copper wire and cable, having a value of approximately $12,785.21, were accepted and filled by the company in wilful violation of General Preference Order M-9-a, as amended on February 6, 1942, and May 7, 1942.

From January 19, 1942, to June 15, 1942, Osipow Electric Company applied preference ratings of A-10 under Preference Rating Order P-100 to certain purchase orders for electrical supplies, having a value of $1,005.07, certifying that such materials were for maintenance, repair, or operating supplies, as defined in Preference Rating Order P-100, whereas such materials were not for maintenance, repair or operating supplies and the application of such rating to these purchase orders constituted misrepresentations, to the War Production Board. By means of such misrepresentations the company received deliveries of such electrical supplies in violation of Preference Rating Order P-100.

These violations of General Preference Order M-9-a and Preference Rating Order P-100 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.186 *Suspension Order S-186.* (a) Deliveries of materials, directly or indirectly, to Abraham Osipow and Jess Osipow, individually or doing business as Osipow Electric Supply Company, their successors and assigns, shall not be accorded priority over deliveries under

any other contract or order and no preference ratings 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.

(b) No allocation shall be made, directly or indirectly, to Abraham Osipow and Jess Osipow, individually or doing business as Osipow Electric Supply Company, their successors or assigns, of any material 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.

(c) Nothing contained in this order shall be deemed to relieve Abraham Osipow and Jess Osipow, individually or doing business as Osipow Electric Supply Company, 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 December 29, 1942, and shall expire on March 29, 1943, at which time the restrictions contained in this order shall 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 24th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13897; Filed, December 24, 1942; 1:27 p. m.]

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## PART 1010—SUSPENSION ORDERS

[Suspension Order S-187]

### WINSTON MANUFACTURING COMPANY

Winston Manufacturing Company, Nashville, Tennessee, is a manufacturer of construction machinery and equipment. Subsequent to May 2, 1942, the Company sold and delivered five unused rubber tired scrapers valued at approximately $40,000 without specific authorization from the War Production Board on orders which did not bear any preference ratings. These items were construction equipment as defined in Limitation Order L-82-a and their sale and delivery as aforesaid constituted a violation of that order.

This violation of Limitation Order L-82-a has hampered and impeded the war effort of the United States by diverting construction equipment to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.187 *Suspension Order S-187.* (a) Deliveries of material to Winston Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Winston Manufacturing Company 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.

(b) No allocation shall be made to Winston Manufacturing Company, its successors and assigns, of any material 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.

(c) Nothing contained in this order shall be deemed to relieve Winston Manufacturing Company 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 insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 28, 1942, and shall expire on March 28, 1943, at which time the restrictions contained in this order shall 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 24th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13898; Filed, December 24, 1942; 1:27 p. m.]

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## PART 1010—SUSPENSION ORDERS

[Suspension Order S-188]

### W. F. OTTEN

W. F. Otten of Tulsa, Oklahoma, is engaged in the business of constructing houses. On March 11, 1942, he applied on Form PD-105 to the War Production Board for priorities assistance under Preference Rating Order P-55 in order to construct a one-family dwelling house in Tulsa. In this application he agreed to rent this dwelling unit and to give reasonable preference as to occupancy to defense workers. In violation of his agreement, Mr. Otten, upon completion, occupied the premises himself and failed to give preference as to occupancy to defense workers.

Mr. Otten's failure to abide by his agreement with the War Production Board has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.188 *Suspension Order S-188.* (a) Deliveries of material to W. F. Otten, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to W. F. Otten 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.

(b) No allocation shall be made to W. F. Otten, his successors and assigns, of any material 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.

(c) Nothing contained in this order shall be deemed to relieve W. F. Otten 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 December 28, 1942, and shall expire on March 28, 1943, at which time the restrictions contained in this order shall 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 24th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13899; Filed, December 24, 1942; 1:29 p. m.]

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## PART 933—COPPER

[Conservation Order M-9-c as Amended Dec. 26, 1942]

Section 933.4 *Conservation Order M-9-c* is hereby amended so as to read as follows:

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

§ 933.4 *Conservation Order M-9-c—*(a) *Restrictions on manufacture of items appearing on Combined List and on List A-2.* (1) No manufacturer of any item on the Combined List attached, or of parts (including repair parts[1]) for any such item, may, if such item or parts contain copper products or copper base alloy products, continue their manufacture on or after December 26, 1942 by means of processing, assembling or finishing.

[1] See note on page —.??

(2) No manufacturer of any item on List A–2 attached, or of parts (including repair parts [1]) for any such item, may, if such item or parts contain copper products or copper base alloy products, continue their manufacture by means of processing, assembling or finishing on or after the governing date set forth opposite such item in Column 2 of List A–2.

(b) *Restrictions on manufacture of articles not appearing on Combined List and List A–2 out of inventory on hand on February 28, 1942 and June 30, 1942.* (1) During the period from December 25, 1942 to and including January 15, 1943, a manufacturer of any article omitted from the Combined List and List A–2 or excepted from those lists, or of parts (including repair parts [1]) for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing,

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after February 28, 1942; or

(ii) Unless such articles or parts are being manufactured, processed, assembled or finished to fill a purchase order, existing or prospective,[2] bearing a preference rating of A–1–k or higher; and no such article or part so manufactured shall be delivered except to fill such an order; or

(iii) Unless the manufacturer has been specifically authorized by the Director General for Operations, pursuant to an application made on Form PD–426, or otherwise, to manufacture, process, assemble or finish the article or parts in question with the copper products or copper base alloy products being used.

(2) After January 15, 1943, a manufacturer of any article omitted from the Combined List and List A–2 or excepted from those lists, or of parts (including repair parts [1]) for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing,

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after June 30, 1942; or

(ii) Unless such articles or parts are being manufactured, processed, assembled or finished to fill a purchase order, existing or prospective,[2] bearing a preference rating of AA–4 or higher; and no such article or part so manufactured shall be delivered except to fill such an order; or

(iii) Unless the manufacturer has been specifically authorized by the Director General for Operations, pursuant to an application on Form PD–426, or otherwise, to manufacture, process, assemble or finish the article or parts in question with the copper products or copper base alloy products being used.

The provisions of this paragraph (b) shall not apply to a manufacturer assembling a completed fractional horsepower electric motor into machinery of any kind omitted from the Combined List and List A–2 or excepted from those lists; or to the manufacturing, processing, assembling or finishing of any machinery omitted from the Combined List and List A–2 or excepted from those lists, or of parts (including repair parts) for such machinery, if the only copper products or copper base alloy products used which were in the inventory of the manufacturer on or before February 28, 1942 (with respect to manufacturing, processing, assembling or finishing during the period from December 25, 1942 to and including January 15, 1943) or on or before June 30, 1942 (with respect to manufacturing, processing, assembling or finishing after January 15, 1943) are bushings, bearings, nuts, bolts, screws, washers and wire weighing in the aggregate less than 5% of the total weight of the article or part.

(c) *Applicability of order to certain Governmental agencies.* The prohibitions and restrictions contained in this order shall not apply to the use of copper products or copper base alloy products in the manufacturing, processing, assembling or finishing of any item or article on the "Military Exemption List", or part therefor, which is being produced for purchase by, or for the account of, or for use by, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Coast Guard, where the use of copper products or copper base alloy products 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, the War Shipping Administration or the Coast Guard applicable to the contract, subcontract or purchase order.

(d) *General restrictions on manufacture.* (1) No manufacturer may continue the manufacture of any article omitted from the Combined List and List A–2 or excepted from such lists, or of parts (including repair parts) for such an article, if such article or parts are to contain copper products or copper base alloy products where the use of any less searce material is practible; and no manufacturer may continue the manufacture of any article omitted from the Combined List and List A–2 or excepted from such lists, or of parts (including repair parts) for such an article, if they are to contain more copper products or copper base alloy products than is necessary for the article's proper operation or a higher type or grade of copper or copper base alloy than is necessary for the article's proper operation.

(2) (i) The use of copper products or copper base alloy products for plating any item on the Combined List or List A–2 or for plating any parts (including repair parts) of such an item, is prohibited unless such plating is expressly stated to be permissible on said Lists.

(ii) The use of copper products or copper base alloy products for plating any article omitted from the Combined List and List A–2 or excepted from such lists and the plating of parts (including repair parts) for such an article, is permitted provided:

(*a*) That such plating is not for decorative purposes or part of a decoration or as an undercoating for lead or silver plating, and

(*b*) That the use of, or the normal wear on such article or parts, would make impracticable any other form of coating.

(e) *General restrictions on deliveries.* The disposition of frozen and excessive inventories containing certain copper products or copper base alloy products shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34) as amended from time to time.

(f) *Special provisions.* (1) The foregoing provisions of this amended order shall not apply to the use of copper products and copper base alloy products in typography, engraving, photo-engraving, gravure plate making, electrotyping, stereotyping and printing in the printing and publishing industries. In those processes, the use of bronze powder, bronze ink, bronze paste and bronze leaf is controlled by Supplementary Conservation Order M–9–c–3 effective March 28, 1942; the use of copper or copper base alloy engraving plates for engraving calling cards, greeting cards, social and business stationery and other similar purposes is prohibited after December 31, 1942; and all other uses in those industries of copper products, copper base alloy products, copper scrap and copper base alloy scrap are, in the quarter from October 1, 1942 to December 31, 1942, limited to 70% of the aggregate usage of such products and scrap in the last calendar quarter of 1940, and in each subsequent calendar quarter limited to 60% of such aggregate usage in the corresponding quarter of the year 1940, provided that, for electrotyping and rotogravure, 33⅓% of the allowable usage shall be in the form of copper or copper base alloy printing scrap during the month of January, 1943, 50% of the allowable usage shall be in such form during the month of February, 1943, and 75% of the allowable usage shall be in such form in each month after February, 1943.. Nothing contained in this paragraph (f) (1) of this amended order shall affect the prohibition against the manufacture of powder containing copper products or copper base alloy products contained in paragraph (a) and the Combined List of this amended order.

(2) No person shall deliver, install or cut any copper or copper base alloy insect screening (i) unless such screening is to be delivered to, installed for or cut on the order of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

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[1] See also paragraph (h) (7) permitting the manufacture of repair parts to make specific repairs of used articles under certain conditions.

[2] Priorities Regulation No 1, § 944.14, prohibits you from making more than a practicable minimum working inventory of articles or parts to fill prospective orders carrying particular ratings.

or Defense Supplies Corporation, Metals Reserve Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (except Defense Plant Corporation) or any person acting as agent of any such corporation (except Defense Plant Corporation), or (ii) unless such delivery, installation or cutting shall be with the specific authorization of the Director General for Operations. Applications for specific authorizations shall be made by letter addressed to the War Production Board, Washington, D. C., Ref.: M–9–c. The foregoing shall not apply to used or second hand insect screening or to insect screening in rolls of less than 25 feet in length. Nothing contained in this paragraph (f) (2) affects the prohibitions on the manufacture, processing, assembling or finishing of insect screening and screens with copper products or copper base alloy products contained in paragraph (a) and the Combined List of this order.

(g) *Restrictions on deliveries to manufacturers.* No person shall hereafter deliver copper products or copper base alloy products to any manufacturer, directly or indirectly, if he knows or has reason to believe that such products are to be used in violation of the terms of this order.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulation.* 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.

(2) *Appeal.* Any appeal from the provisions of paragraphs (a), (d) or (f) (1) of this order shall be made by filing Form PD–167 Revised with the War Production Board, Washington, D. C., Ref.: M–9–c. Relief granted pursuant to an appeal under this order shall remain in effect despite any amendment to this order, unless the grant of relief is specifically revoked or modified by the Director General for Operations.

(3) *Communications.* Any reports required to be filed under this order and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington, D. C., Ref.: M–9–c.

(4) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply irrespective of whether such items, articles or parts whose manufacture is governed hereby are being manufactured pursuant to a contract made prior or subsequent to the effective date of this order. Insofar as any other order of the War Production Board or of the Office of Production Management may have the effect of limiting or curtailing to a greater extent than herein provided the manufacture of items, articles or parts or the sale and delivery of such items, articles or parts, the limitation of such other order shall be observed.

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

(6) *Installation.* The restrictions of this order shall not apply to the installation of any item or article, or part (including a repair part) therefor, for the utimate consumer on his premises when any manufacturing, processing, assembling or finishing of such an item, article or part is incidental to such installation and is done on such premises. The foregoing does not in any way affect, revoke or modify the provisions of Supplementary Conservation Order M–9–c–4 which prohibits the installation of certain types of copper and copper base alloy pipe, tube, fittings and building material under certain circumstances or of any other order restricting installation.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (d) (1) hereof) shall not apply to the manufacture, processing, assembling or finishing of repair parts to make a specific repair of a used article or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than two pounds and any manufacturing, processing, assembling or finishing done by him is for the purpose of making a specific repair; nor shall the restrictions of this order (other than those contained in paragraph (d) (1) hereof) apply to the manufacture, processing, assembling or finishing of repair parts to make a specific repair of a used article or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than one pound in excess of the copper or copper base alloy scrap derived from the article being repaired, and all such scrap is delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M–9–b and provided any manufacturing, processing, assembling or finishing done by him is for the purpose of making a specific repair.

(8) *Copper products or copper base alloy products not controlled by order.* On and after the respective dates set forth in this subparagraph, the provisions of this order shall not apply to the manufacture of the following items or articles and parts (including repair parts) therefor, even though they contain copper products or copper base alloy products, since these items or articles are specifically governed by the following orders:

Shoe findings and footwear of all kinds governed by Supplementary Conservation Order No. M–9–c–1 effective January 23, 1942.

Fire protective equipment governed by General Limitation Order L–39 effective February 27, 1942.

Motorized fire apparatus governed by General Limitation Order L–43 effective February 27, 1942.

Bronze paste, bronze ink and bronze leaf and products made with bronze paste, bronze ink, bronze leaf and bronze powder (other than decalcomanias and ship bottom paint), governed by Supplementary Conservation Order M–9–c–3 as amended May 30, 1942.

Jewelry governed by Supplementary Conservation Order M–9–c–2 effective April 4, 1942.

Musical instruments governed by Supplementary Limitation Order L–37–a effective May 29, 1942.

Water meters governed by Schedule I of Limitation Order No. L–154 effective June 17, 1942.

Self-contained drinking water coolers governed by Schedule I of Limitation Order No. L–126 effective July 3, 1942.

The provisions of this order do not apply to attaching finished slide fasteners, hooks and eyes, brassiere hooks, sewon machine attached or riveted snap fasteners or grippers, buckles, buttons, corset clasps, eyelets (other than eyelets usable as shoe eyelets), garter trimmings, hose supporters, insignia, jewelry, loops, mattress buttons, pin fasteners, pins, staples, slides, and trouser trimmings. The order does apply to manufacturing, processing, assembling and finishing of the closures and associated items listed above where the provisions of this order are more restrictive than other orders of the War Production Board.

The provisions of this order do not apply to the assembling of watch or clock movements finished prior to June 15, 1942, into cases not made of copper or copper base alloy; the provisions of this order do apply to manufacturing, processing and finishing watch and clock cases and all other parts of watches and clocks, and to assembling watches and clocks except under the conditions mentioned in this sentence.

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

(i) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(ii) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal produced from scrap.

(iii) "Copper products" means products made of copper fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings or forgings or fabricated to any greater extent.

(iv) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire,

rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings or forgings or fabricated to any greater extent.

(v) "Manufacturer" means a person who manufactures, processes, assembles or finishes.

(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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

COMBINED LIST

The manufacture, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (d) (1) of this order.

AUTOMOTIVE, TRAILER[1] AND TRACTOR EQUIPMENT AND FARM MACHINERY

See also Order L–106 governing the use of copper and copper base alloy in the manufacture of automative parts entering into the production of, or as replacement parts for, passenger automobiles, motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles.

Ambulance hardware.
Defrosters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Garage and automotive repair equipment.
Heaters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Hearse hardware.
Horns (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Hub and gas-tank caps.
Lights, lamps, headlamps and accessories (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Miscellaneous fittings and trim.
Motorcycles (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Motor-driven scooters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Mouldings.
Rear-view mirrors and hardware.

BUILDING SUPPLIES AND HARDWARE

(Excluding supplies and hardware for ships, boats and aircraft)

Air-conditioning equipment until January 1, 1943 (except for essential food storage, food transportation and industrial processing, and except for repair parts containing not more than 4 lbs. of copper products or copper base alloy products for use in "black out" plants). After December 31, 1942, see List A–2.

[1] See also under "Passenger Transportation Equipment" on this list.

Blinds, including fixture fittings and trimmings.
Builders' finish hardware, including hinges, except in those parts of plants where the use of non-sparking metal is necessary to prevent a hazard in the production or use of explosives. For locks see under "Miscellaneous" on this list.
Conduits.
Decorative hardware—including house numbers.
Door knockers, checks, pulls, and stops.
Doors, door and window frames, sills and parts, including door handles and knobs.
Elevators and escalators (except when the only copper products or copper base alloy products used are for bearing, worm gears and parts necessary for conducting electricity).
Gravel stops and snow guards.
Grilles.
Gutters, leaders, downspouts, expansion joints, and accessories thereto.
Hangers and tracks for private garages.
Incinerator hardware and fittings.
Insect screens and screening.
Letter boxes and mail chutes.
Lightning rods and lightning rod systems including cables and accessories (except as permitted by Order L–39).
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Ornamental metal work.
Pile butt protection.
Plumbing and heating supplies:
- Bands on pipe covering.
- Cistern and low-water floats.
- Fixture fittings and trimmings (See "Plumbing fixture fittings and trim" on List A–2).
- Hot water heaters, tanks, and coils (except when the only copper products or copper base alloy products used are permitted by Order L–185).
- Pipe, tube, tubing, and fittings for piping systems (except when the only copper products or copper base alloy products used are permitted by Schedule VII of Order L–42).
- Shower rods, and pans (See "Plumbing fixture fittings and trim" on List A–2).
- Shower heads (See "Plumbing fixture fittings and trim" on List A–2).
- Sinks and drainboards.
- Toilet floats (See "Plumbing fixture fittings and trim" on List A–2).
- Towel racks.

Push, kick, switch, floor, and all other device plates.
Roof, roofing, roofing nails, flashing valleys, and other roofing items.
Sheet, roll, and strip for building construction.
Shelves.
Stair and threshold treads.
Termite shields.
Terrazzo strips, reglets, and mouldings.
Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except when the only copper products or copper base alloy products used are for valves, controls and parts necessary for conducting electricity).
Ventilators and skylights.
Water containers for humidification.
Weatherstripping and insulation.

BURIAL EQUIPMENT

Burial vaults.
Caskets and casket hardware. See also Order L–64.
Memorial tablets.
Morticians' supplies.

(See also "Boxes, * * *" under "Miscellaneous" on this list.)

CLOTHING AND ACCESSORIES

Insignia (except rank, branch and "U. S." Insignia for the Armed Forces).

DRESS ACCESSORIES

(See also Order L–68)

Buckles.
Buttons.
Dress ornaments.
Handbag fittings.
Metal cloths.

FURNISHINGS AND EQUIPMENT

(For homes, offices, institutions, hotels, apartment hotels, apartment houses, stations, clubs, fraternal organizations, union buildings, churches, synagogues, temples, restaurants and stores)

Andirons, screens, and fireplace fittings.
Candlesticks.
Cooking and table utensils.
Counters.
Curtain fasteners, rods, and rings.
Cuspidors.
Fans (See also Order L–176)
Furniture.
Furniture Hardware.
Hollow-ware.
Mud scrapers.
Portable heaters.
Stoves and ranges (except when the only copper products or copper base alloy products used are for valves, ferrules for compression fittings, controls other than timers, and parts necessary for conducting electricity). For additional restrictions see "Gas stoves and ranges for household use" on List A–2.
Table flatware (except that until January 1, 1943, table flatware may be manufactured, processed, assembled or finished if made according to Fed. Spec. RR–T–56.) After December 31, 1942, see List A–2.
Timers, for stoves and ranges.
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft.
Washing tubs and washing boilers.
Waste baskets, hat trees, humidors, and similar items.

INDUSTRIAL MACHINERY

Pulp and paper manufacturing:
- Beater bars and beaters.
- Head boxes.
- Jordan bars.
- Refiner bars.
- Save-alls (except for screens).
- Stock and water lines.

JEWELRY, GIFTS AND NOVELTIES

All jewelry, gifts and novelties including, but not limited to—
- Advertising specialties.
- Atomizers (see also List A–2).
- Bar fittings.
- Book ends.
- Cosmetic containers.
- Lighters.
- Napkin rings.
- Picture frames.
- Smokers' accessories, including ash trays.
- Souvenirs.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, buses, and trailers, but excluding locomotives)

All items under heading "Furnishings and Equipment".
Air conditioning equipment for passenger cars until January 1, 1943 (except for essential repairs, and except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). On and after December 31, 1942, see List A–2.
Bands on pipe covering.

Decorative, general, and finish hardware, and ornamental metal work.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Pipe, tube, tubing, and fittings for plumbing and heating (except for essential repairs).
Shower rods, heads and pans.
Sinks and drainboards.
Screens and screening.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems, other than fire protective systems covered by Order L–39 (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).
Barrel hoops.
Badges.
Bar and counter equipment and fittings.
Barber shop equipment and supplies.
Barrel hooks.
Bathroom accessories as defined in Order L–30.
Beauty parlor equipment and supplies.
Beverage dispensing units and parts thereof (except for self-contained drinking water coolers as defined in Schedule I of Order L–126 or under any schedule of Order L–38).
Bicycles, and similar vehicles. (See also Order L–52).
Binoculars, including opera glasses.
Bird and pet cages and stands.
Bottle coolers.
Boxes, cans, jars and other containers, including burial urns.
Branding, marking, and labeling devices and stock for same (except where the devices and the stock are for affixing governmental, notarial and corporate seals or, until January 1, 1943, are adjustable stencils for addressing or identifying commercial products). For adjustable stencils after December 31, 1942, see the item "Adjustable stencils" on List A–2.
Cabinets.
Canes
Carpet rods.
Cash registers.
Chimes and bells (except for bells when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Clips.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers
Clock and watch cases.
Cooking utensils (except for commercial processing in canneries and factories).
Cutlery, including pocket knives.
Dishwashing machines and domestic garbage grinders.
Dispensers, hand, for hand lotions, paper products, soap and straws.
Dog collars and other similar harness and equipment for pets.
Domestic ice refrigerators as defined in Order L–7.
Domestic laundry equipment as defined in Order L–6 and scrubbing boards, clothes line pulleys and reels.
Domestic mechanical refrigerators as defined in Order L–5.
Domestic vacuum cleaners as defined in Order L–18.
Electric blankets.
Electric light bulbs and cord sets for Christmas trees, and bulbs and neon and fluorescent tubes for advertising and display purposes.
Flashlights and electric lanterns used by railroad brakemen (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Floats for liquid level control.
Flower pots, boxes and holders for same.
Flower shears.
Food dispensing utensils, devices and machines.
Fountain pens.
Fountains (except drinking water fountains when the only copper products or copper base alloy products used are permitted by Schedules V, V–a and XII of Order L–42).
Furniture grommets.
Games as defined in Order L–81.
Garden tools and equipment.
Hair curlers, hair brushes and combs, shoe horns and button hooks.
Health supplies (except those to which a preference rating is granted under Order P–29).
Home and commercial electrical appliances, as defined in Order L–65.
Hooks, including hat and coat hooks.
Ice cream freezers for use in the home.
Kitchen utensils, devices and machines.
Kitchen, household and miscellaneous articles, as defined in Order L–30.
Lace tips.
Ladders and hoists (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity), including fittings.
Lamps, electric until January 1, 1943 (except for industrial, hospital or office and then not for standards, shades, shade holders, and stems). After December 31, 1942, see List A–2. The term "Lamps" as used here does not include electric light bulbs, but see "Electric light bulbs" above.
Lamps, other than electric (except for industrial, hospital or office use and then only when the only copper products or copper bas alloy products used are for valves, controls, and wicks).
Lawn sprinklers, mowers, seeders and rollers.
Livestock and poultry equipment (except when the only copper products or copper base alloy products used are for valves, controls, parts necessary for conducting electricity, and thermostats other than wafer thermostats, and for plating wafer thermostats).
Locks (except pin tumbler cylinder assemblies; essential interior working parts of Type 88, Type 97 and Type 114 locks; discs and springs for disc tumbler locks; levers for secure lever locks; interior working parts of railway car door locks and railway switch padlocks; and keys for pin tumbler and disc tumbler locks).
Luggage fittings, trim and harware.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Medals.
Mirrors.
Motion picture and projection equipment (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions).
Name, identification and medal plates.
Non-operating or decorative uses of copper or copper base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Paint (except for ship bottoms).
Pencils, mechanical.
Phonographs or other record players.
Photographic equipment and accessories (except document copying machines and equipment therefor for business purposes and for use by the U. S. Post Office, and except for X-ray equipment).
Pins.
Pleasure boat fastenings, fittings, hardware, and motors.
Pole-line hardware.
Powder, except for non-decorative uses.
Printing rollers (except to the extent that an equivalent poundage in copper or copper base alloy is returned to a brass mill in the form of old rollers).
Radio receiving sets for private use (except for replacement vacuum tubes).
Razors operated by electricity (except for repair parts).
Reclaimers for heating water.
Reflectors (except for electroplating of glass reflectors in connection with silvering when the reflectors are to be used in street and highway illumination, or for traffic signals, flood lights, searchlights and hospital operating room lights).
Refrigerator display cases.
Saddlery hardware and harness fittings.
Scales, except commercial, industrial and laboratory scales and laboratory balances. (See also Order L–190.)
Shells and caps for electric sockets except screw shells and except those used in connection with lamp signals in communication facilities.
Signs, including street signs. (See also Order L–29.)
Slot, game and vending machines, including parking meters.
Soda fountain equipment.
Sporting goods, and fishing and hunting equipment and supplies.
Staples for fastening cartons and containers.
Stationery supplies:
Desk accessories. (See also Order L–73.)
Office supplies. (See also Order L–73.)
Pencils. (See also Order L–113.)
Pens and penholders.
Statues.
Sundials.
Telescopes.
Tent poles and parts.
Thermos jugs and bottles.
Toys.
Unions and union fittings (except seats and except for other parts of unions and union fittings where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fitting makes the use of any other material dangerous or impractical). (See also Order L–42.)
Umbrellas.
Valve handles.
Valves over 2-inch size (except seats, discs, stems, yoke sleeves, yoke bushings, stem bearings and packing glands, and except for other parts of such valves where and to the extent that the physical and chemical properties of the liquid or gas passing through the valve makes the use of any other material dangerous or impractical).
Voting machines.
Weather vanes.
Weight reducing and exercising machines.
Wool.

LIST A–2

The manufacturing, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited after the governing date if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list

excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (d) (1) of this order.

| | *Governing date* |
|---|---|
| Adjustable stencils | Dec. 31, 1942 |
| Air conditioning equipment and refrigeration equipment ((i) except for repair parts containing not more than 4 pounds of copper products or copper base alloy products for use in "black out" plants; (ii) except for essential food storage, food transportation and industrial processing and then only when the only copper products or copper base alloy products used are for capillary tubing, bulbs, small moving parts, bellows, bearings which use not over 2 pounds of copper each, tube connections and fittings below ⅝", and integral fin tubing used in refrigeration condensers; and (iii) except for essential repairs of railroad passenger cars) | Dec. 31, 1942 |
| Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs) | Dec. 31, 1942 |
| Blow torches, gasoline and alcohol, (except when the only copper products or copper base alloy products used are for the pump valve, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block) | Jan. 20, 1943 |
| Brushes (except the type used in electric motors and generators) | Dec. 31, 1942 |
| Cement flooring and composition flooring | Dec. 26, 1942 |
| Cooling towers (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity) | Dec. 26, 1942 |
| Electrolytic devices for the removal and prevention of scale in boilers | Dec. 31, 1942 |
| Gas stoves and ranges for household use (except when each valve contains not more than ½ ounce of copper base alloy and each control contains not more than 1½ ounces of copper base alloy and the stove or range contains no other copper or copper base alloy whatever) | Aug. 7, 1942 |
| Hand saw screws, nuts and washers for attaching saw blades to the handle | Dec. 26, 1942 |
| Hammers | Dec. 31, 1942 |
| Lamps, electric (except for nonportable lamps for use in hospitals or in industry, otherwise than in offices, and then only when the only copper products or copper base alloy products used are for parts necessary for conducting electricity) | Dec. 31, 1942 |
| Lanterns | Sept. 7, 1942 |
| Lighting fixtures for use outside of a building (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). For lighting fixtures in a building see "Lighting fixtures" under "Building Supples and Hardware" on the Combined List | Dec. 31, 1942 |
| Loose-leaf binders | Dec. 26, 1942 |
| Pipe, tube, tubing and fittings for water supply and distribution systems and installations (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions and solder nipples and except for all such pipe, tube, tubing and fittings for use on board ship and in chlorine gas equipment). This takes the place of Interpretation No. 4 of Order M-9-c | Dec. 26, 1942 |
| Plumbing fixture fittings and trim (except when the only copper products or copper base alloy products used are permitted by the terms of Schedules V, V-a and XII of Order L-42 or any schedules or orders taking their place, or are permitted by a specific authorization of the Director General for Operations granted pursuant to such a schedule or order) | Dec. 26, 1942 |
| Screens for oil wells and water wells | Jan. 20, 1943 |
| Shower curtains | Dec. 26, 1942 |
| Sound equipment attachments for motion picture projection machines (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions) | Dec. 31, 1942 |
| Table flatware (except for a copper-silver strike) | Dec. 31, 1942 |
| Trolley frog bodies, trolley wire crossover bodies, trolley clamps used for supporting Fig. 8 or grooved trolley wire (unless used for carrying current), and miscellaneous items such as machine screws, bolts and studs used with overhead trolley line material | Jan. 20, 1943 |

MILITARY EXEMPTION LIST

Air conditioning and refrigeration equipment (except for comfort use).
Bakery equipment (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see below on this list.
Bells (for use on board ship).
Binoculars.
Blow torches, gasoline and alcohol (parts other than tanks, only).
Boxes, cans, jars and other containers (for radio and communication equipment and for powder charges).
Carbonated beverage dispensing units for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
Conduits and pipe (for radio and electrical communication equipment).
Chronometer and watch cases.
Dishwashing machines.
Fans (parts necessary for conducting electricity, only).
Field ranges and ski stoves.
Floats for liquid level control (for use in aircraft and on board ship).
Furniture hardware (for use within magnetic circle on board ship).
Hammers.
Hoists, for handling powder, projectiles and explosives (for use on board ship).
Hot water heaters, tanks and coils for hospital, laundry and bakery projects.
Insect screens and screening.
Kitchen utensils, devices, machines and appliances (parts necessary for conducting electricity or which come in contact with food or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts).
Ladders and stairs, for use in gasoline storage spaces on board ship (treads, only).
Lanterns, gasoline (generators, valves and controls, only).
Laundry equipment, for use on board ship (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
Laundry equipment, mobile, for field use (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
Lights, lamps and accessories (for use in aircraft and on board ship).
Locks and latches (for use on board ship).
Motion picture and projection equipment.
Name, identification and medal plates of a gauge of .03125 inch or less (for use in aircraft and on board ship).
Paint (for ship bottoms and flying boat hull bottoms).
Photographic equipment and accessories.
Pins for hinges (for use on board ship).
Prescription scales (health supplies).
Reflectors (for use on board ship, in aircraft searchlights, and recognition lights and hospital operating room lights and therapeutic lights).
Safety lamps, flame type (for use on board ship and for use in other places where there is danger of explosion).
Shells and caps for electric sockets (for use in aircraft and on board ship).
Soda fountain equipment for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
Sound equipment attachments for motion picture projection machines.
Table flatware made according to Fed. Spec. RR-T-56 until March 31, 1943.
Telescopes.
Unions and union fittings (for use on board ship).
Valve handles (for use within magnetic circle on board ship).
Valves (for use on board ship).

[F. R. Doc. 42-13967; Filed, December 26, 1942; 11:52 a. m.]

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

[Priorities Regulation 3 as Amended Dec. 26, 1942]

### UNIFORM METHOD OF APPLICATION AND EXTENSION OF PREFERENCE RATING

§ 944.23 *Priorities Regulation 3*—(a) *Definitions.* For the purposes of this regulation:

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

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the Director General for Operations, of the right to use such rating.

(4) "Applicaiion" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the Director General for Operations, and includes the initial issuance by any governmental agency, under authority of the Director General for Operations, of a preference rating certificate rating a delivery to be made directly to such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Except to the extent otherwise provided in Priorities Regulation No. 11 (§ 944.32) with respect to persons required or permitted to qualify under the production requirements plan, any person may apply a preference rating assigned to him by any preference rating certificate or preference rating order issued to him in his name or as one of a class, and any person may extend any rating which has been applied or extended to deliveries to be made by him, subject to the provisions of this regulation.

(2) A preference rating may be applied by the person to whom it is assigned only to the specific quantities and kinds of material authorized, or to the minimum required amounts of material when no specific quantities are authorized. Any rating which has been applied or extended by others to deliveries to be made by a person may, subject to the provisions of this regulation, be extended by such person in order to obtain not more than the same amount and kind of material (except as specified in paragraph (c) (3) of this regulation) which he has delivered or is required to deliver pursuant to such rating.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Extension of ratings.* The following provisions shall be applicable to all extensions of preference ratings notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating, except to the extent otherwise provided in Priorities Regulation No. 11 (§ 944.32) with respect to persons required or permitted to qualify under the production requirements plan. No preference rating may be extended to the delivery of any material except:

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or byproducts in the course of processing; or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used; or

(3) Repair, maintenance and operating supplies, subject to the following conditions and limitations:

(i) The amount of maintenance, repair and operating supplies obtained by any person under this regulation and under any preference rating ("P") order (except P-100) assigning a rating to such person shall not, in the aggregate, exceed during any period the limit, if any, specified in such preference rating order for use of the rating thereby assigned;

(ii) The cost of all maintenance, repair and operating supplies obtained by any other person by extension of a rating shall not exceed in any month ten percent of the cost of materials described in subparagraphs (1) and (2) of this paragraph (c) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended, during such month if priorities assistance were needed);

(iii) The cost of maintenance, repair and operating supplies consisting of metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 (§ 944.32) to which the rating is extended in any month shall not in any event exceed two and one-half percent of the cost of materials described in said subparagraphs (1) and (2) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed);

(iv) The term "maintenance, repair and operating supplies" as used in this subparagraph (3) shall include only those supplies which are actually required for directly processing the material described in subparagraphs (1) or (2) of this paragraph (c) or for maintenance or repair of production machinery and equipment used in such processing. It does not include office supplies or maintenance or repair of building; and

(v) In cases where the material to be processed is furnished by the customer, the cost thereof to the customer shall, for the purposes of this paragraph (c) (3), be taken instead of cost to the processor and the month in which the processing order is placed shall be taken in lieu of the month in which the material to be processed is ordered.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (c) nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies other than those specified above in subparagraph (3) of this paragraph (c).

(d) *Method of application or extension.* (1) Any person authorized to apply or extend preference ratings may do so:

(i) On a written contract or purchase order, by endorsing on, or attaching to, each contract or purchase order placed by him to which the rating is to be applied or extended, a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

---------- ----------
(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit) (Address)

By ---------- ----------
(Signature and Title of Duly Authorized Officer) (Date)

(ii) On a purchase order placed by telegraph, by including in the telegram the following certification: "Ratings indicated are certified pursuant to Priorities Regulation No. 3." The requirements for manual signature or authorization under Priorities Regulation No. 7 (§ 944.27) will be satisfied in such case if the copy of the outgoing telegram retained by the person placing the order is signed or authorized in the manner provided in that regulation.

(iii) On a purchase order placed by telephone and requiring shipment within seven days, by stating to the supplier at the time of placing the order the substance of the certification set forth in subparagraph (ii) of this paragraph (d) (1); provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement furnishes to the supplier within seven days after placing the purchase order written confirmation of such order, bearing a certification of such preference rating substantially in the form prescribed by subparagraph (i) of this paragraph (d) (1). No preference rating received by telephone shall be extended by the supplier until receipt by him of the written certification herein required. In case of failure to receive written certification within the seven days' period herein prescribed, the supplier shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written certification is furnished. On or before the fifteenth day of each month, any supplier who has received in the prior month a preference rating applied or extended by telephone shall notify the War Production Board, Compliance Division, of any case in which a purchaser has failed to furnish to him the written certification when due.

(iv) The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending a rating must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such rating, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. In addition thereto, each person applying or extending a rating shall execute and file with the War Production Board all reports and questionnaires required by the applicable preference rating certificate or preference rating order and such other reports and questionnaires as said Board shall from time to time request.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD-1A, PD-3A and PD-25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate,

(i) A person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same;

(ii) Ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; and

(iii) Ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order provided the amount of each material to which a particular grade of rating is extended is shown either as a separate item, or on a percentage basis where the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the extension of the rating on his production and delivery schedule. To the extent necessary to avoid production or delivery of material in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total production or delivery.

(4) In addition to complying with the foregoing requirements of this paragraph (d), any person applying or extending a preference rating shall include on his purchase order or contract such information (except designation of the number or serial number of the preference rating certificate or preference rating order assigning the rating) as may be required by the terms of any applicable order of the Director General for Operations and which the person placing the purchase order is able to furnish.

(e) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (c) and (d) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the Director General for Operations assigning the preference rating in question or regulating transactions in the material involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material.

(f) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Director of Priorities, the Director of Industry Operations or the Director General for Operations are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this and other regulations of the Director General for Operations. All certificates and all existing orders of the Director of Priorities, the Director of Industry Operations and the Director General for Operations are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

(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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13966; Filed, December 26, 1942; 11:53 a. m.]

## PART 966—VANADIUM

[General Preference Order M-23-a, as Amended Dec. 26, 1942]

Section 966.2 *General Preference Order M-23-a* is hereby amended to read as follows:

§ 966.2 *General Preference Order M-23-a*—(a) *Definitions.* For the purposes of this order:

(1) "Vanadium" means and includes:

(i) Ores and concentrates containing commercially recognized vanadium, vanadium pentoxide, and other vanadium compounds for further purification or refining;

(ii) The element vanadium in pure form, ferro-vanadium, vanadium bearing primary chemical compounds, and other combinations of the element vanadium with other materials, prepared in forms for further processing or for industrial consumption or use;

(iii) All scrap, waste or industrial by-products containing commercially recoverable vanadium as defined in (i) and (ii) above, excluding vanadium bearing iron and steel scrap.

(2) "Producer" means any person who mines or otherwise produces natural materials containing commercially recoverable quantities of vanadium, or who generates vanadium in any of the forms included within paragraph (a) (1) (iii) above, in the course of any industrial operation.

(3) "Processor" means any person who prepares or treats vanadium for industrial consumption or use.

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

(c) *Restrictions on melting or processing.* No person, other than a processor as defined in this order, shall melt or otherwise process vanadium except pursuant to approval of his melting schedule under the provisions of Supplementary Order M–21–a, as amended from time to time, or pursuant to specific authorization by the Director General for Operations; provided that any person other than a producer of steel and iron products (as defined in Supplementary Order M–21–a, as from time to time amended) may, without such approval or specific authorization, melt or otherwise process quantities not exceeding a total of ten pounds contained vanadium during any calendar month.

(d) *Restrictions on deliveries*—(1) *Allocations.* Except as permitted under paragraph (d) (2) of this order, no person shall deliver or accept delivery of vanadium without the specific authorization of the Director General for Operations. The Director General for Operations will from time to time allocate the supply of vanadium and specifically direct the manner and quantities in which deliveries to particular persons and for particular purposes shall be made or withheld. The Director may also require any person seeking to place a purchase order for vanadium to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all war requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(2) *Permissible deliveries.* Until further order or in the absence of a contrary direction by the Director General for Operations, the following transactions are permitted without specific authorization by the Director General for Operations:

(i) Vanadium in any of the forms specified in paragraph (a) (1) (i) or paragraph (a) (1) (iii) of this order may be delivered by any producer or processor to any processor for the purpose of being concentrated, treated or otherwise prepared, by the processor receiving such delivery, for industrial consumption or use;

(ii) Deliveries of vanadium in any form may be made and accepted by any person in quantities of 10 pounds or less contained vanadium, provided that the total quantity acquired by any person pursuant to this subparagraph, in any calendar month from all sources of supply, shall be limited to 10 pounds contained vanadium.

The provisions of (i) and (ii) of this paragraph (d) (2) shall not apply to deliveries of vanadium from any processing plant operated by or for the Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U. S. C., section 606 (b)). Deliveries from such a plant shall be made only with the specific authorization of the Director General for Operations.

(e) *Applications for specific authorization.* Application for specific authorization to acquire or to melt or otherwise process vanadium shall be made to the War Production Board on Forms PD–707, PD–209A (Schedule 2) and PD–209B, or on such other forms as may be from time to time prescribed for the purpose. An applicant shall file a copy of Form PD–209B with each supplier with whom he has placed a purchase order for such vanadium. Applications shall be filed at such time and in such manner as may be required by the instructions accompanying the appropriate forms prescribed by the War Production Board.

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

(g) *Communications to War Production Board.* All reports and applications to be filed hereunder, appeals and other communications concerning this order, shall, unless otherwise directed, be addressed to the Ferro-Alloys Branch, Steel Division, War Production Board, Washington, D. C., Reference: M–23–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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42–13968; Filed, December 26, 1942; 11:52 a. m.]

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## PART 1145—OFFICE SUPPLIES

[Limitation Order L–73 as of Dec. 26, 1942]

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

§ 1145.1 *General Limitation Order L–73*—(a) *Definitions.* For the purposes of this order:

(1) "Office supplies" means manufactured products (other than furniture and machinery) designed for use in an office, notwithstanding their auxiliary use for industrial purposes.

(2) "Group I products" means the following types of office supplies: wire staples, whether preformed or continuous roll.

(3) "Group II products" means the following types of office supplies: clips, clamps, pins, and thumb-tacks; copyholders; eyelet and round and flat-head fasteners; eyeleters; file fasteners; pencil sharpeners; punches and perforators; stapling and fastening machines.

(4) "Group III products" means the following types of office supplies: adhesive and gummed tape dispensers; arch and clip board files; calendar stands; desk accessories; inked ribbon spools and containers; list finders; rulers and yardsticks; staple removers; stationery sundries, not elsewhere classified.

(5) "Producer" means any person engaged in the fabrication, assembly, or any other operation or process connected with the manufacture of office supplies.

(6) "Prohibited materials" means copper, tin, nickel, chromium, zinc, cadmium, and crude rubber in any form whatever.

(7) "Federal specifications" means specifications (including emergency alternate specifications) approved from time to time by the Director of Procurement for use of all departments and establishments of the Federal Government, and any amendments thereof.

(8) "Iron and steel used" means the aggregate weight of iron and steel when first put into production in the manufacture of office supplies whether in the form of raw materials or as semi-processed or finished parts.

(9) "Preferred order" means any order or contract for office supplies to be delivered to or for the account of

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for delivery to, or for the account of the government of any country listed above or any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(b) *General restrictions.* (1) During the period of three months beginning April 1, 1942, no producer shall use:

(i) In the manufacture of Group I products more iron and steel than 25% of the aggregate weight of all metals

used by him in the manufacture of Group I products during 1940.

(ii) In the manufacture of Group II products more iron and steel than 20% of the aggregate weight of all metals used by him in the manufacture of Group II products during 1940.

(iii) In the manufacture of Group III products more iron and steel than 12½% of the aggregate weight of all metals used by him in the manufacture of Group III products during 1940.

(2) During each period of three months, beginning with July 1, 1942, until otherwise ordered no producer shall use

(i) In the manufacture of Group I products more iron and steel than 25% of the aggregate weight of all metals used by him in the manufacture of Group I products during 1940.

(ii) In the manufacture of Group II products more iron and steel than 15% of the aggregate weight of all metals used by him in the manufacture of Group II products during 1940.

(iii) In the manufacture of Group III products more iron and steel than 12½% of the aggregate weight of all metals used by him in the manufacture of Group III products during 1940.

(3) A producer having preferred orders may exceed the foregoing restrictions in any period of three months to the extent of the amount of iron and steel necessary to fill such preferred orders provided that his quota of iron and steel for the following three months shall be reduced by an equivalent amount of iron and steel.

(4) On and after December 26, 1942, no producer shall use in the manufacture of any Group I, Group II or Group III products any prohibited materials, except that:

(i) Zinc may be used for galvanizing to the extent necessary for practicable use and wear, subject to the restrictions contained in Conservation Order M–11–b as amended from time to time, and

(ii) Coppered (liquor finish) steel may be used.

(5) From March 28, 1942, no producer shall manufacture any Group I, Group II or Group III products which exceed the minimum requirements of applicable specifications, as defined in paragraph (a) (7) hereof, in respect to any metal or other critical material contained therein.

(6) On and after December 26, 1942, no producer shall process, fabricate, work on or assemble any desk pencil sharpeners containing any metal except such desk pencil sharpeners as he can completely manufacture and assemble prior to January 15, 1943, out of completely fabricated iron and steel parts, contained in his inventory, prior to December 26, 1942. On and after January 15, 1943, no producer shall process, fabricate, work on or assemble any desk pencil sharpeners containing any metal.

(7) On and after December 26, 1942, no producer shall procure or acquire any iron or steel to be used in the production of file fasteners, and on and after January 1, 1943, no producer shall process, fabricate, work on or assemble any file fasteners containing any metal.

(8) On and after December 31, 1942, no producer shall sell, lease, trade, lend, deliver, ship or transfer any file fastener produced after December 26, 1942, containing any metal, except in fulfillment of orders accepted by him prior to December 26, 1942.

(9) On and after December 26, 1942, no producer shall process, fabricate, work on or assemble any staplers or two-hole punches and perforators which contain more than 8 ounces of metal per unit, or any three-hole punches and perforators which contain more than 12 ounces of metal per unit, except out of materials which have been so processed, fabricated, worked on or assembled prior to December 26, 1942, that they cannot be used in the production of any staplers or punches and perforators which conform to the specifications contained in this subparagraph. On and after January 1, 1943, no producer shall process, fabricate, work on or assemble any staplers or two-hole punches and perforators containing more than 8 ounces of metal per unit, or any three-hole punches and perforators containing more than 12 ounces of metal per unit.

(10) The restrictions contained in paragraph (b) (5) of this order shall not apply to file fasteners, desk pencil sharpeners, staplers or two-hole punches or perforators containing more than 8 ounces of metal per unit, or three-hole punches or perforators containing more than 12 ounces of metal per unit produced on and after December 26, 1942.

(11) On and after December 26, 1942, no producer shall process, fabricate, work on or assemble any repair or replacement parts for any office supplies containing any metal, except for staplers or punches and perforators.

(12) On and after December 26, 1942, no producer shall exceed the restrictions contained in this order for the purpose of filling preferred orders. The provisions of this paragraph shall in no way affect the duty of a producer who prior to December 26, 1942, has exceeded the restrictions contained in this order pursuant to paragraph (b) (3) for the purpose of filling preferred orders to deduct from his quota of iron and steel for the three months period following January 1, 1943, the equivalent amount of iron and steel by which, prior to December 26, 1942, he has exceeded his quota for the purpose of filling preferred orders.

(c) *Avoidance of excessive inventories.* No manufacturer of office supplies shall accumulate for use in the manufacture of office supplies inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of office supplies at the rates permitted by this order.

(d) *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.

(e) *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.

(f) *Reports.* (1) Every producer affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) Every producer affected by this order shall execute and file Form PD–655 with the Consumer Durable Goods Division of the War Production Board, Ref.: L–73, on or before January 10, 1943, and on or before the 10th day of each calendar month thereafter.

(g) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. 80).

(h) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD–500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(i) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, restricts the use of any material in the manufacture of office supplies to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(k) *Communications.* All reports, appeals and other communications concerning this order should be addressed to the War Production Board, Washington, D. C. Ref.: L–73.

(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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13963; Filed, December 26, 1942; 11:49 a. m.]

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PART 1158—INDUSTRIAL MACHINERY

[Limitation Order L-83 as Amended Dec. 26, 1942]

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

§ 1158.1 *General Limitation Order L-83*—(a) *Definitions.* For the purpose of this order:

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

(2) "Critical industrial machinery" means new, used or reconditioned machinery, of the kinds listed, from time to time, in List A. The value of a critical industrial machine shall be the selling price, or in any case where the machine is rented, the cost of production (as indicated by the company's regularly established cost accounting system), excise tax value, or insurance value, whichever is higher. The term "new critical industrial machinery" means any critical industrial machinery which has not been delivered by any person acquiring it for use, and does not include used or reconditioned machinery. The term "used critical industry machinery" means any critical industrial machinery which at any time has been delivered to any person acquiring it for use, but does not include rebuilt machinery. The term "reconditioned critical industrial machinery" means used machinery which has been rebuilt or otherwise conditioned for resale, or reuse.

(3) "Manufacturer" means any person producing critical industrial machinery.

(4) "Distributor" means any person regularly engaged in the business of buying or otherwise acquiring new, used, or reconditioned machinery for resale.

(5) "Order" means any commitment or other arrangement for the delivery of critical industrial machinery, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for critical industrial machinery, when accompanied by a PD-3A certificate, to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

(ii) Any order placed by any agency of the United States Government for critical industrial machinery to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the western hemisphere, pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Any order for critical industrial machinery bearing a preference rating of A-9 or higher assigned by a Preference Rating Certificate PD-3 or PD-3A countersigned prior to May 18, 1942, by a Preference Rating Order in the P-19 series issued prior to May 18, 1942, or by a Preference Rating Certificate PD-1 or PD-1A, a Preference Rating Certificate in the PD-25 or PD-408 Series, or Preference Rating Order P-19-h (PD-200 or 200A) issued at any time. After May 18, 1942, Preference Rating Certificate PD-3A shall be used only to assign preference ratings to approved orders to be delivered to or for the account of the agencies set forth in subdivision (i) hereof. Any preference rating certificate or order of any of the kinds enumerated above may be used to secure critical industrial machinery only by the person to whom it was originally issued and only when such machinery is expressly specified on the certificate or order (or its Form PD-200 or 200A). Any person placing an approved order for critical industrial machinery bearing a rating assigned by any such certificate or order who does not deliver such certificate or order but retains the same, as permitted by Priorities Regulation No. 3, as amended from time to time, or by the terms of the preference rating order shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3, as amended from time to time, or such preference rating order certify to the person from whom the machinery is to be acquired that the certificate or order was originally issued to him and that the critical industrial machinery ordered was expressly specified on the certificate or order (or its Form PD-200 or 200A).

(iv) Any order which the Director General for Operations authorizes for production or delivery pursuant to paragraph (b) (2) hereof.

(b) *Restrictions on acceptance of orders for, and delivery and acquisition of, critical industrial machinery*—(1) *General prohibitions.* Except as provided in paragraph (b) (4) hereof, no person shall accept any order for critical industrial machinery, or deliver any critical industrial machinery in fulfillment of any order, whether accepted or not; unless such order is an approved order. No person shall accept delivery of any critical industrial machinery except pursuant to an approved order.

(2) *Procedure for authorization of orders on books.* Manufacturers or distributors may apply for authorization to deliver orders which are not approved orders, on their books on May 18, 1942, as it affects classes of critical industrial machinery from time to time, by filing with the War Production Board, in triplicate, plainly marked Ref: L-83, a list of all such orders together with the name of the purchaser or lessee, the date of the order, the number of pieces of machinery, a description of the machinery, the value of the machinery, the rating assigned, if any, the preference rating certificate number, if any (or blanket preference rating order and serial number), the specified delivery date, the percentage of completion of the order on May 18, 1942, as it affects any particular kind of machinery, and the expected use to which the machinery will be put. The Director General for Operations may thereupon, if he shall deem it necessary or appropriate in the public interest and to promote the national defense, authorize the delivery of any such orders, or the assignment of preference ratings thereto.

(3) *Auction sales, sales pursuant to court order and similar transactions.* Dispositions of used critical industrial machinery at auction, at sheriff's sale, at tax sales, in liquidations of all or part of a business, and in similar transactions must be approved orders unless such dispositions are made to distributors within the limits specified in paragraph (b) (4) (vii).

(4) *Exempted transactions.* Nothing in this order shall be construed to prohibit any of the following transactions:

(i) The seizure of critical industrial machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sale agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(ii) The delivery or acquisition of critical industrial machinery (but not subsequent disposition thereof) through a transfer by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(iii) The delivery or acquisition of critical industrial machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock, or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(iv) The transfer of critical industrial machinery, within a plant, or within a single corporate enterprise (including majority-owned subsidiaries), from one plant or branch to another: *Provided, however,* That nothing in this subdivision (iv) shall be construed to permit transfers from a portion of an enterprise

manufacturing, building, or assembling new machinery to a portion using it.

(v) The delivery or acquisition of critical industrial machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(vi) Deliveries to, and acquisitions by, distributors, of new critical industrial machinery in the following two instances only:

(*a*) To fill approved orders for new critical industrial machinery which orders are actually in the hands of such distributors; or

(*b*) To replace new critical industrial machinery delivered by such distributor to fill an approved order.

(vii) Deliveries to, and acquisitions by distributors of used critical industrial machinery (but not subsequent dispositions thereof) at auction, sheriff's sales, tax sales, liquidations or otherwise.

(viii) Subject to the provisions of paragraph (c), the delivery of critical industrial machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed one month, pending the repair of the damaged machine.

(ix) The delivery and acquisition of critical industrial machinery to be scrapped for its material content.

(x) The unloading, from a vessel, of any imported critical industrial machinery.

(xi) The transfer of any interest in any written instrument evidencing an interest in critical industrial machinery: *Provided, however,* That nothing in this subdivision (xi) shall be construed to permit the physical delivery or use of critical industrial machinery.

(c) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict any delivery (1) to fill any order or group of orders of less than $1,000, placed with one or more suppliers within any four weeks' period, for parts intended for use in the repair or maintenance of any single existing machine, or a single machine delivered under the terms of this order, or (2) to fill any order of $1,000 or more for repair or maintenance parts when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *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, Washington, D. C., Ref.: L–83.

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

(h) *Records and reports.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for industrial machinery. All persons affected by this order shall execute and file with the Director General for Operations, War Production Board, such reports and questionnaires as said Director shall from time to time request. On or before 15 days after May 18, 1942, as to any kind of machinery, every manufacturer of critical industrial machinery shall file in triplicate with the War Production Board, plainly marked Ref.: L–83, a supplementary list of all orders for critical industrial machinery now on his books (in excess of the amounts listed in List A), not reported under paragraph (b) (2), together with the name of the purchaser or lessee, the date of the order, the number of pieces of machinery, a description of the machinery, the value of the machinery, the rating assigned, the preference rating certificate number, if any, (or blanket preference rating order and serial number), the specified delivery date, the percentage of completion of the order, and the expected use to which the machinery will be put. Manufacturers who have previously filed a list under the order need not refile.

(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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

LIST A

NOTE: List A is amended by deleting from such list items 1, 2, 3, 11, 12, 13 and 14 and by renumbering item nos. 4, 5, 6, 7, 8, 9, 10, 15, 16, 17 and 18 to read 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, respectively.

1. Packaging and labeling machinery, on orders for a single machine of a value in excess of $200: *Provided, however,* That there shall be excluded from the terms of this order, orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P–115.

2. Pulp and paper making machinery, on orders for a single machine of a value in excess of $1,000.

3. Paper converting machinery, on orders for a single machine of a value in excess of $200.

4. Printing and publishing machinery, on orders for a single new, or less-than-five-year-old reconditioned or used machine of a value in excess of $200.

5. Bakery machinery, on orders for a single machine of a value in excess of $200.

6. Confectionery machinery, on orders for a single machine of a value in excess of $200.

7. Beverage bottling machinery, on orders for a single machine of a value in excess of $200.

8. Coffee grinding machinery, one horsepower and over, on orders for a single machine of a value in excess of $50.

9. Food slicing and grinding machinery, one horsepower and over, on orders for a single machine of a value in excess of $50: *Provided, however,* That there shall be excluded from the terms of this order orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P–115.

10. Dairy machinery and equipment, on orders for a single machine or piece of equipment of a value in excess of $300; *Provided, however,* That there shall be excluded from the terms of this order orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P–118. The term "dairy machinery and equipment" includes all machinery and equipment used for the processing of milk and milk products into dairy products, except machinery used on a farm for the producing of and handling of milk preparatory to delivery to commercial processors. A processing plant located on a farm is considered, under the terms of this order, to be a commercial processor, and is subject to the limitations hereof.

11. New woodworking, sawmill and logging machinery and equipment, on all orders for a single machine or unit of equipment of a value in excess of $250. The term "new woodworking, sawmill and logging machinery and equipment" means: new borers, dowel machines, edgers, gluing equipment, grinders, jointers, kilns, lathes, matchers, mills, mortisers, moulders, routers, sanders, saws, shapers, surfacers, tenoners, trimmers, veneer and plywood machines; and all other new machinery and equipment normally used in cutting, shaping, gluing, finishing, or otherwise processing wood and wood products, except machinery used for painting, varnishing, lacquering and similar purposes.

INTERPRETATION 1

Paragraph (a) (2) of General Limitation Order L–83 defines "Critical industrial machinery" as new, used, or reconditioned machinery of the kinds listed from time to time in List A of the order, and provides that the value of a critical industrial machine shall be the selling price with certain exceptions. List A specifies the machinery included in the order. In certain instances, the list contains dollar limitations on the value of machines so included. For instance, bakery machinery is covered by General Limitation Order L–83 only on an order for a single machine of a value in excess of $200.

The selling price of a machine would normally establish its value for purposes of this order unless other facts indicated that such selling price was not the actual value placed upon the machinery by the buyer and seller. In any case where a used machine is sold with the understanding by buyer or seller

that the machine must be repaired or reconditioned in connection with or in relation to the sale transaction, in order that the machine be an effective instrument, the value of the machine for purposes of this order is to be deemed the aggregate of the selling price of the inoperable machine plus the cost of repairing or reconditioning the machine to the point where it can operate effectively. In other words, the sale of a broken down machine, followed by repairing or reconditioning in order that the machine be in condition to operate, does not avoid the impact of the order merely because the original sale of the inoperable machine is fixed at a value below the limitations established in General Limitation Order L–83; the cost of the repairs necessary to render the machine an effective instrument must be added to such original selling price in order to determine the value for the purposes of the order. (Issued December 17, 1942.)

[F. R. Doc. 42–13964; Filed, December 26, 1942; 11:49 a. m.]

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## PART 1176—IRON AND STEEL CONSERVATION

[Conservation Order M–126 as Amended Dec. 26, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel 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:

§ 1176.1 *General Conservation Order M–126*—(a) *Definitions.* For the purpose of this order:

(1) "Governing date", with respect to any item on List A or List S, or part thereof, means the date set forth opposite such item.

(2) "Army - Navy - Maritime order" means an order for material to be purchased (or physically incorporated into material to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, where with respect to any item on List A, or part thereof, the use of iron or steel, or with respect to any item on List S, or part thereof, the use of stainless steel, is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, applicable to the contract, subcontract or purchase order.

(3) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(4) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(5) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(6) "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.

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

(b) *Restrictions with respect to List A products.* Except as provided in paragraph (d);

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List A, no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List A, no person shall put into process any iron or steel to make such item, or any part thereof, in an aggregate weight greater than 75 per cent of the average monthly weight of all metals put into process by him during 1941 in the making of such item and parts, and no person shall put into process any iron or steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List A, no person shall process any iron or steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 60 days after the applicable governing date of any item on List A, no person shall assemble such item, or any part thereof, containing any iron or steel.

(4) *List A products without governing dates.* With respect to any item on List A without a governing date, (i) no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof, (ii) no person shall put into process or process any iron or steel to make such item, or any part thereof, and (iii) no person shall assemble such item, or any part thereof, containing any iron or steel.

(5) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A, or part thereof, which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provision of this order as amended from time to time.

(c) *Restrictions with respect to List S products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List S, no person shall deliver or accept delivery of any stainless steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List S, no person shall put into process any stainless steel to make such item, or any part thereof, in an aggregate weight greater than 50% of the average monthly weight of stainless steel put into process by him during 1941 in the making of such item and parts, and no person shall put into process any stainless steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List S, no person shall process any stainless steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 45 days after the applicable governing date of any item on List S, no person shall assemble such item, or any part thereof, containing any stainless steel.

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List S or part thereof, which he knows or has reason to know was fabricated, assembled, or delivered in violation of any applicable provision of this order as amended from time to time.

(d) *Exemption for Army-Navy-Maritime orders.* (1) The provisions of paragraph (b) with respect to items on List A with governing dates shall not apply to Army-Navy-Maritime orders for such items, or any parts thereof, for a period of 60 days after the applicable governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any iron or steel for the making of any item on List A, or part thereof, unless such item or part is on List C. The provisions of paragraph (b) shall not apply to Army-Navy-Maritime orders for any item on List C, or part thereof, except that stainless steel shall not be used to make such item and parts, unless permitted by paragraph (d) (3).

(2) The provisions of paragraph (c) shall not apply to Army-Navy-Maritime orders for any item on List S, or part thereof, for a period of 60 days after its governing date. Except as provided in paragraph (d) (4), from and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any stainless steel for the making of any item on List S, or part thereof, unless such item or part is on List C.

(3) Except as otherwise specified on List C as to any item, or part thereof, stainless steel may be used to make any item on List C, or part thereof, for

Army-Navy-Maritime orders until January 5, 1943. Except as provided in paragraph (d) (4), on and after January 5, 1943, no person shall use any stainless steel to make any item on List C, or part thereof, unless, and then only to the extent that, the use of stainless steel is expressly permitted for such item.

(4) The provisions of this order prohibiting the delivery, processing or assembling of stainless steel or a type of stainless steel for the making of any item, or part thereof, for Army-Navy-Maritime orders shall not apply to any order which has been approved on form PD-391 for melting during the fourth quarter of 1942 or for delivery during such quarter; or to any order which can not be filled by the manufacturer because of his inability to secure permitted materials, except that this exemption shall be only for the minimum period of time necessary to obtain such permitted materials and in no event later than April 30, 1943.

(e) *Restrictions with respect to other products*—(1) *Roofing and siding.* No person shall manufacture any iron or steel into roofing and siding except:

(i) For delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, The War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development; or

(ii) For delivery on a preference rating of AA-5 or higher assigned by a PD-3A preference rating certificate or by a preference rating order in the P-19 series; or

(iii) For defense housing, to the extent specified in the Defense Housing Critical List; or

(iv) For the manufacture, maintenance and repair of railroad freight cars, street cars, or busses; or

(v) For deliveries on preference ratings assigned by the Board of Economic Warfare or for deliveries on Lend-Lease orders; or

(vi) For delivery to an ultimate purchaser for maintenance and repair purposes regardless of rating. With respect to this paragraph (e) (1) (vi), no person may manufacture from May 5, 1942 to December 31, 1942, more than 20 percent of the roofing and siding made by him from iron or steel during the calendar year 1940; or in the calendar year 1943 or any subsequent calendar year, more than 25 percent of the roofing and siding made by him from iron or steel, during the calendar year 1940.

Any person manufacturing or selling any such roofing or siding may rely on the certificate of his customer that such roofing or siding will only be sold or used as permitted by this paragraph (e) (1).

(2) *Other products.* No person shall use any iron or steel to make any article not prohibited on List A, or any part thereof, where and to the extent that the use of other material (excluding material on List D) is practicable. Alloy steel shall not be used when the use of carbon steel is practicable, and no more iron or steel shall be used in connection with the manufacture of any such article than is essential. The provisions of this paragraph (e) (2) shall not apply in the case of articles or parts to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of iron or steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(f) *Restrictions with respect to other scarce materials.* No person whose use of iron or steel is restricted by paragraphs (b), (d) or (e) shall use as a substitute therefor any material on List D.

(g) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34).

(h) *Miscellaneous provisions*—(1) *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.

(2) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

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

(6) *Installation.* The restrictions of this order with respect to putting into process, processing, and assembling shall not apply to the installation of an item or part for the ultimate consumer on his premises when any putting into process, processing or assembling of such item or part is incidental to such installation and is done on such premises.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (e) (2)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. The limitations in this paragraph (h) (7) on repairing a used article shall not apply to any item on List A or List S, or part thereof, to the extent that maintenance and repair of such item is specifically excepted on List A or List S.

(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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

LIST A

NOTE: Changes have been made in List A.

| *Item* | *Governing date* |
|---|---|
| "A" Frames and booms for lighters, 25 tons capacity and under. | Nov. 5, 1942 |
| Access panels—except as required by Underwriters Code. | None |
| Accessories, soda fountain [1] | July 15, 1942 |
| Acoustical ceilings | None |
| Adhesive tape sleeves | July 15, 1942 |
| Adhesive tape spools | Mar. 30, 1943 |
| Advertising novelties | None |
| Air-conditioning systems [1]—except for hospital operating rooms and industrial plants. | None |
| Ampule scorers | Nov. 5, 1942 |
| Amusement park devices and roller coasters.[1] | None |
| Area walls | None |
| Ash sieves | None |
| Asparagus tongs | None |
| Atomizers, perfume-boudoir | None |
| Attic fans | None |
| Automobile accessories—except as required by law. | None |
| Automobile heaters [1]—except for passenger carriers, as defined in L-158, police cars, ambulances, trucks and fire wagons. | July 15, 1942 |
| Awning frames and supports | None |

[1] Maintenance and repair excepted.

| Item | Governing date |
|---|---|
| Bag, purse, and pocketbook frames. | None |
| Balers, paper for household use. | July 15, 1942 |
| Ball park equipment including but not limited to: | July 15, 1942 |
| Cages.[1] | |
| Fences. | |
| Lighting systems — except lamp bulbs. | |
| Metal bases. | |
| Protective netting.[1] | |
| Railings. | |
| Rollers. | |
| Score boards. | |
| Screens.[1] | |
| Seats.[1] | |
| Tampers. | |
| Banks, personal, toy, miniature. | None |
| Barber and beauty shop furniture. | None |
| Barber and beauty shop supplies, machines and equipment.[1] | July 15, 1942 |
| Barn pushers and scrapers | July 15, 1942 |
| Barware and bar accessories | July 15, 1942 |
| Bases on refrigerating machines below one H. P. | Nov. 5, 1942 |
| Baskets—except for commercial cooking and manufacturing uses. | None |
| Baths, steam, all types | Nov. 5, 1942 |
| Bath tubs | None |
| B–B shot for air rifles | None |
| Beach umbrellas | July 15, 1942 |
| Beds—except hospital | None |
| Bed spring frames—except for hospital link fabric spring type bed. | None |
| Beer kegs—except hoop and fittings for wooden kegs. | None |
| Beer mugs | None |
| Beer stands | None |
| Beer steins | None |
| Bench legs—except industrial | None |
| Beverage bottle cases, including but not limited to beer and all soft drinks. | July 15, 1942 |
| Bicycle racks | Nov. 5, 1942 |
| Binding, linoleum | Nov. 5, 1942 |
| Binoculars—except U. S. Government Agencies. | None |
| Bird cages and stands | None |
| Bird houses and feeders | None |
| Biscuit boxes | None |
| Blackboards | None |
| Blade stroppers, mechanical | None |
| Bleachers and grandstands[1] | None |
| Blocks, hat | July 15, 1942 |
| Boards, sounding | Nov. 5, 1942 |
| Boat hooks | Nov. 5, 1942 |
| Book ends | None |
| Boot jacks | Nov. 5, 1942 |
| Bottle holders–except hospital | None |
| Bowling alleys, bowling pins and accessories.[1] | July 15, 1942 |
| Boxes and trays for jewelry, cutlery, combs, toilet sets. | None |
| Boxes, meter, and covers—except industrial. | Nov. 5, 1942 |
| Braces, extensible steel trench | Nov. 5, 1942 |
| Bread and cake boxes, household. | July 15, 1942 |
| Bread slicers for home use—except knives. | July 15, 1942 |
| Bridge splash guards | None |
| Brushes and brush-backs—except industrial. | July 15, 1942 |
| Buckles, for clothing—except overalls, overall suits, dungarees. | July 15, 1942 |
| Buckles for | July 15, 1942 |
| Pocketbooks. | |
| Shoes—except for waterproof shoes. | |
| Building ornaments | None |
| Buildings, portable | Nov. 5, 1942 |
| Burial lowering devices | Nov. 5, 1942 |
| Butter chips | None |
| Butter knives | None |
| Buttons for clothing—except for overalls, overall suits and dungarees. | July 15, 1942 |
| Buttons for work clothing—except 22 line fly button of plain design and 27 line button with wreath design for remainder of garment, and except open top button of not more than two pieces exclusive of the tack or fastener. | Nov. 5, 1942 |
| Cabinets—except | None |
| Hospital operating and examining room. | |
| As permitted in Limitation Orders L–13 a and L–62. | |
| Cake cutters | None |
| Cake icing equipment | July 15, 1942 |
| Cake tongs | None |
| Calendar and memo pad stands | July 15, 1942 |
| Calliopes or steam organs | July 15, 1942 |
| Candy display dishes | None |
| Canes | July 15, 1942 |
| Canopies, hoods and supports | None |
| Cans, containers and closures for | None |
| Anti-freeze (under 5 gal. size) except closures. | |
| Artist supplies. | |
| Tobacco products. | |
| Bouillon cubes. | |
| Candy. | |
| Caviar. | |
| Chalk. | |
| Coffee—except that closures for glass containers may be processed until February 1, 1943 from distressed stocks of black plate lithographed on or before September 3, 1942. | |
| Gloves. | |
| Incense. | |
| Lawn seed. | |
| Nuts. | |
| Pencils. | |
| Phonograph needles. | |
| Playing cards. | |
| Razor blades—except metal holders which are integral parts of the mechanism for inserting blades into safety razors. | |
| Sponges. | |
| Staples. | |
| Tennis balls. | |
| Toilet water. | |
| Yarn. | |
| Car washing machines | Nov. 5, 1942 |
| Carillons | July 15, 1942 |
| Carpet rods | None |
| Carriers, casket[1] | July 15, 1942 |
| Carrousels (Merry-go-rounds)[1] | July 15, 1942 |
| Carving set holders | None |
| Cases, vanity | July 15, 1942 |
| Cash boxes | None |
| Cash registers[1] | None |
| Casket hardware | None |
| Casket trucks, undertaker's—except wheels. | Nov. 5, 1942 |
| Ceilings | None |
| Chafing dishes | Nov. 5, 1942 |
| Chamber pots | July 15, 1942 |
| Cheese dishes | None |
| Chicken crates | None |
| Chicken house scrapers | July 15, 1942 |
| Christmas tree holders | None |
| Christmas tree ornaments | None |
| Cigar and cigarette holders and cases. | None |
| Cigar clippers | None |
| Cigarette lighters | None |
| Cigarette package holders | Nov. 5, 1942 |
| Cigarette making machines, hand. | Nov. 5, 1942 |
| Circus and carnival apparatus, equipment[1] and devices, including but not limited to: | July 15, 1942 |
| Animal cages. | |
| Animal stands. | |
| Tent standers. | |
| Trailers.[1] | |
| Trapeze bars. | |
| Clamps, hair, including barrettes, decorative clips and fasteners, but not including common bob and hair pins and clamps for hair curling or waving. | Nov. 5, 1942 |
| Clips for attaching baggage tags | Nov. 5, 1942 |
| Clock cases—except on recording and controlling industrial instruments. | None |
| Closers for paper and cellophane bags—except bags for 25 lb. content or more | Nov. 5, 1942 |
| Clothes lines | Nov. 5, 1942 |
| Clothes line pulleys | None |
| Clothes line reels | None |
| Clothes racks and dryers | None |
| Clothes trees | None |
| Clothing trim and dress ornaments. | July 15, 1942 |
| Coal chute and door, household. | None |
| Coal pans | None |
| Coasters and trivets for glass and hot containers. | July 15, 1942 |
| Cocktail glasses | None |
| Cocktail sets | None |
| Cocktail shakers | None |
| Coin changers—except for public transportation. | July 15, 1942 |
| Combs, hair—except curry combs. | July 15, 1942 |
| Compacts | None |
| Concrete and cement hardeners. | Nov. 5, 1942 |
| Cooking stoves, commercial electric.[1] | None |
| Copy holders | None |
| Corn poppers and machines | None |
| Cosmetics and toiletries | July 15, 1942 |
| Counter tops and edgings | None |
| Covers for automotive leaf-type springs. | Nov. 5, 1942 |
| Covers, manhole—except reinforcing and binding. | Nov. 5, 1942 |
| Covers, meter frame—except industrial. | Nov. 5, 1942 |
| Crochet hooks | July 15, 1942 |
| Croquet sets | None |
| Crumb trays | None |
| Crutches | Nov. 5, 1942 |
| Culverts, including conduits, corrugated pipe, and corrugated plates for pipe and arches for culverts—except: | None |
| Reinforcing for concrete. | |
| Nestable culverts for use outside continental limits of U. S. | |
| Culverts, reinforced concrete—except: | Nov. 5, 1942 |
| Interior installations. | |
| Outside continental limits of U. S. | |
| Under access roads. | |
| Under airport runways. | |
| Under railroad rights of way. | |
| Cups of all kinds, drinking | None |
| Curb guards | None |
| Curler, hair, non-electric | None |
| Curling irons | Nov. 5, 1942 |
| Curtain stretchers | July 15, 1942 |

[1] Maintenance and repair excepted.

| Item | Governing date |
|---|---|
| Darners, sock | Nov. 5, 1942 |
| Decorative iron products | None |
| Desk equipment, including but not limited to: | July 15, 1942 |
| Desk sets. | |
| Desk pads. | |
| Fountain pen and pencil stands. | |
| Letter openers. | |
| Name plates. | |
| Paper weights. | |
| Diaper cans, containers, or receptacles | Nov. 5, 1942 |
| Dictaphone racks | None |
| Dinner bells | None |
| Dishwashing machines [1]—except hospitals. | None |
| Dishwashing racks, household | July 15, 1942 |
| Dispensers, hand, for | None |
| Hand lotions | |
| Paper products | |
| Soap | |
| Straws | |
| Display forms | July 15, 1942 |
| Document stands | None |
| Door chimes | None |
| Door closers [1]—except for hospitals, public toilet doors, exterior doors on public buildings, and where required to meet fire regulations. | None |
| Door handles—except shipboard use. | None |
| Door knockers | None |
| Door mats | July 15, 1942 |
| Door stops | None |
| Drain boards and tub covers, household. | None |
| Drawer pulls | None |
| Dress forms | None |
| Dummy police | None |
| Dust collecting systems and equipment [1]—except on AA-5 or higher. | None |
| Dust covers and enclosures [1]—except industrial. | July 15, 1942 |
| Easels, all types | July 15, 1942 |
| Edging, furniture and linoleum | Nov. 5, 1942 |
| Ediphone racks | None |
| Egg slicers | None |
| Electric drinking water coolers—except for use in war plants. | None |
| Embalming tables [1] | July 15, 1942 |
| Enameled tile sheets and squares. | Nov. 5, 1942 |
| Enamel store fronts | None |
| Erasing knives | None |
| Erasing shields | Nov. 5, 1942 |
| Escalators [1] | None |
| Exercise and reducing machines.[1] | July 15, 1942 |
| Exhibition and fair apparatus and equipment,[1] including but not limited to: | July 15, 1942 |
| Lighting equipment. | |
| Racks. | |
| Stands. | |
| Fan stands, all types | Nov. 5, 1942 |
| Feed troughs | None |
| Fences, chain link—except on A-2 or higher. | None |
| Fences, chain link—A-2 or higher. | July 15, 1942 |
| Fence posts—except on A-2 or higher. | None |
| Fence posts—A-2 or higher | Nov. 5, 1942 |
| Fences for industrial use | Nov. 5, 1942 |
| Fences, ornamental | None |
| Ferneries, metal | Nov. 5, 1942 |
| Finger bowls | None |
| Fireplace equipment, including but not limited to grates, clean-out doors and ash dumps—except: | None |
| Dampers | |
| Grates not exceeding 30 lbs. per grate for the period from Dec. 21, 1942, to and including Jan. 6, 1943, using scrap material only. | |
| Fireplace dampers | Sept. 3, 1942 |
| Fireplace screens | None |
| First aid kits | Nov. 5, 1942 |
| Fish aquariums | None |
| Flag holders | Nov. 5, 1942 |
| Flagpoles | None |
| Flashlight tubes | None |
| Flasks, quicksilver | Dec. 26, 1942 |
| Flatware—except cooking and eating utensils. | July 15, 1942 |
| Floats for pageants, parades, advertising, etc.—except trucks. | July 15, 1942 |
| Floor and ceiling plates for piping. | None |
| Floor and counter covering trim | None |
| Floor scrapers—except power-driven. | July 15, 1942 |
| Floral tools and floral hoes | July 15, 1942 |
| Florist supplies | Nov. 5, 1942 |
| Flour, salt and pepper shakers | None |
| Flower boxes, pot holders and vases. | None |
| Flower shears | None |
| Fly traps | Nov. 5, 1942 |
| Food vending machines, including automats. | None |
| Foot baths—except hospitals | None |
| Foot scrapers | Nov. 5, 1942 |
| Forms and accessories for residential and commercial concrete construction | None |
| Fountain pens—except functional parts. | None |
| Fountains, ornamental | Nov. 5, 1942 |
| Frames, catch basin and grater, all types | Nov. 5, 1942 |
| Frames, clothes drying | July 15, 1942 |
| Frames for artists' canvas, darning and needlework | July 15, 1942 |
| Frames, steel blocking | July 15, 1942 |
| Fruit juice extractors, household [1] | None |
| Furniture [1]—except: | None |
| Wood furniture. | |
| As permitted in Limitation Orders L-13-a and L-62. | |
| Hospital operating and examining rooms | |
| Hospital, beds and cots. | |
| Game and gambling devices | July 15, 1942 |
| Garage hoists, car lifts, and racks. | None |
| Garbage grinders, household [1] | July 15, 1942 |
| Garden trowels | July 15, 1942 |
| Gas toasters, household | July 15, 1942 |
| Gates for fences | Nov. 5, 1942 |
| Gates, railroad crossing except mechanism. | Nov. 5, 1942 |
| Glassware holders and trim—except on cooking utensils. | July 15, 1942 |
| Golf bag supports | None |
| Grass shears | None |
| Grass whips | July 15, 1942 |
| Grave markers | Nov. 5, 1942 |
| Grilles | None |
| Ornamental. | |
| Sewers—except on AA-5 or higher and reinforcing for concrete sewers. | |
| Grills, outdoor | July 15, 1942 |
| Guards for guy wires | Nov. 5, 1942 |
| Gutters, spouting, conductor pipe, and fittings for single family dwellings.[1] | None |
| Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height (2 family or more).[1] | Nov. 5, 1942 |
| H-Bar units | Nov. 5, 1942 |
| Hair combs, except curry combs | July 15, 1942 |
| Hair dryers | None |
| Hand seals for documents | July 15, 1942 |
| Hand weeders | July 15, 1942 |
| Handles, broom and mop | July 15, 1942 |
| Hangers and track for garage doors for private use. | None |
| Hanger rings on brushes, brooms, etc. | None |
| Harness and saddlery fittings [1]—except for draft, work and ranch animals. | July 15, 1942 |
| Hat frames | None |
| Hat-making machinery [1] | None |
| Heat resisting pads for household use. | Nov. 5, 1942 |
| Hedge shears | None |
| Helmets—except on AA-5 or higher. | None |
| Highway railroad flasher lights [1]—except lamp bulbs. | July 15, 1942 |
| Highway guard rail, wire, strip and posts [1] | July 15, 1942 |
| Highway guard rail reflectors [1] | July 15, 1942 |
| Hitching posts | July 15, 1942 |
| Holders, wire, all types | Nov. 5, 1942 |
| Hoops, galvanized wire, for flower garden trim. | July 15, 1942 |
| Hose reels—except: | None |
| Fire fighting equipment. | |
| Industrial uses in direct fire hazard areas. | |
| Hospital, medical, dental and related equipment.[1] | July 15, 1942 |
| Anesthesia tables—except for use in operating rooms. | |
| Arm immersion stands. | |
| Back rests. | |
| Bassinets—except for frame and basket and isolation cabinet type. | |
| Bath cabinets—except hospital use. | |
| Bed feeding and reading trays. | |
| Bed trays. | |
| Bedside panel screens. | |
| Blanket warming cabinets. | |
| Book trucks—except wheel tires. | |
| Bowl stands—except for use in operating rooms. | |
| Cabinets for diathermy, sinusoidal and galvanic apparatus | |
| Chairs, other than examining or specialist chairs or dental chairs. | |
| Chart holders—except necessary hardware. | |
| Chiropractic adjustment tables. | |
| Clothes hampers. | |
| Commodes—except receptacle. | |
| Couch tables. | |
| Dental cabinets. | |
| Dish trucks—except wheel tires. | |
| Dressing stands. | |
| Dressing carriages—except frame and necessary hardware. | |
| Examining tables, non-adjustable. | |

[1] Maintenance and repair excepted.

| Item | Governing date |
|---|---|
| Hospital, medical, dental and related equipment—Continued. | |
| Ice trucks—except wheel tires. | |
| Instrument cabinets—except for use in operating rooms. | |
| Instrument tables—except for use in operating rooms. | |
| Laundry trucks—except wheel tires. | |
| Linen hampers — except for frames. | |
| Linen trucks—except wheel tires. | |
| Needle cabinets—except for use in operating rooms. | |
| Nurses' work tables. | |
| Orthopedic and fracture carts—except wheel tires and frames. | |
| Overbed and swing overbed tables. | |
| Record and chart desks and racks. | |
| Shelf trucks — except wheel tires and frame (not food). | |
| Stands and racks for colonic irrigation apparatus. | |
| Sterilizer stands — except frame and top. | |
| Stools—except for use in operating rooms and except mechanism for adjustable stools | |
| Stretchers, wheel type—except wheel tires and frames. | |
| Supply and treatment cabinets—except for operating rooms. | |
| Tables, examining, adjustable—except frame and operating mechanism. | |
| Thermometer baskets. | |
| Utensil racks. | |
| Vasoscillator—oscillating beds. | |
| Wall shelf stands—except for use in operating rooms. | |
| Wheel chairs—except essential hardware. | |
| Hospital, medical, dental and related equipment [1] | Nov. 5, 1942 |
| Chiropody chairs. | |
| Nose and throat chairs, hydraulic. | |
| Optical chairs, hydraulic. | |
| Osteopathic tables. | |
| House numerals | None |
| Houses | Nov. 5, 1942 |
| Tool. | |
| Hog. | |
| Poultry—except wire netting. | |
| Humidification devices—except industrial and hospital use. | Nov. 5, 1942 |
| Humidors | July 15, 1942 |
| Ice box exteriors—except portable blood banks. | None |
| Ice cream freezers, household | None |
| Ice cream molds | Nov. 5, 1942 |
| Ice cube trays | None |
| Incinerators—except industrial, commercial and as specified in Defense Housing Critical List. | None |
| Ink well holders | None |
| Inlets, gutter all types | Nov. 5, 1942 |
| Inlets, sewer, all types | Nov. 5, 1942 |
| Insulation, metal reflecting type. | None |
| Ironing boards and stands | July 15, 1942 |
| Jam boxes | None |
| Jelly molds | None |
| Jewelry | None |
| Jewelry cases | None |
| Jugs, picnic, all types | Nov. 5, 1942 |
| Kaleidoscopes | July 15, 1942 |
| Key chains, cases and rings | July 15, 1942 |
| Keys for opening cans | July 15, 1942 |
| Knitting needles | None |
| Ladders, step | Nov. 5, 1942 |
| Lanterns, magic | July 15, 1942 |
| Lard or vegetable oil tubs—except 5 lbs. and over, and straps for wood containers. | None |
| Laundry chutes | None |
| Laundry trays—except reinforcing mesh. | None |
| Lavatories—except for railway cars and for hangers. | None |
| Lawn brooms | July 15, 1942 |
| Lawn edgers | July 15, 1942 |
| Lawn rakes | July 15, 1942 |
| Lawn rollers [1] | July 15, 1942 |
| Lawn tampers | July 15, 1942 |
| Lawn seeders [1] | July 15, 1942 |
| Lawn sprinklers | None |
| Letter chutes | None |
| Letter openers | None |
| Letter trays | None |
| Lighting poles and standards [1] | None |
| Lipstick holders | None |
| Lobster forks | None |
| Lobster tongs | None |
| Lockers—except | None |
| Oil refinery use. | |
| As permitted by Limitation Order L–13–a. | |
| Logs, artificial, for gas and electric fireplace. | July 15, 1942 |
| Luggage, except locks [1] | July 15, 1942 |
| Lunch boxes | Nov. 5, 1942 |
| Mail boxes—except as required by U. S. postal regulations. | None |
| Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma, and biological specimens. | None |
| Marine hardware for pleasure boats. | None |
| Marquees | None |
| Match boxes | None |
| Material for housing, not otherwise specified in this order—except to the extent specified in the Defense Housing Critical List. | None |
| Measuring pumps and dispensers [1] for gasoline station, garage and household use, including but not limited to: | None |
| Air pumps. | |
| Grease guns. | |
| Grease pumps. | |
| Gasoline dispensing pumps. | |
| Kerosene pumps. | |
| Oil pumps — except barrel pumps and lubesters. | |
| Meat molds | Nov. 5, 1942 |
| Mechanical book binding | None |
| Memorial tablets | July 15, 1942 |
| Menu holders | None |
| Metal cloths, except for industrial processing. | Nov. 5, 1942 |
| Metal dust covers and enclosures—except industrial. | July 15, 1942 |
| Milk bottle cases—except that a total of 4½ lbs. of iron and steel per case (including joining and essential hardware) may be used. | None |
| Millinery wire and gimps | None |
| Mirrors, hand | None |
| Monograms and initials | July 15, 1942 |
| Mop wringers | None |
| Motion picture cameras [1] | Nov. 5, 1942 |
| Motion picture projectors [1] | Nov. 5, 1942 |
| Motion picture screen stands [1] | Nov. 5, 1942 |
| Mud scrapers | Nov. 5, 1942 |
| Music stands | None |
| Napkin rings | None |
| Necktie racks | None |
| Newspaper boxes or holders | None |
| Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruits, flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942 or was sold to the manufacturer of the artificial leaves, fruit, flowers, or feather ornaments as scrap. | None |
| Ornamental hardware and moldings. | None |
| Outdoor fireplace parts | None |
| Outing spades | July 15, 1942 |
| Packing twine holders | None |
| Pads, inking and stamping | July 15, 1942 |
| Pail clasps | None |
| Paint spray outfits—except industrial. | None |
| Paper rollers, household | None |
| Parasols, shafts and handles | July 15, 1942 |
| Park and recreational benches | None |
| Parking meters | None |
| Partitions | Sept. 3, 1942 |
| Partition studs | Nov. 5, 1942 |
| Pegs, tent | Nov. 5, 1942 |
| Pen holders | None |
| Pencil holders | Nov. 5, 1942 |
| Permanent wave machines | None |
| Pet beds | None |
| Pet cages | None |
| Pet dishes | None |
| Pet equipment (except license tags) including but not limited to: | July 15, 1942 |
| Carriers. | |
| Chains. | |
| Collars. | |
| Feeders. | |
| Houses. | |
| Leashes. | |
| Muzzles. | |
| Phonograph motors, hand wound. | None |
| Phonograph record blanks | None |
| Photographic accessories | None |
| Photographic equipment [1]—except photo copying equipment for war plants and microfilm. | Nov. 5, 1942 |
| Physical reducing machines | None |
| Picnic and outing boxes and accessories. | July 15, 1942 |
| Picture and mirror hardware | None |
| Pie plates—except commercial or institutional. | None |
| Pipe cases | None |
| Pipe cleaner knives | None |
| Pipe posts | Nov. 5, 1942 |
| Pitchers—except for hospital use. | July 15, 1942 |
| Plant and flower supports | None |
| Plates, light switch—except for cast conduit bodies. | Nov. 5, 1942 |
| Playground equipment | Sept. 3, 1942 |
| Play pens, boxes and enclosures, children's. | July 15, 1942 |
| Pleasure boats | None |
| Pleasure boat equipment and accessories. | Nov. 5, 1942 |
| Plumbing and heating equipment.[1] | Nov. 5, 1942 |
| Gas conversion burners. | |
| Gas fired boiler-burner units. | |
| Gas fired furnace-burner units. | |
| Oil fired boiler-burner units. | |
| Oil fired furnace-burner units. | |
| Registers, cold air. | |
| Registers and grilles. | |
| Steel heating boilers of 129 sq. ft. or less of heating surface. | |

[1] Maintenance and repair excepted.

| *Item* | *Governing date* |
|---|---|
| Pneumatic tube delivery systems [1]—except industrial. | None |
| Pocketbook ornaments | July 15, 1942 |
| Polishing-wax applicators | None |
| Polishing-wax sprayers | None |
| Portable bath tubs | None |
| Poultry incubator cabinets | None |
| Pulp, paper, paper products and converter machinery and equipment [1]—except: | Nov. 5, 1942 |
| Automatic paper packaging machines. | |
| Paper bag machinery. | |
| Paper corrugating machinery. | |
| Paper cup machinery. | |
| Paper cutting machinery. | |
| Paper paraffining machinery. | |
| Paper pasting machinery. | |
| Paper slitting machinery. | |
| Pulp, paper, paper products and converter machinery and equipment [1]—except: | Nov. 5, 1942 |
| Paper tube machinery. | |
| Slitters and winders. | |
| Waxing machines. | |
| Push carts | None |
| Push plates and kick plates, door. | None |
| Race track apparatus and equipment,[1] including but not limited to: | July 15, 1942 |
| Mutuel ticket machines. | |
| Pari-mutuel boards. | |
| Race finish photographic equipment. | |
| Starting gates. | |
| Racks, display | Nov. 5, 1942 |
| Racquets | None |
| Radiator enclosures | None |
| Radio antenna poles [1]—except on ratings of AA-5 or higher. | None |
| Railings, barriers and fences—except for livestock and poultry enclosures and essential industrial use. | July 15, 1942 |
| Fences for industrial use | Nov. 5, 1942 |
| Railroad rail joint angle bars over 24" in length [1]—except for replacement on used rails. | July 15, 1942 |
| Reading stands | July 15, 1942 |
| Reels, cable and rope | Nov. 5, 1942 |
| Reflectors, street and highway | Nov. 5, 1942 |
| Refrigerator boxes, walk-in—except wire for rat proofing. | Nov. 5, 1942 |
| Refrigerator containers and trays, household. | None |
| Regalia | July 15, 1942 |
| Registers, hand tally | Nov. 5, 1942 |
| Rodeo equipment, including but not limited to: | July 15, 1942 |
| Animal trappings. | |
| Fences. | |
| Gates [1]. | |
| Rolling boardwalk chairs [1] | July 15, 1942 |
| Rolling pins | July 15, 1942 |
| Rotary door bells | None |
| Rug scrubbing and shampooing machines. | Nov. 5, 1942 |
| Safety zone posts, rails, cables and platforms. | Nov. 5, 1942 |
| Salesmen's display cases and sales kits. | None |
| Salt and pepper holders | None |
| Sample boxes | None |
| Sand boats | Nov. 5, 1942 |
| Scaffolding—except shipyards | None |
| Scales, coin operated | July 15, 1942 |
| Scenery and stage hardware equipment,[1] for dramatic, theatrical and operatic use, except lamp bulbs, including but not limited to: | July 15, 1942 |
| Battens. | |
| Cables. | |
| Lights. | |
| Reflectors. | |
| Stage drops. | |
| Score boards | July 15, 1942 |
| Screen frames — except industrial processing. | None |
| Scrubbing boards | None |
| Semaphores, traffic signal—except railroad | Nov. 5, 1942 |
| Service food trays | |
| Sewer pipe, exterior installations [1]—except for vents and within 5 feet of buildings. | None |
| Shades, window and roller type—except for railway cars and for roller mechanism. | Nov. 5, 1942 |
| Sheet iron or hoop iron packings for cookies and sweet goods. | None |
| Shirt and stocking dryers | None |
| Shoe cleaning kits | None |
| Shoe ornaments | July 15, 1942 |
| Show window lighting and display equipment. | None |
| Shower recepters — except frames. | None |
| Shower stalls—except frames | None |
| Shutters, window,[1] except where required in industrial use by Underwriters. | July 15, 1942 |
| Sidewalk scrapers | July 15, 1942 |
| Sign hanger frames | None |
| Sign posts | None |
| Signets | None |
| Silos [1]—except strapping and reinforcing. | None |
| Sink aprons and legs | None |
| Sink drainboards, both integral and removable. | None |
| Siphon chargers | July 15, 1942 |
| Sitz baths | None |
| Skates, roller and ice | None |
| Skating rink apparatus and equipment.[1] | July 15, 1942 |
| Skewers, all types | Nov. 5, 1942 |
| Ski racks | None |
| Slides, loops and slide-loops for work clothing—except: | Nov. 5, 1942 |
| One size not exceeding 1⅞" for men's work clothing. | |
| One size not exceeding 1¾" for boys' work clothing. | |
| Sleds—except runners | July 15, 1942 |
| Sleighs—except runners | July 15, 1942 |
| Slide fasteners | None |
| Smokers' accessories | July 15, 1942 |
| Snow shovels and pushers, hand | None |
| Sod lifters | July 15, 1942 |
| Spading forks, children's | July 15, 1942 |
| Special industrial machinery | Nov. 5, 1942 |
| Cement making machinery.[1] | |
| Ceramic making machinery [1]—except machinery for making refractories, porcelain for industrial use, vitrified abrasives and stoneware for chemical processing. | |
| Collapsible tube filling machines.[1] | |
| Cosmetic machinery. | |
| Coupon inserting machines. | |
| Cut and monumental stone machinery. | |
| Fertilizer machinery.[1] | |
| Milk can machinery.[1] | |
| Paint processing and manufacturing machinery.[1] | |
| Soap making machinery.[1] | |
| Steel drum machinery [1]—except for export purposes. | |
| Tobacco machinery.[1] | |
| Wire-bound box making machinery.[1] | |
| Spittoons | None |
| Spools for cord, ribbon, tape—except adhesive tape. | Nov. 5, 1942 |
| Spools for wire—except traverse and spools used in industrial processing. | Nov. 5, 1942 |
| Sporting and athletic goods—except: | None |
| Fully fabricated skates, cleats, and similar items may be attached to athletic shoes without restriction. | |
| Fishing tackle as permitted by Limitation Order L-92. | |
| Spray containers, household | None |
| Sprinkling cans, garden | July 15, 1942 |
| Stadiums [1] | None |
| Stair and threshold treads [1], household institutional and commercial buildings—except for fire escape and essential industrial use. | July 15, 1942 |
| Stamped bakery equipment—except pie plates for commercial or institutional use. | None |
| Stands, all types—except: | Nov. 5, 1942 |
| Essential industrial use. | |
| Hospital use where not otherwise specifically prohibited in this order. | |
| Staple removers | Nov. 5, 1942 |
| Starter shingle strips | None. |
| Statues | None |
| Steel wool for household use made from other than waste. | None |
| Stencils | Nov. 5, 1942 |
| Store display equipment and show cases. | None |
| Stretchers, carpet | Nov. 5, 1942 |
| Stretchers, glove, sock and sweater. | July 15, 1942 |
| Structural steel home construction. | None |
| Subway turnstiles [1] | None |
| Sugar cube dryer trays | None |
| Sugar holders | None |
| Sun dials | July 15, 1942 |
| Sun lamps and infra-red lamps—except: | July 15, 1942 |
| For professional and hospital use. | |
| Where lamps and reflectors are used for drying and baking. | |
| Swimming pool equipment [1], including but not limited to: | July 15, 1942 |
| Diving boards. | |
| Diving stands. | |
| Ladders. | |
| Slides. | |
| Swivel chairs | None |
| Table name-card holders | None |
| Table tops for household use | None |

[1] Maintenance and repair excepted.

| Item | Governing date |
|---|---|
| Tablets | None |
| Tags, key; name; price; identification—except: | None |
| Personnel identification tags or badges where metal tags or badges are required for protection of government agencies. | |
| Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants. | |
| Metal tags required for identification of livestock and poultry and products made therefrom. | |
| Pin attached or wire attached tickets for price marking soft goods. | |
| Metal tags for marking and identification of metal in its production and export shipment. | |
| Name, data, and instruction plates for machinery and equipment. | |
| Tanks (strapping excluded) | None |
| Dipping—for animals. | |
| Watering—for animals. | |
| Feeding—for animals. | |
| Storage, beer. | |
| Storage, water [1]—except: | |
| In tropical climates. | |
| Heights in excess of 100 feet. | |
| Range boilers and hot water storage. | |
| Pneumatic pressure tanks 82 gallon size and 31 gallon or smaller size. | |
| Tank towers under 50 feet in height | Nov. 5, 1942 |
| Teapots | None |
| Telephone bell boxes—except bases and where required for safety. | None |
| Telephone booths | None |
| Telescopes—except U. S. Government Agencies. | None |
| Tent frames and supports | Nov. 5, 1942 |
| Termite shields | Nov. 5, 1942 |
| Terrazzo spacers and decorative strips—except hospital operating rooms. | None |
| Textile machinery [1] | Nov. 5, 1942 |
| Bobbinet machines. | |
| Crocheting machines including scalloping machines and shell-stitching machines. | |
| Embroidery machines. | |
| Hosiery clocking machines. | |
| Lace machines. | |
| Looms: | |
| Axminster. | |
| Hooked. | |
| Jacquard. | |
| Wilton. | |
| All other machines for the manufacture of drapery and upholstery fabrics whether flat or pile weave. | |
| Linoleum or felt-base wall or floor covering machines. | |
| Thermometer bases, household | None |
| Thermometer cases and mountings, except industrial. | Nov. 5, 1942 |
| Thermos jugs and bottles over 1 qt. | None |
| Thimbles, sewing | Nov. 5, 1942 |
| Tickers, stock | July 15, 1942 |
| Ticket vending machines—except for public transportation. | July 15, 1942 |
| Tile, steel-back | None |
| Tongs, food handling and household use. | None |
| Tool boxes—except industrial | None |
| Tool cases—except industrial | None |
| Tool handles—except power driven. | None |
| Traffic lane markers | Nov. 5, 1942 |
| Trailer bodies [1]—except: | July 15, 1942 |
| Tank and dump bodies. | |
| Essential hardware, structural and bracing members for bodies, essentially of wood construction. | |
| Transplanting trowels | July 15, 1942 |
| Trophies | July 15, 1942 |
| Truck bodies [1]—except: | July 15, 1942 |
| Tank and dump bodies. | |
| Essential hardware, structural and bracing members for bodies, essentially of wood construction. | |
| Trunks [1]—except locks | July 15, 1942 |
| Turf edgers | July 15, 1942 |
| Typewriter mechanism for pedestal and drop-head desks. | Nov. 5, 1942 |
| Umbrellas, garden | July 15, 1942 |
| Umbrella shafts and handles | July 15, 1942 |
| Urinals | None |
| Vanity cases | July 15, 1942 |
| Vending machines for sanitary napkins [1] | Nov. 5, 1942 |
| Ventilators, shutter type | Nov. 5, 1942 |
| Vibrators, electric—except industrial. | Nov. 5, 1942 |
| Voting machines | None |
| Wagon bodies and frames [1]—except for construction. | None |
| Wardrobe trunks | None |
| Waste paper receptacles | July 15, 1942 |
| Watch straps | July 15, 1942 |
| Water color paint boxes | None |
| Water softeners, household | Nov. 5, 1942 |
| Water stills, household | Nov. 5, 1942 |
| Water troughs [1] | July 15, 1942 |
| Weather stripping | None |
| Weather vanes | July 15, 1942 |
| Weed cutters and pullers, including dandelion, thistle and dock. | July 15, 1942 |
| Wheelbarrows—except wheels, and except for use in refractories, foundries, smelters, and coke-producing plants to handle hot materials, and except for handling hot ashes resulting from conversion from oil to coal furnaces. | None |
| Whiskey service sets | None |
| Window display advertising | None |
| Window shade rollers—except for railway cars and for roller mechanism. | Nov. 5, 1942 |
| Window stools | None |
| Window ventilators—except industrial and hospitals. | None |
| Wine coolers | None |
| Wine service sets | None |
| Wire parcel handles and holders. | None |
| Wire racks and baskets—except: | None |
| Animal cages for biological work. | |
| Industrial. | |
| Scientific laboratory equipment. | |
| Work benches—except: | None |
| Shipboard. | |
| Industrial, where required for safety. | |

[1] Maintenance and repair excepted.

### List S—Stainless Steel

Note: Changes have been made in List S.

| Item | Governing date |
|---|---|
| Aircraft fire walls | Nov. 5, 1942 |
| Aircraft seats | Nov. 5, 1942 |
| Aircraft toilets | Nov. 5, 1942 |
| Ammunition boxes and chutes | Nov. 5, 1942 |
| Barrel hoops and fittings | Nov. 5, 1942 |
| Baskets,[1] except for heat-treating, pickling and plating. | Nov. 5, 1942 |
| Bed pans | Nov. 5, 1942 |
| Bins and screens | Nov. 5, 1942 |
| Blueprint machines | Nov. 5, 1942 |
| Bobbin heads | Nov. 5, 1942 |
| Boiler casings | Nov. 5, 1942 |
| Bottle coolers | Nov. 5, 1942 |
| Branding, marking and labeling devices. | Nov. 5, 1942 |
| Brewing, distilling and processing equipment for alcoholic and non-alcoholic beverages including bottling equipment. | Nov. 5, 1942 |
| Buckets and pails | Nov. 5, 1942 |
| Builders' supplies and hardware. | Nov. 5, 1942 |
| Cable terminals, fittings, and turnbuckles. | Nov. 5, 1942 |
| Cafeteria and restaurant equipment [1] | July 15, 1942 |
| Chains and cables—except for heat-treating, pickling and plating. | Nov. 5, 1942 |
| Cheese vats | Nov. 5, 1942 |
| Clocks, clock-dials and cases | Nov. 5, 1942 |
| Coffee pots | Nov. 5, 1942 |
| Control levers | Nov. 5, 1942 |
| Convectors, local and unit heaters—except heat controls. | Nov. 5, 1942 |
| Conveyors and conveyor chutes—except where subject to high temperature and corrosive action. | Nov. 5, 1942 |
| Cups of all kinds—except industrial. | Nov. 5, 1942 |
| Cutlery—used for processing and preparation of food. | Nov. 5, 1942 |
| Dishes, saucers and plates | Nov. 5, 1942 |
| Dyeing equipment [1] | Nov. 5, 1942 |
| Elevators, including doors and trim. | Nov. 5, 1942 |
| Fans—except industrial | Nov. 5, 1942 |
| Farm machinery and replacement parts. | Nov. 5, 1942 |
| Fire-fighting apparatus—except pump shafts and where working parts are in contact with corrosive chemicals. | Nov. 5, 1942 |
| Fishing tackle and equipment | Nov. 5, 1942 |
| Floor plates and floor coverings | Nov. 5, 1942 |
| Fountains | Nov. 5, 1942 |
| Furniture hardware | Nov. 5, 1942 |
| Galley and mess equipment [1] | July 15, 1942 |
| Galley, kitchen, cafeteria and restaurant panelling. | Nov. 5, 1942 |
| Hangers, all types | Nov. 5, 1942 |
| Hose clamps | Nov. 5, 1942 |
| Hot water heaters, tanks and coils. | Nov. 5, 1942 |
| Hydrants | Nov. 5, 1942 |
| Ice boxes | Nov. 5, 1942 |
| Ice cream cabinets | July 15, 1942 |
| Identification tags and badges | Nov. 5, 1942 |
| Instrument dials and cases | Nov. 5, 1942 |
| Kitchenware | July 15, 1942 |
| Ladders and hoists, including fittings. | Nov. 5, 1942 |
| Lanterns and lamps — except valves, controls and mantleholders and except for miners' lamps. | Nov. 5, 1942 |
| Lavatory equipment | Nov. 5, 1942 |
| Light fixtures | Nov. 5, 1942 |
| Livestock and poultry equipment. | Nov. 5, 1942 |
| Locks | Nov. 5, 1942 |

| *Item* | *Governing date* |
|---|---|
| Match and pattern plates, matrices and flasks. | Nov. 5, 1942 |
| Mechanical drawing and drafting equipment. | Nov. 5, 1942 |
| Milk storage tanks, milk receiving tanks and milk weigh tanks — except that where permitted materials cannot be secured, a further exemption is hereby granted for the minimum period of time necessary to obtain such permitted materials but in no event later than April 30, 1943. | Nov. 5, 1942 |
| Mortician's supplies and equipment. | Nov. 5, 1942 |
| Name, data and instruction plates. | Nov. 5, 1942 |
| Oil burners—except functional parts. | Nov. 5, 1942 |
| Oil space heaters | Nov. 5, 1942 |
| Pole-line hardware | Nov. 5, 1942 |
| Powder boxes | Nov. 5, 1942 |
| Pumps, fresh water—except industrial. | Nov. 5, 1942 |
| Radio antenna | Nov. 5, 1942 |
| Refrigerators and Refrigeration equipment—except essential machinery parts. | July 15, 1942 |
| Rubber moulds | Nov. 5, 1942 |
| Shelves | Nov. 5, 1942 |
| Staples | Nov. 5, 1942 |
| Stokers — except functional parts. | Nov. 5, 1942 |
| Storage racks, cabinets or lockers. | Nov. 5, 1942 |
| Stoves and ranges, disc stoves and hot plates—except electrical controls, heating units and needle valves. | Nov. 5, 1942 |
| Toilet floats, cistern and low water-floats. | Nov. 5, 1942 |
| Tubs, washing | Nov. 5, 1942 |
| Valve handles | Nov. 5, 1942 |
| Ventilators | Nov. 5, 1942 |

LIST C

NOTE: List C has been amended in its entirety.

Access panels—for use on board ship, on military vehicles and where climatic or safety conditions make necessary.
Access panels of stainless steel for radio equipment.
Accessories, soda fountain—for use on board ship.
Acoustical ceilings—for use on board ship.
Air conditioning systems [2]—but for offices and quarters on shore only non-compressor type units.
Aircraft fire walls—stainless steel permitted where required for non-magnetic properties.
Ammunition boxes and chutes of stainless steel.
Attic fans [1]—where climatic conditions make necessary.
Automobile accessories.
Automobile heaters—where specified for military vehicles.
Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Barber shop supplies.
Bases on refrigerating machines—for use on board ship.
Baskets [1]—for cooking and manufacturing uses and for ordnance operations.
Bath tubs—for use on board ship and in hospitals.
Baths, steam—for use on board ship.
B-B shot—for training and shot blast cleaning purposes.
Beds—for use on board ship; beds containing not more than 5 pounds of iron or steel, excluding springs.
Bed spring frames [1]—for use on board ship.
Bench legs.
Binoculars.
Bird cages—for carrier pigeons.
Bird feeders—for carrier pigeons.
Biscuit boxes—for use on board ship and where climatic conditions make necessary.
Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
Boat hooks.
Bobbin heads of non-nickel bearing stainless steel—for use on board ship.
Boiler casings of stainless steel [1]—for use on board destroyers and where required for corrosion or heat resistance on board ship.
Bottle holders—for use on board ship and in hospitals.
Boxes, meter, and covers.
Brushes—wire bristles only.
Buckets and pails.[2]
Buckles for clothing.
Buildings, portable.
Buttons.
Cabinets [1] for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, hospital operating and examining rooms, and as permitted by L–13–a and L–62.
Cabinets of stainless steel for radar equipment.
Cable terminals, fittings and turnbuckles of stainless steel—for aircraft and use on board ship.
Canopies, hoods, and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Cans or containers for anti-freeze, candy, coffee, nuts—where climatic conditions make necessary.
Cash boxes.
Casket handles.
Ceilings—for use on board ship, but only where necessary.
Chains and cables.[2]
Cigarette lighters—as ordered by the Army Exchange Service for use by the Army, Navy, Coast Guard, and Marine Corps.
Clock cases.
Clothing trim.
Control levers of stainless steel for aircraft.
Cooking stoves, commercial electric.
Counter tops and edgings—for use on board ship.
Covers, manhole.
Covers, meter frame.
Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy engineer in charge.
Cups of all kinds, drinking.
Dishwashing machines.
Door closers—for fire prevention, for use on board ship, and where climatic or safety conditions make necessary.
Door handles—for fire prevention, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
Door stops.
Dust collecting systems and equipment.
Dust covers and enclosures—when specified for military vehicles.
Electric drinking water coolers [1]—for use on board ship, in hospitals and in tropical climates.[2]
Erasing knives.
Fences, including chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
Fence posts.
Fans of stainless steel—for use on board ship and where required for corrosion resistance.
First aid kits.
Flag holders.
Flag staffs and flag masts—for use on board ship, and on military vehicles.
Flashlight tubes.
Floor and ceiling plates for piping—for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
Fountains, portable, of stainless steel—for use on board ship.
Furniture—for use on board ship.
Galley and mess equipment of stainless steel, as follows:
- Canteens of stainless steel.
- Coffee urns of non-nickel bearing stainless steel.
- Cold storage space on board ship—but only non-nickel bearing stainless steel clad for doors and other parts coming in direct contact with food.
- Compartment mess trays—but only from existing finished stocks of stainless steel.
- Dishwashing machines—but only tanks, hoods and pump shafts of non-nickel bearing stainless steel.
- Kettles, steam jacketed—but only inside lining of single clad stainless steel.
- Metal sponges of non-nickel bearing stainless steel wire.
- Portable water coolers—but only liners of non-nickel bearing stainless steel.
- Pressure cookers—but only clad stainless steel for bottoms and solid stainless steel for sides.
- Sinks and dresser tops for use on board ship and aircraft—but only single clad stainless steel.
- Steam tables and warming pans—but only clad stainless steel.
- Stock pots—but only single clad stainless steel.

Games.
Garage hoists and car lifts.
Gates for fences—but only in conformance with A. N. M. B. specifications.
Grilles—sewer.
Hand seals for documents.
Harness and saddlery fittings.
Hat frames, wire and gimps.
Hat-making machinery, but only—
- Blocking machines with complete sets of blocks.
- Sets or dies for cutting parts.

Helmets—stainless steel permitted for beading and loops.
Hose clamps of stainless steel—for aircraft.
Hose reels.
Hospital equipment—
- Arm immersion stands.
- Bed trays.
- Bedside panel screen frames—for use in operating rooms, and outside continental limits of U. S.
- Bowl stands—for use in operating rooms and on board ship.
- Cabinets—X-ray film filing.
- Cabinets for diathermy, sinusoidal and galvanic apparatus.

[1] Maintenance and repair permitted.
[2] Stainless steel permitted where required for corrosion or heat resistance or non-magnetic properties.

Hospital equipment—Continued.
Chart holders.
Commodes—for hospital use outside continental limits of U. S.
Dental cabinets.
Dish trucks—frames and wheel tires only.
Dressing stand frames.
Examining tables, non-adjustable—for use on board ship and in field hospitals.
Instrument cabinets.
Instrument tables.
Nurses' work tables.
Overbed and swing overbed tables—functional parts only.
Stands and racks for colonic irrigation apparatus.
Sterilizer stands.
Supply and treatment cabinets.
Utensil racks.
Hot water heater tanks and coils of stainless steel—where specified for aircraft and military vehicles.
Ice box exteriors—for use on board ship, mobile type refrigerators, and for use where climatic conditions make necessary.
Ice cube trays.
Incinerators.
Instrument dials and cases of stainless steel.
Keys for opening cans.
Ladders, step.
Laundry trays—for use on board ship.
Lavatories—for use on board ship and outside continental limits of U. S.
Lockers—for office equipment as limited by Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
Luggage—valance only.
Mail boxes—for use on board ship.
Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
Air pumps.
Gasoline dispensing pumps.
Grease guns.
Grease pumps.
Kerosene pumps.
Oil pumps.
Mechanical drawing and drafting equipment of stainless steel.
Metal cloths.
Mirrors, hand—for signal use.
Motion picture cameras and projectors—stainless steel permitted for sprockets and aperture plates.
Motion picture screen stands.
Music stands—for use on board ship.
Pads, inking and stamping.
Paint spray outfits—stainless steel permitted for nozzle tips and needle valves.
Partitions—for use in hospitals and on board ship.
Partition studs for radar equipment.
Pegs, tent.
Phonograph motors, hand wound.
Phonograph record blanks.
Photographic equipment and accessories [2].
Pie plates.
Pipe posts.
Pitchers.
Plumbing and heating equipment.
Pneumatic tube delivery systems.
Portable bathtubs.
Powder box linings of stainless steel.
Pump shafts of stainless steel for deep well turbines.
Push carts—for ordnance and combat organizations.
Radio antenna of stainless steel.
Radio antennae poles.
Railings—for use on board ship.
Reels, cable and rope—for combat and field training purposes and for use on board ship.
Refrigerator boxes, walk-in—for use on board ship in advance bases and in theaters of operations.
Scaffolding—for use in airfields and other places where use of wood scaffolding is impracticable.
Screen frames.
Sewer pipe, exterior installations—for pressure lines only.
Shirt and stocking dryers of cast iron only.
Shower receptors—for use on board ship.
Shower stalls—for use on board ship.
Sink aprons and legs—for use on board ship.
Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
Siphon chargers for life jacket inflation.
Slide fasteners [2].
Snow shovels and pushers, hand.
Spools for ink ribbon.
Spools for wire—for combat and field training purposes.
Sporting and athletic goods.
Stair and threshold treads—for use on board ship.
Stamped bakery equipment.
Stencils.
Swivel chairs—for use on board ship.
Tags—
For marking ammunition.
Identification tags and badges for personnel [2].
Tanks, storage, water—but only for use on board ship, mobile units, range boilers and hot water storage, use outside continental limits of U. S., heights in excess of 100 feet, pneumatic pressure tanks.
Tanks, water storage, of stainless steel—for use in aircraft.
Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
Telescopes.
Tent frames and supports.
Termite shields—for use outside continental limits of U. S.
Thermos jugs and bottles.
Tile, steel back—for ladder treads, step plates and use on board ship.
Tool boxes.
Tool cases—for mobile equipment.
Tool handles—where specified.
Truck and trailer units and bodies—where specifically designed for military purposes.
Typewriter mechanism for pedestal and drophead desks—for use on board ship.
Urinals—for use on board ship, in hosptals, and outside continental limits of U. S.
Ventilators, shutter type—for use on board ship and for use with exhaust fans.
Waste paper receptacles—for hospital use only.
Water troughs—frame and support only.
Wheelbarrows.
Wire racks.
Workbenches—where wooden benches will not stand up under ordinary use.

LIST D—OTHER SCARCE MATERIALS

Metals—all, except lead.
Rubber.

Issued this 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13965; Filed, December 26, 1942; 11:52 a. m.]

[2] Stainless steel permitted where required for corrosion or heat resistance or non-magnetic properties.

## PART 3110—TEXTILE, FIBER, CLOTHING AND LEATHER MACHINERY

[General Limitation Order L-215]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of textile, fiber, clothing and leather machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3110.1 *General Limitation Order L-215*—(a) *Priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the priorities regulations of the War Production Board, as amended from time to time.

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

(1) "Producer" means any person (including any agency or department of the United States Government) producing, processing or finishing any textiles, fibers, or leather, or any product made therefrom.

(2) "Processing machinery" means any specialized machinery or parts therefor (whether new, used, reconditioned, rebuilt) for the production, fabrication, handling, preparation, processing, finishing, sorting, grading of, or for the performance of any operation upon, his products by any producer; but shall not include general types of machinery or parts, such as boilers, motors, cranes, tractors, etc., which are commonly used by all industries, or any machinery covered by General Limitation Order L-91.

(3) "Fabricator" means any person constructing, assembling, reconditioning or rebuilding processing machinery, as herein defined.

(c) *Restrictions on production and purchases of machinery*—(1) *Prohibition upon unauthorized orders.* Except as provided in subparagraphs (2), (3) and (4) of this paragraph (c), no producer shall order or accept delivery of, and no fabricator shall produce, accept any order for, or deliver, any processing machinery (whether new, rebuilt, reconditioned or used) upon any order hereafter placed unless specifically authorized on Form PD-744 or authorized or given a preference rating on Form PD-200.

(2) *Procedure for authorization of orders.* Producers who do not obtain authorizations or preference ratings on Form PD-200 shall apply for authorizations to acquire or accept delivery of processing machinery by filing with the War Production Board an application on Form PD-744. The Director General for Operations may thereupon, if he shall deem it necessary or appropriate in the public interest and to promote the national defense, authorize the acquisition or delivery of such processing machinery, specifying the fabricator or other person who is to sell or deliver the same. Such authorization shall be in lieu of any

authorization required by General Limitation Order L–83.

(3) *Scheduling of production and sales by fabricators.* Except as provided in paragraph (c) (4) below, every fabricator shall file with the Director General for Operations his production and sales schedules for processing machinery. Schedules covering industrial sewing, clothing, shoe and leather machinery proposed to be produced during 1943 shall be filed on or before January 11, 1943, on Form PD–745, and subsequent schedules shall be filed on such dates and for such periods as may be required by supplementary orders issued from time to time. Schedules relating to textile machinery shall be filed on or before the fifteenth day of each month on Form PD–746.

Upon receipt of each form, the Director General for Operations shall either approve, or disapprove in whole or part, the schedules shown thereon, as he shall determine to be necessary in the public interest or to promote the national defense, and shall return a copy of the form to the fabricator with his determination noted thereon.

(4) *Exempted transactions.* (i) This order shall not be construed to require the filing of schedules by fabricators or to prohibit the placing or acceptance of orders or delivery or acquisition of used processing machinery to fill all or any part of an order or group of orders amounting in the aggregate for each type of machine to less than the following dollar amounts:

(*a*) Used textile machinery—$500
(*b*) Used leather working machinery when sold (but not when leased)
(*1*) Shoe manufacturing machinery—$200, except that all power-driven eyeletting machines must receive approval
(*2*) Tanning machinery—$200
(*3*) Shoe repairing machinery—$50
(*4*) All other leather working machinery—$200
(*c*) Used sewing machinery when sold (but not when leased)—$50
(*d*) Used clothing making machinery when sold (but not when leased)—$50

*Provided,* That no one textile, fiber or clothing products producer shall in any one calendar month place orders for, or acquire or receive delivery of, an aggregate (from all sources of supply combined) of more than the highest value specified above for the type of machinery purchased by such producer.

(ii) This order shall not be construed to prohibit any dealer from purchasing used parts or used processing machinery from a fabricator or another dealer for purposes of resale, or to prohibit any fabricator from selling or delivering such parts or machinery to such dealer: *Provided,* That this provision shall not exempt the subsequent disposition of such machines and parts by the dealers from the provisions of this order.

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

(e) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: "War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference L–215."

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

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

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

(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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42–13969; Filed, December 26, 1942; 11:50 a. m.]

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## PART 3150—AIRPORT LIGHTING EQUIPMENT

[General Limitation Order L–235]

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

§ 3150.1 *General Limitation Order L–235*—(a) *Definitions.* For the purposes of this order:

(1) "Airport lighting equipment" means any equipment or device (whether portable or not) specifically designed or constructed for use as a lighting unit or in conjunction with a lighting unit for the purpose of indicating or illuminating the facilities or obstructions on an airport or seadrome. Airport lighting equipment shall include but is not limited to equipment and devices used as or in conjunction with the following lighting units:

(i) Airport beacon.
(ii) Approach light.
(iii) Boundary light.
(iv) Obstruction light.
(v) Contact light or runway marker light.
(vi) Range or threshold light.
(vii) Illuminated wind direction indicator.
(viii) Illuminated landing direction indicator or illuminated course indicator.
(ix) Landing area floodlight.
(x) Pistol or directed airport traffic control light.
(xi) Rotating beacon.
(xii) Code beacon.

Airport lighting equipment shall not include aircraft lighting equipment, airway lighting equipment (other than a rotating or code beacon), pyrotechnic devices, or obstruction lights for marking hazards to aerial navigation other than those located on or controlled from an airport or seadrome.

(2) "Approved airport lighting equipment" means:

(i) Any airport lighting equipment for land use conforming to specifications issued by The Aeronautical Board of the United States, approved by joint action of the War and Navy Departments and the Civil Aeronautics Administration, and which equipment has been certified by The Aeronautical Board of the United States to be manufactured in conformity to such specifications, or

(ii) Any airport lighting equipment for seadrome use conforming to specifications issued by the Bureau of Aeronautics of the United States Navy Department.

(3) "Lighting unit" means any equipment or device or part of such equipment or device employing an artificial light source for the purpose of indication or illumination or both.

(4) "Airport beacon" means a lighting unit located on or near an airport or seadrome for the purpose of indicating the location of such airport or seadrome, the light source of such lighting unit being controlled from such airport or seadrome.

(5) "Approach light" means one of a group of lighting units located outside of a landing area on an airport or seadrome to indicate the projection of a runway or landing strip.

(6) "Boundary light" means one of a series of lighting units used to indicate the limits of a landing area on an airport or seadrome.

(7) "Obstruction light" means a lighting unit used to indicate the presence of a fixed object dangerous to aircraft while in motion.

(8) "Contact light or runway marker light" means one of a series of lighting units set along the sides of a runway for the purpose of indicating the location of the runway and assisting aircraft in landing and taking off.

(9) "Range or threshold light" means a lighting unit marking both ends of the runway or landing strip on an airport or seadrome.

(10) "Illuminated wind direction indicator" means a device including a lighting unit designed and constructed to indicate the direction or velocity of the surface wind.

(11) "Illuminated landing direction indicator or illuminated course indi-

cator" means any combination of lighting units used to indicate the direction to be used in landing.

(12) "Landing area floodlight" means a lighting unit designed and constructed for location on an airport or seadrome for the purpose of illuminating any part of the area of an airport or seadrome used for the landing or taking off of aircraft.

(13) "Pistol or directed airport traffic control light" means a lighting unit designed to be operated manually for the purpose of directing aerial traffic at an airport or seadrome.

(14) "'Rotating beacon" means a lighting unit having variations in light intensity, when viewed from a fixed point, which are produced by rotating a projector about a vertical axis.

(15) "Code beacon" means a lighting unit producing an intermittent light having characteristic groups of flashes by which it can be identified.

(16) "Airport" means a land area prepared to permit aircraft to land thereon and take off therefrom.

(17) "Seadrome" means a water area prepared to permit aircraft to land thereon and take off therefrom.

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

(19) "Maintenance" means the minimum upkeep necessary to the continued safe operation of any airport lighting equipment.

(20) "Repair" means the restoration of any airport lighting equipment to a sound working condition after wear and tear, damage, destruction, or failure of any part has made it unfit or unsafe for service.

(b) *General restrictions*—(1) *Manufacture.* On and after the 5th day of January 1943, notwithstanding any contract, agreement or preference rating to the contrary, no person shall manufacture or assemble airport lighting equipment other than approved airport lighting equipment except:

(i) As authorized by the Army Air Forces Matériel Center of the War Department of the United States, or

(ii) As authorized by the Bureau of Aeronautics of the United States Navy Department, or

(iii) To meet the specifications of the United States Navy Department for use on an aircraft carrier, or

(iv) Upon written request as specifically authorized by the Director General for Operations, or

(v) For the purpose of experimentation, test or examination to determine the efficiency and the most effective use of materials for such airport-lighting equipment.

(2) *Sale and delivery.* On and after the 5th day of January 1943, notwithstanding any contract, agreement or preference rating to the contrary, no person shall sell or deliver any airport lighting equipment except that a person may:

(i) Sell and deliver approved or other airport lighting equipment in fulfillment of orders placed by the Army Air Forces Matériel Center of the War Department of the United States, or by the Bureau of Aeronautics of the United States Navy Department, or

(ii) Sell and deliver airport lighting equipment in fulfillment of contracts or orders of the United States Navy Department for use on aircraft carriers, or

(iii) Sell and deliver airport lighting equipment for the purposes of maintenance or repair, or

(iv) Sell and deliver airport lighting equipment as otherwise specifically authorized by the Director General for Operations, or

(v) Deliver airport lighting equipment for the purpose of experimentation, test or examination to determine the efficiency and the most effective use of materials for such airport lighting equipment.

(c) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports as the Board shall from time to time require.

(d) *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.

(e) *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.

(f) *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.

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

(h) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to War Production Board, Building Materials Division, Washington, D. C., Ref: L-235.

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

(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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13970; Filed, December 26, 1942; 11:50 a. m.]

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## PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-127]

### EUREKA SILK COMPANY, ET AL.

Section 1010.127 is hereby amended by striking out the name Apollo Fabrics, Inc., wherever the said name appears in the 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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13972; Filed, December 26, 1942; 1:33 p. m.]

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## PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-166, as Amended Dec. 26, 1942]

### MALINA COMPANY OF NEW JERSEY

Paragraph (c) of § 1010.166, Suspension Order S-166, issued December 15, 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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13973; Filed, December 26, 1942; 1:33 p. m.]

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## PART 1010—SUSPENSION ORDERS

[Suspension Order S-179]

### AMERICAN DEVELOPING CORP. AND BETHLEHEM BLDG. CORP.

The American Developing Corporation and the Bethlehem Building Corporation are two Maryland Corporations located at 2900 West Belvedere Avenue, Baltimore, Maryland. Both corporations are completely controlled and managed by John Kennedy, President, and Adolph C. Dreyer, Secretary-Treasurer, and are engaged in the business of building houses.

The American Developing Corporation began construction (as defined in Conservation Order L-41) after April 9, 1942,

without the authorization of the Director of Industry Operations, of three dwelling houses at 3302–3304–3306 West Garrison Avenue, Baltimore, Maryland. The estimated cost of construction of each of these three houses was far in excess of $500.00. The American Developing Corporation was familiar with the provisions of Conservation Order L–41, and the beginning of construction, therefore, constituted a wilful violation of Conservation Order L–41.

The American Developing Corporation and the Bethlehem Building Corporation both wilfully violated Preference Rating Order P–55 issued to each authorizing them to extend A–2 preference ratings to obtain materials entering into the construction of certain private defense housing projects. The American Developing Corporation wilfully misapplied its A–2 preference rating by purchasing a quantity of steel sash which was not included on its approved materials list, and by purchasing a large quantity of door lock sets in excess of those specifically authorized on its approved materials list. The Bethlehem Building Corporation wilfully misapplied its A–2 preference rating by purchasing a large quantity of plumbing and heating equipment in excess of the specific quantities and kinds authorized by its approved materials list. The Bethlehem Building Corporation, furthermore, applied its A–2 preference rating to purchase large quantities of materials subsequent to the expiration date of the P–55 order. This application of the preference rating was a violation of § 944.4a of Priorities Regulation No. 1 as amended.

These violations of Conservation Order L–41, Preference Rating Order P–55 and § 944.4a of Priorities Regulation No. 1 as amended have impeded and hampered the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.179 *Suspension Order S–179.* (a) Neither the American Developing Corporation nor any other person shall order, purchase, accept delivery of, withdraw from inventory, secure in any manner, or use any material or construction plant in order to continue or to complete construction of any of the houses at 3302–3304–3306 Garrison Avenue, Baltimore, Maryland. No application for authorization to continue or complete construction of these houses shall be granted to the American Developing Corporation or any other person.

(b) For a period of five months from the effective date of this order no application or authorization to begin construction of any house, building, structure or project filed, directly or indirectly, by the American Developing Corporation, the Bethlehem Building Corporation, John Kennedy or Adolph C. Dreyer, their successors and assigns, shall be granted by the War Production Board.

(c) For a period of five months from the effective date of this order, deliveries of material, directly or indirectly, to The American Developing Corporation, The Bethlehem Building Corporation, John Kennedy or Adolph C. Dreyer, their 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.

(d) No allocation shall be made, directly or indirectly, to the American Developing Corporation, the Bethlehem Building Corporation, John Kennedy or Adolph C. Dreyer, their successors and assigns, of any material 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 The American Developing Corporation, The Bethlehem Building Corporation, John Kennedy or Adolph C. Dreyer, their successors and assigns 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.

(f) This order shall take effect on December 28, 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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42–13974; Filed, December 26, 1942; 1:34 p. m.]

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## PART 1010—SUSPENSION ORDERS

[Suspension Order S–183]

### PALMER MFG. CORP.

Palmer Manufacturing Corporation, Phoenix, Arizona, is a corporation engaged in the manufacture and sale of evaporative type coolers and furnaces.

From June 18, 1942, to August 13, 1942, the Company produced a substantial number of evaporative coolers having a rated capacity of less than two horsepower to fill orders other than for the Army, Navy, or United States Maritime Commission, and continued to produce such coolers subsequent to August 13, although such production was then prohibited by General Limitation Order L–38. The manufacture of such coolers constituted wilful violations of General Limitation Order L–38, as amended on June 18, 1942.

From June 5, 1942, to June 17, 1942, the Company sold and delivered ten units of unused air conditioning equipment, as defined in General Limitation Order L–38, having a total value of approximately $610.38, on orders other than preferred orders, as defined in said Order L–38, to persons other than producers, dealers or other authorized channels of distribution for resale. The sale and delivery of such equipment constituted wilful violations of General Limitation Order L–38.

From June 25, 1942, to September 18, 1942, the Company sold and delivered a substantial number of unused evaporative coolers having a rated capacity of less than two horsepower which were not in its possession on June 18, 1942, on orders other than preferred orders, as defined in General Limitation Order L–38. The sale and delivery of such coolers constituted wilful violations of General Limitation Order L–38, as amended on June 18, 1942.

The Company failed to keep accurate and complete records of its inventories, production and sales of evaporative coolers as required by General Limitation Order L–38.

These violations of General Limitation Order L–38 have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.183 *Suspension Order S–183.* (a) Deliveries of material to Palmer Manufacturing Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings 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.

(b) No allocation shall be made to Palmer Manufacturing Corporation, its successors and assigns, of any material 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.

(c) Nothing contained in this order shall be deemed to relieve Palmer Manufacturing Corporation from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or of 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 December 31, 1942, and shall expire on June 30, 1943, at which time the restrictions contained in this order shall 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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13975; Filed, December 26, 1942; 1:34 p. m.]

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PART 1010—SUSPENSION ORDERS

[Suspension Order S-189]

DUBIN FIXTURE MFG. CO.

Dubin Fixture Manufacturing Company, Los Angeles, California, is a partnership composed of Samuel Dubin, Albert Dubin and David Dubin, engaged in the manufacture of soda fountains, restaurant equipment and barroom equipment. Subsequent to August 13, 1942 the company produced twelve bottled beverage coolers and twenty ice cream cabinets, despite the fact that it knew that Amendment No. 1 to General Limitation Order No. L-38 prohibited such production.

This manufacture of bottled beverage coolers and ice cream cabinets constituted a wilful violation of General Limitation Order No. L-38, which has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.189 *Suspension Order S-189.* (a) Deliveries of material to Samuel Dubin, Albert Dubin and David Dubin, their successors and assigns and to the partnership known as Dubin Fixture Manufacturing Company, its successors and assigns shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Samuel Dubin, Albert Dubin and David Dubin, their successors and assigns, or to the partnership known as Dubin Fixture Manufacturing Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders, and 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.

(b) No allocation shall be made to Samuel Dubin, Albert Dubin and David Dubin, their successors and assigns, or to the partnership known as Dubin Fixture Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is covered 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.

(c) Nothing contained in this order shall be deemed to relieve Samuel Dubin, Albert Dubin and David Dubin, or the partnership known as Dubin Fixture Manufacturing Company 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 is to take effect on December 31, 1942, and is to expire on March 31, 1943, at which time the restrictions of 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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-13976; Filed, December 26, 1942; 1:35 p. m.]

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PART 1056—NATURAL GAS

[General Directive 1 Under Limitation Order L-31]

Pursuant to the provisions of paragraph (c) (1) of Limitation Order L-31, it is ordered and directed:

§ 1056.3 *General Directive 1 under Limitation Order L-31.* (a) Whenever it is necessary, pursuant to paragraph (c) (1) of Limitation Order L-31, for a utility to reduce deliveries of gas to consumers having standby facilities, the utility shall reduce deliveries to consumers having such standby facilities, to the extent of such standby facilities, in the following order:

(1) All consumers who have standby facilities capable of utilizing coal, but only within the limits of the utility's contractual rights;

(2) All consumers who have standby facilities capable of utilizing coal, without regard to the contractual rights of the utility or any consumer;

(3) All oil refineries having standby facilities of any type, but only within the limits of the utility's contractual rights;

(4) All oil refineries having standby facilities of any type, without regard to the contractual rights of the utility or any consumer; and

(5) All other consumers having standby facilities of any type, without regard to the contractual rights of the utility or any consumer.

(b) Except as set forth in the proviso of the first paragraph of said paragraph (c) (1), deliveries to any consumer in the respective classes (a) (2) to (a) (5) above, inclusive, shall not be reduced until deliveries to all consumers in prior classes have been suspended. Reductions within any class shall be proportionate insofar as practicable.

(c) This directive does not affect the order in which deliveries are to be reduced to consumers without standby facilities, as provided in paragraph (c) (1).

(d) This directive supersedes any specific directives under paragraph (c) (1) inconsistent herewith which have heretofore been issued by the Director General for Operations, but is subject to specific directives which may later be issued in particular cases by the Director General for Operations.

(e) This directive shall be effective immediately upon issuance and shall remain effective until modified or 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 26th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-14019; Filed, December 26, 1942; 5:05 p. m.]

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PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-b, as Amended Dec. 28, 1942]

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The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of rubber and balata 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:

§ 940.3 *General Limitation Order M–15–b*—(a) *Definitions.* For the purposes of this order:

(1) "Crude rubber" means all forms and types of crude rubber (including crepe rubber for soles or any other purpose) but does not mean or include balata, gutta-percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber, scrap rubber or latex.

(2) "Latex" means the dry latex solids contained in liquid latex in crude form, and in compounded liquid latex (but not the dry latex solids in shoe adhesives and container sealing compounds).

(3) "Scrap rubber product" means any finished rubber product or part thereof, made in whole or in part from crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber, which through wear, deterioration or obsolescence has served its primary purpose in its present state, but does not mean or include a repairable tire, treadable tire or any other manufactured product which is still usable for the primary purpose for which it was designed.

(4) "In-process scrap" means any material which is produced in the course of manufacture (including the repair, retreading or recapping of tires), and any defective or factory rejected materials or products which are not usable for the primary purpose for which they were designed and which contain any crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber, including all types and grades of residues, such as cuttings, trimmings, tuber heads, flash, cut edgings, sweepings, dust, buffings, sawings, grindings, drippings and any other form of rubber whether vulcanized or unvulcanized, which results from or is incident to the processing of crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber in the manufacture or repair of any product, but does not mean or include uncured friction scrap, reclaimed rubber or any finished rubber products.

(5) "Uncured friction scrap" means any scrap rubber which contains fabric and which is produced in the manufacture of tires, hose or belting before such products are finally vulcanized.

(6) "Scrap rubber" means and includes any scrap rubber product, in-process scrap or uncured friction scrap.

(7) "Reclaimed rubber" means any vulcanizable material derived from the processing or treatment of scrap rubber.

(8) "Repairable tire" means a pneumatic tire or tire casing which has sufficient tread design or under tread to warrant repair for use for the purpose for which it was primarily designed. For the purposes of this definition:

(i) "Repair" means a vulcanized sectional repair, or vulcanized reinforcement or vulcanized spot repair which can be accomplished in accordance with recognized commercial practice and which can be reasonably expected to render satisfactory service under limited operating conditions (speed under 40 MPH and no overload) so that the tire when repaired will be in a safe condition for service.

(ii) The tread and sidewall must not be severely weather checked or cracked to the extent that the tire has more than two radial cracks which extend through the cord body.

(iii) The cord body:

(*a*) Must not have separation between plies.

(*b*) Must not have been damaged to the extent that cords are pulled loose beyond the first inside ply.

(*c*) Must not have any fabric injuries that exceed one-half the cross-sectional diameter of the tire. Example—Injuries in 600/16 (6 inch) tires must not be more than three inches long on the inside of the tire: in 10.00/20 tires not more than five inches.

(*d*) Must not have or show evidence of having had more than three injuries requiring sectional repairs.

(*e*) Must not have injuries below any point where the top of the rim flange makes contact with the tire.

(*f*) Must not have or exhibit circumferential or flex breaks on the inside ply.

(*g*) Bead area must be sound with no broken wires.

(9) "Treadable tire" means a pneumatic tire or tire casing which warrants repair and retreading or recapping for the purpose for which it was primarily designed in accordance with recognized commercial practice, and which can reasonably be expected to render satisfactory service under limited operating conditions (speed under 40 MPH and no overload). For the purpose of this definition:

(i) The cord body:

(*a*) Must not be worn through more than one body ply for a total length of more than four inches on four ply tires.

(*b*) Must not be worn through more than two plies for a total length of more than four inches on tires of six plies or more.

(*c*) Must not have or show evidence of having had more than two injuries each not exceeding one-third the cross-sectional diameter of the tire. Example—Breaks in 600/16 (6 inch) tire must not be more than two inches long on the inside of the tire: 900/20 (9 inch) tires not more than three inches long.

(*d*) Must not have more than three radial cracks of more than one inch in length extending to the cord body.

(ii) The tire must in all other respects than specified in this paragraph (a) (9)

conform to the requirements of a repairable tire.

(10) "Scrap consumer" means any person who consumes scrap rubber in the manufacture of any finished or partly finished product or material, and includes any person producing reclaimed rubber from scrap rubber, but does not include any person who separates scrap rubber or tears, splits or pulls scrap rubber apart (such as splitting tires) for the purpose of selling the component parts thereof to Rubber Reserve Company or to a scrap dealer.

(11) "Scrap dealer" means any person (other than a scrap consumer) buying, selling or collecting scrap rubber.

(12) "Synthetic rubber" means any of the varieties of compositions generally known as synthetic rubber, including, but not limited to, butadiene types, chloroprene, organic polysulfids and butyl.

(13) "Balata" means any of the gums of recognized commercial grades having a gutta hydrocarbon base and a high resin content, procured from wild forest trees of the Mimusops genus and closely related genera generally found in South and Central America from the Amazon Valley north through Panama, and includes such gums whether in crude or refined (deresinated or partly deresinated) form; but does not mean or include scrap balata or reclaimed balata.

(14) "Inventory" means crude rubber, latex, scrap rubber, reclaimed rubber or balata, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies.

(15) "Consume" means to use, process, stamp, cut, or in any manner make any substantial change in the form, shape or chemical composition of any crude rubber, latex, scrap rubber, reclaimed rubber or balata.

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

(17) "War order" means:

(i) Any contract or purchase order for material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, or the Office of Scientific Research and Development, but not to or for the account of any post exchange, ship's store, commissary, officer's mess, officers', non-commissioned officers' or enlisted men's club, or any similar agency or organization.

(ii) Any contract or purchase order placed by any agency of the United States for material or equipment to be delivered to, or for the account of, any foreign country under the provisions of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Any contract or purchase order for material or equipment required by the person placing the same to fill his contracts or purchase orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under (i) and (ii) of this paragraph (a) (17).

(b) *Restrictions on consumption of crude rubber, latex, reclaimed rubber, scrap rubber and balata*—(1) *Crude rubber.* Crude rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those groups of products set forth in Schedule II–A attached to this order; but only upon receipt of authorization from the Director General for Operations:

(2) *Latex.* Latex may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those groups of products set forth in Schedule II–B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(3) *Reclaimed rubber.* Reclaimed rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those products set forth in Schedules II–A or II–B attached to this order and not set forth in Schedule II–C attached to this order; but only where special authorization for the consumption of crude rubber, latex or reclaimed rubber to manufacture such products has been issued by the Director General for Operations.

(iii) To manufacture those groups of products set forth in Schedule II–C attached to this order which are also set forth in Schedule II–A or Schedule II–B attached to this order, whether or not mixed or compounded with crude rubber, latex or scrap rubber; but only upon receipt of authorization from the Director General for Operations for the consumption of the respective amounts of crude rubber, latex, reclaimed rubber and scrap rubber to be consumed.

(iv) To manufacture those groups of products set forth in Schedule II–C attached to this order and not set forth in Schedules II–A or II–B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(4) *Scrap rubber.* Scrap rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those products set forth in Schedule II–A or II–B attached to this order and not set forth in Schedule II–C attached to this order; but only where special authorization for the consumption of crude rubber, latex or scrap rubber to manufacture such products has been issued by the Director General for Operations.

(iii) To manufacture those groups of products set forth in Schedule II–C attached to this order which are also set forth in Schedule II–A or Schedule II–B attached to this order, whether or not mixed or compounded with crude rubber, latex or reclaimed rubber; but only upon receipt of authorization from the Director General for Operations for the consumption of the respective amounts of crude rubber, latex, reclaimed rubber and scrap rubber to be consumed.

(iv) To manufacture those groups of products set forth in Schedule II–C attached to this order and not set forth in Schedule II–A or II–B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(v) To manufacture reclaimed rubber.

(vi) As to in-process scrap or uncured friction scrap generated after March 31, 1942, by the person who generated such in-process scrap or uncured friction scrap; but only in the manufacture of any products of the group (as set forth in said Schedules II–A, II–B and II–C) in which is listed the product in connection with which such in-process scrap or uncured friction scrap was generated. In such case the in-process scrap or uncured friction scrap consumed shall not be charged against his quota or allotment of crude rubber, latex, reclaimed rubber or scrap rubber for making products of that group. Any person may consume in-process scrap or uncured friction scrap whether generated by him or not, in the manufacture of any products not so listed in the same group when, but only when, he has received from the Director General for Operations an authorization to consume reclaimed rubber or scrap rubber in the manufacture of such other group of products, and in such event the in-process scrap or uncured friction

scrap consumed shall be within the limits of such authorization and shall be charged against his quota or allotment of reclaimed rubber or scrap rubber for manufacturing such other group of products.

(5) *Balata.* Balata shall be consumed only:

(i) To manufacture self-sealing fuel cells to fill war orders.

(ii) For such other purposes as may be permitted by special authorization of the Director General for Operations.

(c) *General provisions*—(1) *Distribution of crude rubber, latex, reclaimed rubber, scrap rubber and balata among plants.* Each company (which term when used in this subparagraph shall include any corporation together with all other corporations controlling, and all other corporations controlled by, such corporation) which is a processor of crude rubber, latex, scrap rubber, reclaimed rubber or balata and which operates plants in more than one community (all plants operated by the same company in the same community being herein collectively referred to as a "unit"), shall immediately upon distributing crude rubber, latex, scrap rubber, reclaimed rubber or balata during any calendar month among its units in proportions differing from the proportional distribution throughout such units during July, 1941, file with the Rubber and Rubber Products Branch of the War Production Board, a full report thereof showing clearly the reasons for such change in proportional distribution throughout its units. In any case in which it appears that such change in ratio was not justified or proper, the Director General for Operations may take such action as he deems appropriate.

(2) *Manufacture according to regulations.* Any of the products or materials whose manufacture is permitted by this order or by special authorization of the Director General for Operations shall be manufactured only in conformity with regulations now or hereafter set forth in lists attached to § 940.5 *Supplementary Order M–15–b–1* or such other regulations as may be issued by the Director General for Operations; provided that until regulations for particular products or groups of products are issued by the Director General for Operations, the crude rubber, latex or balata content by weight of any such products manufactured by any person shall not exceed the respective crude rubber, latex or balata content by weight of similar products manufactured by such person on the most recent date prior to September 1, 1942, on which he manufactured such products.

(3) *Limitation on consumption to fill war orders.* No person shall consume more crude rubber, latex, reclaimed rubber, scrap rubber or balata to fill any war order than is required for delivery within sixty days from the date such crude rubber, latex, reclaimed rubber, scrap rubber or balata is consumed under the delivery dates specified in the purchase order placed with him.

(4) *Limitation of inventories.* No person other than Rubber Reserve Company shall purchase, accept delivery of or otherwise acquire any crude rubber, latex, reclaimed rubber or balata or products thereof, or any products of scrap rubber, in the form of raw materials, semi-processed materials, finished products or parts or subassemblies in quantities which shall result in such person having an inventory of such material or products in excess of a minimum practicable working inventory, taking into consideration the limitations placed by this order on the production of products made of crude rubber, latex, balata, reclaimed rubber and scrap rubber. An inventory of crude rubber, latex or balata which can reasonably be expected to last more than sixty days, or of reclaimed rubber which can reasonably be expected to last more than forty-five days, shall be deemed to be in excess of a minimum practicable working inventory. The limitation on inventories imposed by this paragraph (c) (4) and by § 944.14 (Priorities Regulation No. 1) as amended, shall not apply to inventories of reclaimed rubber held or acquired by persons engaged in the business of reclaiming rubber but who are not consumers of reclaimed rubber, it being contemplated that persons engaged in the business of reclaiming rubber (but not consumers of reclaimed rubber) may accumulate such inventories of reclaimed rubber as they may deem advisable.

(5) *Restriction on the acquisition of crude rubber, latex, reclaimed rubber, scrap rubber and balata.* No person other than Rubber Reserve Company shall purchase, accept delivery of or otherwise acquire any crude rubber, latex, reclaimed rubber, scrap rubber or balata for any purpose except for the purpose of consuming the same in the manufacture of a product or products for which such material may be consumed under the provisions of this order or under special authorization of the Director General for Operations, provided that nothing in this order shall prevent any scrap dealer from acquiring scrap rubber in the usual course of his business for the purpose of selling the same to another scrap dealer or to Rubber Reserve Company.

(6) *Restriction on the sale of crude rubber, latex, reclaimed rubber and balata.* No person shall sell, trade or transfer the ownership of any crude rubber, latex, reclaimed rubber or balata, and no person shall accept any such sale, trade or transfer of ownership, except (i) as may be expressly permitted by regulations prescribed by Rubber Reserve Company, or (ii) in those cases in which special authorizations may be issued by the Director General for Operations; provided that nothing in this paragraph (c) (6) shall be deemed to prohibit the sale of unvulcanized rubber products or products made from balata which were in finished or marketable form on December 11, 1941, or which have become finished and marketable at any time after that date pursuant to processing not prohibited by any orders or other instructions heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations.

(7) *General restrictions on the purchase and sale of scrap rubber.* Except (i) as may be expressly permitted by regulations prescribed by Rubber Reserve Company, or (ii) in those cases in which special authorizations may be issued by the Director General for Operations:

(*a*) No person other than Rubber Reserve Company shall sell, trade or transfer the ownership or possession of any scrap rubber to any scrap consumer.

(*b*) No scrap consumer shall purchase, receive or accept delivery of any scrap rubber, or the right to receive any scrap rubber, from any person other than Rubber Reserve Company.

(*c*) No scrap consumer shall sell, trade or transfer the ownership or possession of any scrap rubber to any person, including any scrap dealer.

*Provided,* That the prohibitions of this paragraph (c) (7) shall not apply to any transfer or delivery of scrap rubber from one location to another location controlled by the same person where no change of ownership takes place, or to any purchase or sale by any corporation from or to another corporation which is its subsidiary or of which it is a subsidiary, of any in-process scrap or uncured friction scrap generated by the corporation making such sale or transfer, and any such sale shall be expressly permitted within the terms of paragraph (c) (2) (iii) of Priorities Regulation No. 13 (Part 944). For the purposes hereof a corporation shall be deemed to be a subsidiary of another corporation if all or substantially all of its voting stock is owned by such other corporation.

(8) *Restriction on the destruction of tires and scrap rubber.* No person shall destroy, damage, cut or tear apart any tire, tire casing or tire tube or any scrap rubber, whether by burning or any other means and whether for the purpose of making or repairing products or materials from or with all or any of its constituent parts; provided that this restriction shall not apply to the following:

(i) The consumption of any scrap rubber in the manufacture of any product for which crude rubber, latex, reclaimed rubber or scrap rubber may be consumed under the provisions of this order or under special authorization of the Director General for Operations; but subject to such limitations as to quantities, specifications and other restrictions as may be imposed by this order or such special authorization.

(ii) The consumption of any scrap rubber by any person producing reclaimed rubber as a necessary incident to such reclaiming operations.

(iii) The destruction of any scrap rubber (without destroying the rubber therein) for the purpose of selling its component parts to a scrap dealer for resale by him either (*a*) to Rubber Reserve Company, or (*b*) under rules or regulations prescribed from time to time by Rubber Reserve Company.

(iv) The destruction of the following articles when through obsolescence, use or deterioration the articles have entirely served their usefulness in their present state:

(*a*) Used battery containers and separators and parts thereof.

(*b*) Rough bore (metal reinforced) oil suction and discharge hose and hose containing asbestos combined with rubber.

(*c*) Wire cord generally classed as lamp cord and similar wire cords (but not other insulated wire or rubber covered cable).

(*d*) That part of rubber bonded to metal which cannot be separated from the metal by mechanical means.

(*e*) Brake linings and clutch facings.

(*f*) Metal-inserted packing.

(*g*) Metal-inserted running boards.

(*h*) Gasoline pump hose.

(*i*) Friction tape and adhesive tape (except in-process scrap).

(*j*) Burnt rubber all of which has been exposed to open flame (but not scorched rubber compounds).

(*k*) Gasket compounds containing cork.

(*l*) Typewriter platens.

(v) Ordinary wear and tear incident to the normal use of any article for the primary purpose for which it was designed.

(9) *Restriction on regrooving tires.* No person shall regroove the tread or tread surface of any tire or tire casing, whether by cutting, scraping, grinding, burning, heating, remolding or any other means.

(10) *Restriction on splitting camelback and capping stock.* No person shall split, cut, tear or otherwise separate any camelback or capping stock in such manner that there will result camelback or capping stock of gauges other than 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32 inches and larger.

(11) *Reports covering war orders.* No person shall consume any crude rubber, latex, reclaimed rubber or scrap rubber to fill any war order until he has forwarded to the Rubber and Rubber Products Division of the War Production Board a report on Form PD-330, or such other form for reporting war orders as may be prescribed by the Director General for Operations. Upon forwarding such report, such person may proceed to fill the war order covered by the report unless notified to the contrary by the Director General for Operations; provided the products covered by such order may be manufactured under the provisions of Schedule I attached to this revised Supplementary Order No. M-15-b.

(12) *Prohibited products for other than war orders.* Except to fill war orders, no person shall consume any crude rubber, latex, reclaimed rubber or scrap rubber in the manufacture of any of the products for which the consumption of such material is prohibited by Schedule III attached to this order, even though the consumption of such material would otherwise be permitted under any of the broader provisions, classifications or groupings of this order or under any of the other schedules attached to this order.

(13) *Prohibited products for war orders.* Unless permitted by special authorization of the Director General for Operations, no person shall (i) consume any crude rubber or latex in the manufacture or assembly of any of the products or materials set forth in Groups A and B of Schedule IV attached to this order for delivery to fill any war order; or (ii) consume any reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials set forth in Group B of said Schedule IV for delivery to fill any war order.

(14) *Index of permitted and prohibited products.* Schedule V is attached to this order for the convenience of the industry. This schedule constitutes an index of the products for which crude rubber, latex, reclaimed rubber and scrap rubber may be consumed, and those for which these materials may not be consumed, and contains appropriate cross-references to the other schedules in which such products are mentioned.

(15) *Restriction on the importation of crude rubber, latex, reclaimed rubber, scrap rubber and balata and products thereof.* No person other than Metals Reserve Company, Defense Supplies Corporation, Rubber Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or any agent acting for one of them, shall, except as authorized or otherwise directed in writing by the Director General for Operations, purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any crude rubber, latex, reclaimed rubber, scrap rubber or balata, whether in crude, partly processed or processed form, or any finished or partly finished product or material made from any of the foregoing. For the purpose hereof "import" means to transport into the continental United States from any foreign country or from any territory or possession of the United States, and shall include a release from the bonded custody of the United States Bureau of Customs; and products or materials shall be deemed to be made from crude rubber, latex, reclaimed rubber, scrap rubber or balata if at least ten per cent of the weight of such products or materials was made from crude rubber, latex, reclaimed rubber, scrap rubber and balata or from any one or more of them. The restriction of this paragraph (c) (15) shall not apply to:

(i) The importation by any person during any calendar month of products or materials (except tires, tire casings and tire tubes) which contain an aggregate of not more than twenty-five pounds of crude rubber, latex, reclaimed rubber, scrap rubber and balata provided such products or materials are not imported for the purpose of manufacturing, processing sale or resale;

(ii) The importation by any person who is entering or reentering the United States of bicycle tires mounted on any used bicycle included in the personal effects of such person.

(iii) The importation of any scrap rubber by the Army or Navy of the United States or the United States Maritime Commission;

(iv) The importation of any finished products made of rubber or balata by diplomatic representatives (but not consuls or other commercial representatives) of any foreign government for their personal use or the use of members of their staffs;

(v) The importation from the Dominion of Canada by any person of any rubber or balata, or any products thereof manufactured in the Continental United States, Canada or the British Isles.

(16) *Restriction on consumption of rubber products and materials.* No person shall use or consume any finished or partly finished product or material containing in the aggregate more than ten per cent by weight of crude rubber, latex, reclaimed rubber and scrap rubber, to manufacture for sale to others any other products in such a manner as to divert the products or materials so consumed from the purpose for which they were originally intended, except to manufacture products for which he has received an authorization from the Director General for Operations to consume crude rubber, latex, reclaimed rubber or scrap rubber. In any case in which any such product or material is used pursuant to any such authorization, it shall be chargeable to such person's quota of reclaimed rubber and/or scrap rubber for the manufacture of such permitted products.

(17) *Finished item deliveries.* No person shall sell, transfer or deliver, or purchase or accept or accept transfer or delivery of, any item which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provisions of this order as amended from time to time.

(18) *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.

(19) *Applications for authorizations to consume crude rubber, latex, reclaimed rubber and scrap rubber.* Each person who wishes to consume any crude rubber, latex, reclaimed rubber or scrap rubber at any time subsequent to October 1, 1942 to manufacture any of the products or groups of products listed in Schedules II-A, II-B and II-C attached to this order, shall file with the Rubber and Rubber Products Division of the War Production Board an application on

Form PD-407. Such application shall be filed not later than the tenth day of the month preceding the calendar month during which such person wishes to consume crude rubber, latex, reclaimed rubber or scrap rubber.

(20) *Appeals.* 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 nondefense to defense work, may appeal to the War Production Board by transmitting to the Rubber and Rubber Products Division, War Production Board, Washington, D. C., an appeal on Form PD-500-b. The Director General for Operations may thereupon take such action as he deems appropriate.

(21) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations heretofore or hereafter issued may have the effect of limiting or curtailing to a greater extent than herein provided the use of crude rubber, latex, scrap rubber, reclaimed rubber or balata in the production of any article, the limitations of such other order shall be observed.

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

(23) *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Rubber and Rubber Products Division, War Production Board, Washington, D. C. Ref.: M-15-b.

(24) *General reports.* Any person who, during any calendar month, consumes, ships or stocks any crude rubber, latex, reclaimed rubber, scrap rubber or balata, or who, on the last day of any calendar month, has in his possession any crude rubber, latex, reclaimed rubber, scrap rubber or balata, shall, not later than the fifteenth day of the succeeding month, file with the Rubber and Rubber Products Division of the War Production Board a report on the appropriate form PD-49, PD-649 or such other form or forms as may be prescribed from time to time.

(25) *Outstanding special instructions.* No unrevoked special instruction (i. e., instruction issued by individual letter or telegram and not by general order) issued prior to September 1, 1942 by the Director of Priorities, Director of Industry Operations or Director General for Operations, which (i) authorizes the consumption of crude rubber, latex, reclaimed rubber or scrap rubber within a specified period or prior to a specified date, or (ii) forbids or restricts the consumption of crude rubber, latex, reclaimed rubber or scrap rubber, is revoked or rescinded by this revised Supplementary Order No. M-15-b. All such unrevoked instructions shall remain in effect unless hereafter specifically rescinded or revoked by the Director General for Operations.

(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 28th day of December 1942.

ERNEST KANZLER,
*Director of Operations.*

SCHEDULE I

*Products for which crude rubber, latex, reclaimed rubber and scrap rubber may be consumed to fill war orders.* (See paragraphs (b) (1) (i), (b) (2) (i), (b) (3) (i) and (b) (4) (i) of Revised Supplementary Order No. M-15-b)

Pending the issuance of a list of products for which crude rubber, latex, reclaimed rubber and scrap rubber may be required to fill war orders, to be set forth in a revised Schedule I, crude rubber, latex, reclaimed rubber and scrap rubber may be consumed to manufacture any product to fill any war order, unless the consumption of crude rubber, latex, reclaimed rubber and scrap rubber in the manufacture of such product is prohibited by paragraph (c) (13) of Revised Supplementary Order No. M-15-b and Schedule IV attached thereto or by special direction of the Director General for Operations.

SCHEDULE II-A

NOTE: Changes have been made in this Schedule.

*Products for which crude rubber may be consumed upon authorizations issued from time to time by the Director General for Operations.* (See paragraph (b) (1) (ii) of Revised Supplementary Order No. M-15-b.)

Any authorization to consume crude rubber to manufacture any group of products set forth in this Schedule II-A also authorizes the manufacture from the quota or allotment of crude rubber for that group of cements necessary to the manufacture (but not the use or application) of such products. No crude rubber shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II-A unless permitted by special authorization of the Director General for Operations.

*Group 1*

Compounds for insulating wire and cable

*Group 2*

Compounds for rubber insulating tape

*Group 3*

Belt splicing and repair material
Last puller belts
Polishing belts
Screen diaphragms designed for paper making equipment

*Group 4*

Conveyor and elevator belting and pulley lagging therefor

*Group 5*

Flat transmission belts
Hog beater belts

*Group 6*

Industrial brake lining and clutch facings

*Group 7*

V-belts

*Group 8*

Acid hose
Air drill hose
Cement handling hose, including cement grouting, concrete placing and cement and dry material hose
Chemical hose
Divers' hose
Dredging sleeves
Expansion joint hose
Flexible couplings
Flanged flexible hose
Grease gun hose
Gasoline and oil tank wagon hose (not including curb pump hose)
Hydraulic control hose
Industrial vacuum hose, including dust collector, blower or exhaust hose
Jetting and hydraulic hose, including arbor pipe forming and phosphate flexible hose
Milk conveying hose
Oil suction and discharge hose
Paint spray hose
Pinch valve hose
Pneumatic hose
Railroad hose (all types)
Rotary driller's hose
Sand blast hose
Sanitary hose
Spray hose (designed for working pressures of 300# per square inch and over)
Steam hose
Suction hose
Welding hose

*Group 9*

Hard rubber pipe and fittings (industrial only)
Rubber buckets, pails, dippers, funnels, measures, bottles, beakers, frames, baskets, racks, trays (designed for handling corrosive materials and explosives)
Rubber insulated fume-ducts, fans, racks, frames, trays, screens, pipe, buckets, pails, dippers, agitators, funnels and measures (designed for handling corrosive materials and explosives)
Rubber pumps
Rubber lining designed for blowers, exhausters and pumps
Rubber valves and valve parts (except tire tube valves)

*Group 10*

Rubber lined tanks, drums, pipes and fittings (hard and soft)

*Group 11*

Rubber covered rolls and roll coverings (except domestic washing machine wringer, printers', fingerprint and business machine rolls)

*Group 12*

Press die pads

*Group 13*

Loom pickers

*Group 14*

Storage battery parts, (including only separators, retainers, binding strips, element support rods, tie rods, and hand-built jars and hand-built containers, but not including hand-built jars and containers designed for radio, farm lighting, mine safety and automotive S. L. I.)

*Group 15*

Hard rubber sheets, rods and tubing (designed for dielectric purposes)
Insulated tools
Magneto parts
Molded cable connectors and terminal blocks (designed for dielectric purposes)

*Group 16*

Mine safety battery parts
Mine safety lamp parts, excepting insulated wire
Respirators, hose masks, gas masks, goggles, inhalators, excepting headharness (mining and industrial types)

*Group 17*

Sheet, strip and mechanical packings

*Group 18*

Oil well specialties (including only packers, testing, lining bumper and swab rubbers; blow-out preventors; drill pipe protectors; stabilizers; slush pump pistons and liners; mud and oil pump pistons, liners, valves and parts; valve cups; strippers; stuffing box rings)

*Group 19*

Industrial abrasive implements

*Group 20*

Airplane de-icer parts
Card clothing
Gas main bags
Gaskets and washers for hose
Lineman's protective devices (including only line hose, insulator hoods, blankets, cable end test caps and separators, cable bandages, lineman's sleeves and insulating stools)
Mine ventilating tubing
Molded seals for dam and lock gates

*Group 21*

Component parts (not elsewhere listed but not including sponge) of machinery for the processing and fabricating of raw and semi-finished materials or for the transmission of mechanical power (except as specifically prohibited in Schedule III attached to Revised Supplementary Order No. M-15-b)

*Group 22*

Pipe coupling rings

*Group 23*

Fire and mill hose

*Group 24*

Milk and milking machine equipment consisting of:
  Couplings for pasteurizers and milk bottle and can washers
Gaskets for milk separators and clarifiers
Milk bottle filler rubbers
Milking machine inflations and tubing

*Group 25*

Box die gum, rubber die gum and rubber type gum, designed for industrial marking devices only

*Group 26*

Engravers' rubber (excluding rubber stamps, box dies, band daters and toy stamps)

*Group 27*

Printing plates (excluding rubber stamps, box dies, band daters and toy stamps)

*Group 28*

Cutting rubbers
Finger print rolls and finger print rubber
Offset and newspaper blankets
Printers' rollers
Rubber solution for wet plate negatives
Suction cups for printers' equipment

*Group 29*

Automotive parts consisting of the following only:
  Air brake and vacuum brake parts, excepting boots and linings
  Air brake and vacuum brake hose
  Hydraulic brake cylinder parts, excepting boots and linings
  Hydraulic brake hose
  Hydraulic clutch and throttle controls
  Pitman arm bushings for independent suspensions
  Remote control gearshift bushings
  Sealed beam gaskets
  Shock absorber bushings
  Steering post alignment bushings
  Suspension and torque arm bushings
  Steering box-to-frame pads for independent suspensions
  Torsional vibration dampers
  Windshield wiper blades and pivot to housing gaskets
  Engine, transmission and propeller center bearing mountings

*Group 30*

Pneumatic, solid and cushion tires, (including tubes, flaps, airbags and valves) of the following types only:
  Passenger
  Truck and bus
  Special purpose of the following types only: low platform trailer, rock service, earth-mover, road builder and road grader
  Industrial
  Motorcycle
  Airplane

*Group 31*

Camelback, capping stock, filler strip, stripping stock, cushion stock, lug stock, and base stock for retreading and recapping tires

*Group 32*

Full circle and sectional airbags designed for recapping, retreading and repairing tires

*Group 33*

Tire and tube repair materials (including only cushion stock, tread repair stock, cord friction, square woven fabric friction, repair patches, and tube repair gum)

*Group 34*

Rubber footwear designed for severe industrial use, including rubber boots, mine pacs, and work shoes all with plain or steel toes

*Group 35*

Rubber footwear (other than that listed in Group 34), including rubber boots, arctics, gaiters, and light and heavy rubbers

*Group 36*

Diaphragms designed for regulating the flow of fluids
Tank balls designed for flush valves
Bibb washers
Fuller balls
Ball cock washers

*Group 37*

Autopsy and mortuary gloves
Industrial all rubber gloves and industrial net-lined gloves and industrial finger cots

*Group 38*

Electricians' gloves

*Group 39*

Brain surgery caps
Colostomy outfits
Denture suctions and model formers
Dilators
Finger cots (medical, surgical, dental, veterinary, mortuary and laboratory types only)
Orthodontia bands
Parts for medical, surgical, dental, veterinary and mortuary instruments
Prostatic bags
Rubber bands and cushions designed for artificial limbs
Tubes and tubing (except fountain syringe lengths), including catheters, stopples, and rubber policemen (medical, surgical, dental, mortuary, veterinary and laboratory types only)
Urinals designed for individual wear
Vaccine caps
X-ray sheets, gloves, aprons and cooling hose

*Group 40*

Surgical adhesive tape, medicated footpads and plasters

*Group 41*

Breast pumps
Bulbs (medical, surgical, dental, veterinary, mortuary and laboratory types only)
Medicine droppers
Water bottles and combination syringes

*Group 42*

Ice bags
Metatarsal cushions or pads (not parts of shoes)
Pneumatic truss pads
Truss pad covers

*Group 43*

Acoustic aids (soft rubber parts only) designed for individual hearing instruments and audiometers

*Group 44*

Hard rubber pipes, connections and accessories (medical, surgical, dental, veterinary and mortuary types only)

*Group 45*

Tubing, fountain syringe length

*Group 46*

Blood pressure bags
Dental dam
Dental separating strips and mouth props
Denture rubber
Inhalation bags and face pieces, not including oxygen tents (medical, surgical, dental and veterinary types only)
Invalid rings, but not including sponge rubber rings
Operating cushions, but not including sponge rubber cushions
Tourniquets

*Group 47*

Hospital sheeting

*Group 48*

Feeding nipples

*Group 49*

Pessaries and prophylactics

*Group 50*

Surgeons' gloves (medical, surgical, dental and veterinary types only)

*Group 51*

Meteorological balloons

*Group 52*

Cements designed for the repair, use or application of products permitted to be manufactured from crude rubber by Revised Supplementary Order No. M–15–b, except cements for use in the manufacture of such products, except shoe adhesives

*Group 53*

Commercial diving equipment

*Group 54*

Compounds designed for seaming protective clothing other than footwear and gloves

*Group 55*

Abrasive sand blasting helmets and clothing

*Group 56*

Conductive soles, taps and heels

*Group 57*

Shoe cements

*Group 58*

Lifesaving suits

*Group 59*

Compounds designed for sealing cans made of tinplate, blackplate or terneplate
Rings and compounds for sealing glass containers

*Group 60*

Blended compounds or mixtures designed for laboratory testing

*Group 61*

Vacuum cleaner belts

*Group 62*

Airplane equipment not elsewhere listed

*Group 63*

Molding bags

*Group 64*

Street car wheel sandwich rings

*Group 65*

Vibration dampers

*Group 66*

Water meter parts

SCHEDULE II–B

*Products for which latex may be consumed upon authorizations issued from time to time by the Director General for Operations.* (See paragraph (b) (2) (ii) of Revised Supplementary Order No. M–15–b)

Any authorization to consume latex to manufacture any group of products set forth in this Schedule II–B also authorizes the manufacture from the quota or allotment of latex for that group of cements necessary to the manufacture (but not the use or application) of such products. No latex shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II–B unless permitted by special authorization of the Director General for Operations.

*Group 1*

Colostomy outfits
Finger cots (medical, surgical, dental, mortuary and veterinary types only)
Prostatic bags
Prosthetic devices
Tubes and tubing (except fountain syringe lengths), including catheters (medical, surgical, dental, mortuary, veterinary and laboratory types only)
Urinals designed for individual wear

*Group 2*

Blood pressure bags
Inhalation bags, and face pieces, not including oxygen tents (medical, surgical, dental and veterinary types only)
Veterinary sleeves

*Group 3*

Industrial rubberized fabric gloves designed for handling corrosive and severely abrasive materials

*Group 4*

Electricians' gloves

*Group 5*

Dental dam

*Group 6*

Autopsy and mortuary gloves
Industrial all rubber gloves and industrial net-lined gloves and industrial finger cots

*Group 7*

Meteorological balloons

*Group 8*

Feeding nipples

*Group 9*

Pessaries and prophylactics

*Group 10*

Surgeons' gloves (medical, surgical, dental and veterinary types only)

*Group 11*

Compounds designed for sealing glass containers and cans made of tinplate, blackplate or terneplate

*Group 12*

Shoe cements

*Group 13*

Latex insulation for fume ducts, fans, racks, frames, trays, screens, pipes and fittings, buckets, dippers, funnels, measures, drums, pumps, valves, baskets, concave rollers and agitators (designed for handling corrosive materials)

*Group 14*

Flat transmission belts
Round transmission belts
V-belts

*Group 15*

Mine ventilating tubing

*Group 16*

Industrial abrasive implements

*Group 17*

Blended compounds or mixtures designed for laboratory testing

*Group 18*

Tire cord dip

SCHEDULE II–C

NOTE: Changes have been made in this schedule.

*Products for which reclaimed rubber and scrap rubber may be consumed upon authorizations issued from time to time by the Director General for Operations.* (See paragraphs (b) (3) (iii) and (b) (4) (iii) of Revised Supplementary Order No. M–15–b)

Any authorization to consume reclaimed rubber or scrap rubber to manufacture any group of products set forth in this Schedule II–C also authorizes the manufacture from the quota or allotment of reclaimed rubber or scrap rubber for that group of cements necessary to the manufacture (but not the use or application) of such products. No reclaimed rubber or scrap rubber shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II–C unless permitted by special authorization of the Director General for Operations.

*Group 1*

Adhesives designed for fabricating steel wool, curled hair or fibre pads for surgical corrective appliances

*Group 2*

Adhesives for seaming bags and bagging
Gaskets and compounds for sealing jars, tumblers, cans, drums and pails

*Group 3*

Athletic equipment, consisting of the following only:
Basketball bladders
Football bladders
Punching bag bladders
Soccer bladders
Volley ball bladders
Hardballs
Squash balls
Tennis balls

*Group 4*

Automotive parts (including only spring bumpers—front and rear, tailpipe supports, battery drain tubes, brake boots, insulating forms or shapes for high tension wiring)

*Group 5*

Clutch facings, brake lining and brake blocks

*Group 6*

V-belts

*Group 7*

Barrel lining

*Group 8*

Brush setting compounds

*Group 9*

Molded battery containers except those designed for automotive S. L. I. batteries of S. A. E. Groups 1, 2 and 3

*Group 10*

Storage battery parts (except molded containers)

*Group 11*

Crutch tips

*Group 12*

Erasers and pencil plugs

*Group 13*

Friction tape

*Group 14*

Heels and heel bases (black dense composition only)

*Group 15*

Out soles, out soling strips, taps, top lifts and top lifting material (black dense composition only)

*Group 16*

Shoe bottom fillers and shoe tapes

*Group 17*

Insoles, midsoles and box toes

*Group 18*

Automotive radiator hose
Braided covered tubing
Cable covering, electric
Car heater hose
Curb line and garage air hose
Fire extinguisher tubing
Garden hose
Grease hose, low pressure, non-industrial
Pump and windshield wiper tubing
Rock wool insulation hose
Shaft covering, flexible
Spray hose (designed for working pressures under 300 pounds per square inch)
Vacuum cleaner hose
Water hose

*Group 19*

Parts for business machines (except platens and rolls)

*Group 20*

Parts for refrigerators, washing machines and motor-driven electric appliances (except hose and belts)

*Group 21*

Horseshoe pads

*Group 22*

Industrial pressure sensitive tape

*Group 23*

Stamp gum

*Group 24*

Sponge for stamp gum cushion

*Group 25*

Truss pads

*Group 26*

Elastic fabrics and elastic webbing for:
Artificial legs
Gas masks
Goggles
Hose masks
Inhalators and respirators
Edging for baby pants
Industrial shoes
Repair web
Sanitary belts
Surgical bandages, stockings and supports
Trusses (including umbilical belts)

*Group 27*

Spud washers
Waste and overflow washers
Float valve shank washers
Flush elbows
Flush valve washers
Force cups
Gaskets and valves designed for back flow preventors (or vacuum breakers)
Siphon washers

*Group 28*

Cements designed for the repair, use or application of products permitted to be manufactured from crude rubber, latex, reclaimed rubber or scrap rubber by Revised Supplementary Order No. M-15-b, except cements for use in the manufacture of such products, and except shoe adhesives.

*Group 29*

Tire and tube repair materials (including only cushion stock, tread repair stock, cord friction, square woven fabric friction, repair patches and tube repair gum)

*Group 30*

Capping stock, filler strip, stripping stock, cushion stock, lug stock and base stock for retreading and recapping tires

*Group 31*

Blended compounds or mixtures designed for laboratory testing

*Group 32*

Compounds designed for proofing fabrics, other than footwear and gloves

*Group 33*

Bicycle tires (including casings, tubes, flaps and valves)

*Group 34*

Mallets and mallet heads.

SCHEDULE III

NOTE: Changes have been made in this Schedule.

*Exceptions from groups of products set forth in Schedules II-A, II-B and II-C.* (See paragraph (c) (12) of Revised Supplementary Order No. M-15-b)

Unless otherwise specified in this Schedule III, no person may consume any crude rubber, latex, reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials listed in this Schedule III, even though the consumption of crude rubber, latex, reclaimed rubber or scrap rubber might otherwise be permitted under any of the broader provisions or classifications of products under paragraphs (b) (1) (ii), (b) (2) (ii), (b) (3) (ii) or (b) (4) (ii) of Revised Supplementary Order No. M-15-b or Schedules II-A, II-B or II-C attached to said order. (The prohibitions of this Schedule III do not apply to the manufacture of products or materials to fill war orders, as to which see Schedule IV.)

The omission of any products or materials from this Schedule III does not mean that crude rubber, latex, reclaimed rubber or scrap rubber may be consumed in their manufacture. Crude rubber, latex, reclaimed rubber and scrap rubber may be consumed in the manufacture of products or materials not listed in this Schedule III only if and to the extent permitted by Revised Supplementary Order No. M-15-b and Schedules II-A, II-B and II-C attached to said order.

Accelerator pedals (automotive)
Animal boots and shoes
Arch supports
Arm rests
Artificial leather
Basin gaskets and washers
Basin stoppers
Bath sprays
Bath tub stoppers
Battery carrier straps
Beer tubing
Blowout shoes (for tires)
Bookbinding adhesives
Bottle carriers
Bottle driers
Brake rod rattlers
Brewery hose
Brush bristles
Bumper tacks
Bunion pads
Camera bellows
Camera focusing cloth
Candy molds
Carboy pads
Casket gaskets
Chair and furniture parts
Channel filler
Christmas tree lighting devices
Chute lining
Cigar machine aprons
Cleats for athletic and sport shoes
Coated clips
Coffee maker bushings and gaskets
Concentrator belts
Contraction joint seals and concrete filler
Corn pads
Crib sheeting
Crutch pads
Cutting blocks
Cushions, upholstery and mattresses (except invalid rings and operating cushions)
Defroster parts and hose
Desk and chair protective pads
Dish drainers
Drain pipe lining
Draper aprons
Electric base plugs, plug connectors and light sockets
Elevator belt buckets and cleats
Exercise machine parts
Extension lamp handles
Fan bases and blades
Faucet caps
Faucet filters
Feeding bottle caps and covers (except nipples)
Ferrules
Filter cloth
Finger pads
Flooring, tile and tiling, and wainscoting (except conductive)
Fountain pen stock
Fly paper
Foot bath trays
Gaskets, pads and shims made from scrap tires and tubes
Gasoline curb pump hose
Gasoline tubing
Gauntlets and cuffing (except linemen's sleeves)
Gear silencers
Glue dispensers
Graphite guns and parts thereof
Grommets (except dielectric)
Handle grips (except for dielectric purposes)
Hard rubber photographic trays and development tanks (except X-Ray)
Hard rubber spatulas (except for handling explosives and corrosive materials)
Hat-forming bags
Hatters' belts
Horse shoes
Horticultural binding tape
Hose nozzles
Household gloves
Hydrometer parts
Ice cube trays
Ink wells and bottles
Instep supports
Kneeling pads
Knife handles and grips
Labels and label plasters
Lamp shades
Lawn mower tires
Leather finishes
Line tube caps
Link mats
Loom harness strapping
Lug straps, bumpers and holdups (constituting textile machinery parts)
Mallets and mallet heads (except that reclaimed rubber or scrap rubber may be used)

Marbon B (except wire and cable insulation)
Mats and matting (except conductive)
Molds for casting
Molded wheels and casters
Musical instruments and parts thereof
Oxygen tent canopies
Pacifiers
Paint brush guards
Painters' graining tools
Panelboard
Paper machine aprons
Paper padding adhesives
Pedal rubber
Photo wringers
Photographers' bulbs and tubes
Pliofilm (except for wire and cable insulation)
Plioform (except for wire and cable insulation)
Pliolite (except for wire and cable insulation)
Plywood adhesives
Post insulators
Powder bags (mining)
Pulley lagging
Recoil pads
Refrigerator freezing trays
Rock wool insulation hose (except that reclaimed rubber or scrap rubber may be used)
Rubber bands (except orthodontia bands and bands for artificial limbs)
Rubber thread and rubber tape (except compounds for rubber insulating tape)
Rubberized hair and fibre (except for surgical corrective appliances)
Sand blasting stencils
Screw bumpers
Self-adhering signs
Service station signal hose
Sink and lavatory gaskets (including mack gaskets)
Sink sprays and drain stoppers
Slip joint washers
Spark plug caps
Specimen (biological) injections
Sponge applicators
Stair and step treads
Stick-on soles and taps
Stipplers
Stirrup pump hose
Stirring rods
Street sweeper belts
Street car springs
Swimming pool hose
Table tops
Tank floats
Telephone bases
Telephone cord protectors
Telephone protectors
Test tube holders
Textile printing blankets
Thermometer cases
Thermos bottle parts
Thermoplastic coatings (except for wire and cable insulation)
Tire reliners
Tire and tube repair materials made from scrap tires and tubes
Toggle straps
Toilet closet outlet gaskets
Toilet closet seat bumpers
Trolley wire guard
Typewriter keys, platens, feet and covers
Typewriter and office machinery silencers
V-belt shock absorbers
Vacuum cleaner tires and bumpers
Washing machine drain hose
Weatherstripping
Wheelbarrow tires
Whiskey hose
Windlace and windlace tubing
Yarning material

SCHEDULE IV

*Products for which crude rubber, latex, reclaimed rubber and scrap rubber may not be consumed to fill war orders.* (See paragraph (c) (13) of Revised Supplementary Order No. M–15–b).

No person may (1) consume any crude rubber or latex in the manufacture or assembly of any of the products or materials set forth in Groups A and B of this Schedule IV for delivery to fill any war order; or (2) consume any reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials set forth in Group B of this Schedule IV for delivery to fill any war order; even though the consumption of crude rubber, latex, reclaimed rubber or scrap rubber might otherwise be permitted under any of the broader provisions or classifications of products under paragraphs (b) (1) (i), (b) (2) (i), (b) (3) (i) or (b) (4) (i) of Revised Supplementary Order No. M–15–b or Schedule I attached to said order.

The omission of any products or materials from this Schedule IV does not mean that crude rubber, latex, reclaimed rubber or scrap rubber may be consumed in their manufacture. Crude rubber, latex, reclaimed rubber and scrap rubber may be consumed in the manufacture of products or materials not so listed only if and to the extent permitted by Revised Supplementary Order No. M–15–b and Schedule I attached to said order.

*Group A—Products and materials for which crude rubber and latex shall not be consumed*

Accelerator treadle connections
Brush-setting compounds
Bumpers (automotive axle)
Bumper stripping
Cellular discs
Channel rubber (except airplane)
Combined fabrics (except flotation and lighter-than-air equipment or as otherwise specified by List 3 attached to Supplementary Order No. M–15–b–1, as amended)
Cowl vent hose
Cowl vent seals and gaskets
Dust and lever housing covers
Erasers (including typewriter)
Escalator handrails
Flyers' clothing bags (Type B 4)
Fly Paper
Foot boards (motorcycle)
Friction tape
Gym and basketball shoes (except cement and foxings)
Handle grips (except dielectric)
Labels
Mallet heads
Marbon B. (except wire and cable insulation)
Pliofilm, Plioform, and Pliolite (except moisture proof envelopes for parts for airplanes, tanks and guns and wire and cable insulation)
Recoil pads (except machine gun and eye buffers)
Rubber bands (except parts of combat equipment)
Rubberized curled hair or vegetable fibre
Sponge cushioning including seat bottoms, seat backs, armrests, handrests, parachute backs and seats and tank crash pads and linings and all other (except vision and gunsight slot pads, mask parts, ear cushions and cushioning for cameras, flight control and fire control instruments)
Toilet closet gaskets
Toilet seat bumpers
Water, garden and lawn hose (except as specified by List 1 attached to Supplementary Order No. M–15–b–1, as amended)
Weatherstrip (except airplane)

*Group B—Products and materials for which crude rubber, latex, reclaimed rubber and scrap rubber shall not be consumed*

Artificial leather and upholstery
Ash trays
Athletic equipment (except clothing)
Bath sprays, sponges and soap dishes
Bumper tacks
Buttons (clothing)
Canvas water bags
Cap covers
Cartridge clip boxes
Cellular pads for crash helmet cushions
Channel filler and glazing rubber (except airplane)
Chevrons
Desk and chair protection pads
Desk sets
Dishdrainers
Door checks and bumpers (reclaimed rubber and scrap rubber may be used for airplane and automotive parts)
Door knob covers
Fan bases and blades (reclaimed rubber and scrap rubber may be used for combat tank equipment)
Faucet caps
Fender protective plates
Fender welting
Flooring (except conductive)
Fly swatters
Footbath trays
Gear shift knobs
Grommets (except airplane and dielectric)
Gun grips
Hood supports and bumpers
Hospital sheeting
Inkwells and bottles
Kneeling pads
Leather finishes
Link mats (reclaimed rubber and scrap rubber may be used for airplane walkways, pilot house, bridge deck and gun platforms)
Mastic deck covering (except repair)
Mats and matting (except switchboard and conductive; reclaimed rubber and scrap rubber may be used for airplane walkways, pilot house, bridge deck and gun platforms)
Molded wheels and casters (except hospital and surgical equipment and airplane tailwheels)
Name plates
Office machine silencers
Paper padding adhesives
Paving blocks
Pedal rubbers
Picture screens
Plate wipers
Plywood adhesives
Rubber-covered lamp guards, handles, grab rails and knobs (except dielectric)

Rubber thread and rubber tape (except compounds for rubber insulating tape)
Sateen gimp
Serving trays
Sewage disposal bags and paper
Shims (automotive)
Sink pads, mats, sprays and stoppers
Stair and step treads (except conductive)
Steering wheels
Step plates
Stove top pads
Table tops (except conductive)
Tank fenders and flaps
Telephone bases
Tent fabrics
Thermostat covers
Tile and tiling (except conductive)
Toilet seats
Tractor and implement tires
Typewriter keys
Valve stems for tire tubes other than airplane tire tubes
Wainscoting
Wheelbarrow and lawnmower tires
Window squeegees (but not windshield wipers)
Wrestling mat covers
Zipper tabs

## SCHEDULE V

NOTE: Changes have been made in this Schedule.

*Index of products for which crude rubber, reclaimed rubber and scrap rubber may be consumed, and of products for which the consumption of these materials is prohibited.* (See paragraph (c) (14) of Revised Supplementary Order No. M–15–b)

This Schedule constitutes an index of the permitted and prohibited products under Schedules I, II–A, II–B, II–C, III and IV attached to Revised Supplementary Order No. M–15–b, and is attached to such order for the convenience of the industry. Appropriate cross-references are made to such other schedules. Crude rubber, latex, reclaimed rubber and scrap rubber may not be consumed to manufacture any product or material not mentioned in this Schedule V unless otherwise authorized by the Director General for Operations.

| Product | Schedule | Group | Remarks |
|---|---|---|---|
| Abrasive implements. | II–A | 19 | |
| | II–B | 16 | |
| Accelerator connections. | IV | A | |
| Accelerator pedals | III | ------- | |
| Accessories, medical, etc. | II–A | 44 | |
| Acid hose | II–A | 8 | |
| Acoustic aids | II–A | 43 | |
| Adhesives, bookbinding. | III | ------- | See bookbinding. |
| Adhesives, paper padding. | III | ------- | See paper padding. |
| | IV | B | |
| Adhesives, plywood | III | ------- | See plywood. |
| | IV | B | See plywood. |
| Adhesives, seaming bags. | II–C | 2 | |
| Adhesives, surgical appliances. | II–C | 1 | |
| Agitators | II–A | 9 | |
| | II–B | 13 | |
| Air brake hose | II–A | 29 | |
| Air brake parts | II–A | 29 | |
| Air drill hose | II–A | 8 | |
| Airbags, tire | II–A | 30 | |
| | II–A | 32 | |
| Airplane bumpers | IV | B | See door checks. |
| Airplane channel | IV | A | See channel. |
| | IV | B | |
| Airplane de-icer parts. | II–A | 20 | |
| Airplane door checks | IV | B | See door checks. |
| Airplane equipment | II–A | 62 | |
| Airplane tailwheels | IV | B | See molded wheels. |
| Airplane tires | II–A | 30 | |
| Airplane tire valve stems. | IV | B | See valve stems. |
| Airplane grommets | IV | B | See grommets. |
| Airplane walkways | IV | B | See link mats; also mats. |
| Airplane weatherstrip. | IV | A | See weatherstrip. |
| Animal boots & shoes. | III | ------- | |
| Appliances, surgical | II–C | 1 | |
| Applicators, sponge | III | ------- | See sponge applicators. |
| Aprons, cigar machine. | III | ------- | See cigar machine aprons. |
| Aprons, draper | III | ------- | See draper aprons. |
| Aprons, paper machine. | III | ------- | See paper machine aprons. |
| Aprons, X-ray | II–A | 39 | |
| Arbor pipe forming hose. | II–A | 8 | |
| Arch supports | III | ------- | |
| Arctics | II–A | 35 | |
| Arm rests | III | ------- | |
| Arm rests | IV | A | See sponge. |
| Artificial leather | III | ------- | |
| | IV | B | |
| Artificia limbs | II–A | 39 | |
| | II–C | 26 | |
| Ash trays | IV | B | |
| Athletic equipment | II–C | 3 | |
| | IV | B | |
| Athletic shoes | III | ------- | See cleats. |
| Audiometers | II–A | 43 | |
| Automotive accelerator pedals. | III | ------- | See accelerator pedals. |
| Automotive axle bumpers. | IV | A | See bumpers. |
| Automotive parts | II–A | 29 | |
| | II–C | 4 | |
| | IV | B | See door checks. |
| Automotive radiator hose. | II–C | 18 | |
| Automotive shims | IV | B | See shims. |
| Axle, bumpers | IV | A | See bumpers. |
| Bags, adhesives | II–C | 2 | |
| Bags, blood pressure | II–A | 46 | |
| | II–B | 2 | |
| Bags, canvas | IV | B | See canvas. |
| Bags, flyers' | IV | A | See flyers'. |
| Bags, gas main | II–A | 20 | |
| Bags, hat-forming | III | ------- | See hat-forming bags. |
| Bags, ice | II–A | 42 | |
| Bags, inhalation | II–A | 46 | |
| | II–B | 2 | |
| Bags, molding | II–A | 63 | |
| Bags, powder | III | ------- | See powder bags. |
| Bags, prostatic | II–A | 39 | |
| | II–B | 1 | |
| Bags, sewage disposal. | IV | B | See sewage. |
| Ball cock washers | II–A | 36 | |
| Balloons, meteorological. | II–A | 51 | |
| | II–B | 7 | |
| Bails, fuller | II–A | 36 | |
| Bails, tank | II–A | 26 | |
| Band daters | II–A | 26 | |
| | II–A | 27 | |
| Bands, artificial limbs. | II–A | 39 | |
| Bands, orthodontia | II–A | 39 | |
| Bands, rubber | III | ------- | See rubber bands. |
| | IV | A | See rubber bands. |
| Barrel lining | II–C | 7 | |
| Base, fan | III | ------- | See fan bases. |
| | IV | B | See fan bases. |
| Base plugs, electric | III | ------- | See electric base plugs. |
| Base stock | II–A | 31 | |
| | II–C | 30 | |
| Base, telephone | III | ------- | See telephone bases. |
| | IV | B | See telephone bases. |
| Basin gaskets and washers. | III | ------- | |
| Basin stoppers | III | ------- | |
| Basketball shoes | IV | A | See gym shoes. |
| Baskets, insulation | II–B | 13 | |
| Baskets, rubber | II–A | 9 | |
| Bath sprays | III | ------- | |
| | IV | B | |
| Bath trays, foot | III | ------- | See foot bath trays. |
| Bath tub stoppers | III | ------- | |
| Battery carrier straps | III | ------- | |
| Battery containers | II–C | 9 | |
| Battery drain tubes | II–C | 4 | |
| Beakers | II–A | 9 | |
| Beer tubing | III | ------- | |
| Bellows, camera | III | ------- | See camera bellows. |
| Belt buckets, elevator. | III | ------- | See elevator belt buckets. |
| Belt repair material | II–A | 3 | |
| Belt splicing material. | II–A | 3 | |
| Belting, conveyor | II–A | 4 | |
| Belting, elevator | II–A | 4 | |
| Belts, concentrator | III | ------- | See concentrator belts. |
| Belts, flat transmission. | II–A | 5 | |
| | II–B | 14 | |
| Belts, hatters' | III | ------- | See hatters' belts. |
| Belts, hog beater | II–A | 5 | |
| Belts, last puller | II–A | 3 | |
| Belts, polishing | II–A | 3 | |
| Belts, round | II–B | 14 | |
| Belts, sanitary | II–C | 26 | |
| Belts, street sweeper | III | ------- | See street sweeper belts. |
| Belts, umbilical | II–C | 26 | |
| Belts, V | II–A | 7 | |
| | II–B | 14 | |
| | II–C | 6 | |
| Belts, vacuum cleaner. | II–A | 61 | |
| Bibb washers | II–A | 36 | |
| Bicycle tires | II–C | 33 | |
| Bladders basketball, etc. | II–C | 3 | |
| Blades, fan | III | ------- | See fan bases. |
| | IV | B | See fan bases. |
| Blades, windshield wiper. | II–A | 29 | |
| Blankets, lineman's | II–A | 20 | |
| Blankets, newspaper | II–A | 28 | |
| Blankets, offset | II–A | 28 | |
| Blocks, cutting | III | ------- | See cutting blocks. |
| Blocks, paving | IV | B | See paving blocks. |
| Blood pressure bags | II–A | 46 | |
| | II–B | 2 | |
| Blowers, lining | II–A | 9 | |
| Blow-out preventors, oil well. | II–A | 18 | |
| Blow-out shoes | III | ------- | |
| Bookbinding adhesives | III | ------- | |
| Boots, air-brake | II–A | 29 | |
| Boots, animal | III | ------- | See animal boots. |
| Boots, brake | II–C | 4 | |
| Bottle caps | III | ------- | See feeding bottle. |
| Bottle carriers | III | ------- | |
| Bottle driers | III | ------- | |
| Bottles | II–A | 9 | |
| Bottles, ink | III | ------- | See ink wells. |
| | IV | B | See ink wells. |
| Bottles, thermos | III | ------- | See thermos bottle. |
| Bottles, water | II–A | 41 | |
| Box die gum | II–A | 25 | |
| Box dies | II–A | 26 | |
| | II–A | 27 | |
| Box toes (shoes) | II–C | 17 | |
| Boxes, cartridge clip. | IV | B | See cartridge. |
| Braided tubing | II–C | 18 | |
| Brain surgery caps | II–A | 39 | |
| Brake block | II–C | 5 | |
| Brake boots | II–C | 4 | |
| Brake lining | II–A | 6 | |
| | II–C | 5 | |
| Brake rod rattlers | III | ------- | |
| Breast pumps | II–A | 41 | |
| Brewery hose | III | ------- | |
| Brush bristles | III | ------- | |
| Brush setting compounds. | II–C | 8 | |
| | IV | A | |
| Buckets | II–A | 9 | |
| | II–B | 13 | |
| Bulbs, medical, etc. | II–A | 41 | |
| Bulbs, photographers'. | III | ------- | See photographers' bulbs. |
| Bumper stripping | IV | A | |
| Bumper tacks | III | ------- | |
| | IV | B | |
| Bumpers, axle | IV | A | |
| Bumpers, door | IV | B | See door checks. |
| Bumpers, hood | IV | B | See hood. |
| Bumpers, lug straps | III | ------- | See lug straps. |
| Bumpers, screw | III | ------- | |
| Bumpers, spring | II–C | 4 | |

| Product | Schedule | Group | Remarks |
|---|---|---|---|
| Bumpers, toilet seat | III | | See toilet bumpers. |
| | IV | A | See toilet bumpers. |
| Bumpers, vacuum cleaner | III | | See vacuum cleaner tires. |
| Bunion pads | III | | |
| Bus tires | II-A | 30 | |
| Bushings, coffee maker | III | | See coffee maker. |
| Bushings automotive | II-A | 19 | |
| Business machine parts | II-C | 19 | |
| Buttons | IV | B | |
| Cable bandages, lineman's | II-A | 20 | |
| Cable connectors | II-A | 15 | |
| Cable covering | II-C | 18 | |
| Cable end test caps | II-A | 20 | |
| Cable insulating compounds | II-A | 1 | |
| Cable splicing compound | II-A | 1 | |
| Camelback | II-A | 31 | |
| Camera bellows | III | | |
| Camera cushioning | IV | A | See sponge. |
| Camera focusing cloth | III | | |
| Candy molds | III | | |
| Canopies, oxygen tent | III | | See oxygen tent. |
| Canvas water bags | IV | B | |
| Cap covers | IV | B | |
| Capping stock | II-A | 31 | |
| | II-C | 30 | |
| Caps, spark plug | III | | See spark plug. |
| Caps, surgery | II-A | 39 | |
| Caps, faucet | III | | See faucet caps. |
| | IV | B | See faucet caps. |
| Caps, line tube | III | | See line tube caps. |
| Caps, vaccine | II-A | 39 | |
| Carboy pads | III | | |
| Car heater hose | II-C | 18 | |
| Card clothing | II-A | 20 | |
| Carriers, bottle | III | | See bottle carriers. |
| Cartridge clip boxes | IV | B | |
| Case, thermometer | III | | See thermometer cases. |
| Casings, bicycle tire | II-C | 33 | |
| Casket gaskets | III | | |
| Caster, molded | III | | See molded wheels. |
| | IV | B | See molded wheels. |
| Casting, molds | III | | See molds for casting. |
| Catheters | II-A | 39 | |
| | II-B | 1 | |
| Cellular discs | IV | A | |
| Cements, repair | II-A | 52 | |
| | II-C | 28 | |
| Cements, shoe | II-A | 57 | |
| | II-B | 12 | |
| Chair pads | III | | See desk. |
| | IV | B | See desk. |
| Chair parts | III | | |
| Channel filler | III | | |
| | IV | B | |
| Channel rubber | IV | A | |
| Checks, door | IV | B | See door checks |
| Chemical hose | II-A | 8 | |
| Chevrons | IV | B | |
| Christmas-tree devices | III | | |
| Chute lining | III | | |
| Cigar machine aprons | III | | |
| Cleats, athletic shoes | III | | |
| Cleats, elevator | III | | See elevator belt. |
| Clip boxes, cartridge | IV | B | See cartridge. |
| Clips, coated | III | | See coated clips. |
| Cloth, filter | III | | See filter cloth. |
| Clothing, athletic | IV | B | See athletic equipment. |
| Clothing bags | IV | A | See flyers'. |
| Clothing, sand blast | II-A | 55 | |
| Clutch facings | II-A | 6 | |
| | II-C | 5 | |
| Coated clips | III | | |
| Coatings, thermoplastic | III | | See thermoplastic coatings. |
| Coffee maker bushings | III | | |
| Colostomy outfits | II-A | 39 | |
| | II-B | 1 | |
| Combined fabrics | IV | A | |
| Component parts | II-A | 21 | |
| Compound, cable splicing | II-A | 2 | |
| Compounds, brush setting | II-C | 8 | |
| | IV | A | See brush setting compounds. |
| Compounds, fabric proofing | II-C | 32 | |
| Compounds, laboratory | II-A | 60 | |
| | II-B | 17 | |
| | II-C | 31 | |
| Compounds, insulating | II-A | 1 | |
| Compounds, sealing | II-A | 59 | |
| | II-B | 11 | |
| | II-C | 2 | |
| Compounds, seaming clothing | II-A | 14 | |
| Concentrator belts | III | | |
| Concrete fillers | III | | See contraction joints. |
| Concrete hose | II-A | 8 | |
| Conductive flooring | III | | See flooring. |
| | IV | B | See flooring. |
| Conductive mats | III | | See mats. |
| | IV | B | See mats. |
| Conductive soles, taps, heels | II-A | 56 | |
| Conductive table tops | IV | B | See table tops. |
| Conductive tile | IV | B | See tile. |
| Conductive treads | IV | B | See stair treads. |
| Connections, accelerator | IV | A | See accelerator. |
| Connections, medical, etc | II-A | 44 | |
| Containers, battery | II-C | 29 | |
| Contraction joint seals | III | | |
| Controls, hydraulic | II-A | 29 | |
| Conveyor belting | II-A | 4 | |
| Cooling hose, X-ray | II-A | 39 | |
| Cord dip, tire | II-B | 18 | |
| Cord friction | II-A | 33 | |
| | II-C | 29 | |
| Corn pads | III | | |
| Corrective appliances | II-C | 1 | |
| Coupling rings, pipe | II-A | 22 | |
| Couplings, flexible | II-A | 8 | |
| Couplings, milk equipment | II-A | 24 | |
| Covered rolls | II-A | 11 | |
| Covers, cap | IV | B | See cap covers. |
| Covers, dust and lever housing | IV | A | See dust. |
| Covers, feeding | III | | See feeding bottle caps. |
| Covers, thermostat | IV | B | See thermostat covers. |
| Covers, truss pads | II-A | 42 | |
| Covers, typewriter | III | | See typewriter. |
| Covers, wrestling mat | IV | B | See wrestling. |
| Cowl vent hose | IV | A | |
| Cowl vent seals & gaskets | IV | A | |
| Crash helmet cushions | IV | B | See cellular pads. |
| Crib sheeting | III | | |
| Crutch pads | III | | |
| Crutch tips | II-C | 11 | |
| Cuffing | III | | See gauntlets. |
| Cups, force | II-C | 27 | |
| Curb line hose | II-C | 18 | |
| Cushion stock | II-A | 31 | |
| | II-A | 33 | |
| | II-C | 29 | |
| | II-C | 30 | |
| Cushioning, camera | IV | A | See sponge. |
| Cushioning, sponge | IV | A | See sponge. |
| Cushions, artificial limbs | II-A | 39 | |
| Cushions, ear | IV | A | See sponge. |
| Cushions, metatarsal | II-A | 42 | |
| Cushions, operating | II-A | 46 | |
| Cushions, upholstery | III | | |
| Cutting blocks | III | | |
| Cutting rubbers | II-A | 28 | |
| Dam, dental | II-A | 46 | |
| | II-B | 5 | |
| Dam gates | II-A | 20 | |
| Dampers, vibration | II-A | 29 | |
| | II-A | 65 | |
| Daters band | II-A | 26 | |
| | II-A | 27 | |
| Deck covering | IV | B | See mastic. |
| Defroster parts & hose | III | | |
| De-icer parts, airplane | II-A | 20 | |
| Dental bulbs | II-A | 41 | |
| Dental dam | II-A | 46 | |
| | II-B | 5 | |
| Dental instrument parts | II-A | 39 | |
| Dental mouth props | II-A | 46 | |
| Dental separating strips | II-A | 46 | |
| Dental supplies | II-A | 39 | |
| Dental tubes and tubing | II-A | 39 | |
| | II-B | 1 | |
| Denture rubber | II-A | 46 | |
| Denture suctions | II-A | 39 | |
| Desk pads | III | | |
| | IV | B | |
| Desk sets | IV | B | |
| Development tanks | III | | See hard rubber trays. |
| Diaphragms, regulating | II-A | 36 | |
| Dielectric grommets | III | | See grommets. |
| | IV | B | See grommets. |
| Dielectric handle grips | III | | See handle. |
| | IV | A | |
| Dielectric lamp guards | IV | B | See rubber covered. |
| Dies, box | II-A | 26 | |
| | II-A | 27 | |
| Dilators | II-A | 39 | |
| Dippers | II-A | 9 | |
| | II-B | 13 | |
| Discs, cellular | IV | A | See cellular discs. |
| Dish drainers | III | | |
| | IV | B | |
| Dispensers, glue | III | | See glue dispensers. |
| Divers' hose | II-A | 8 | |
| Diving equipment | II-A | 53 | |
| Door checks | IV | B | |
| Door knob covers | IV | B | |
| Drain hose | III | | See washing machine. |
| Drain pipe lining | III | | |
| Drain stoppers | III | | See sink sprays. |
| Draper aprons | III | | |
| Dredging sleeves | II-A | 8 | |
| Driers, bottle | III | | See bottle driers. |
| Drill pipe protectors | II-A | 18 | |
| Droppers, medicine | II-A | 41 | |
| Drums, insulation | II-B | 13 | |
| Drums, lined | II-A | 10 | |
| Dust housing covers | IV | A | |
| Ear cushions | IV | A | See sponge. |
| Earthmover tires | II-A | 30 | |
| Edging, elastic | II-C | 26 | |
| Elastic fabrics | II-C | 26 | |
| Elbows, flush | II-C | 27 | |
| Electric appliance parts | II-C | 20 | |
| Electric base plugs | III | | |
| Elevator belting | II-A | 4 | |
| Elevator buckets and cleats | III | | |
| Engine mountings | II-A | 29 | |
| Engravers' rubber | II-A | 26 | |
| Envelopes | IV | A | See pliofilm. |
| Equipment, airplane | II-A | 62 | |
| Equipment hospital | IV | B | See molded wheels. |
| Erasers | II-C | 12 | |
| | IV | A | |
| Escalator handrails | IV | A | |
| Exercise machine parts | III | | |
| Exhausters, lining | II-A | 9 | |
| Expansion joint hose | II-A | 8 | |
| Extension lamp handles | III | | |
| Eye buffer | IV | A | See recoil pads. |
| Fabric, tire repair | II-A | 33 | |
| | II-C | 29 | |
| Fabrics, combined | IV | A | See combined fabrics. |
| Fabrics, elastic | II-C | 26 | |
| Fabrics, proofing compounds | II-C | 32 | |
| Fabrics, tent | IV | B | See tent. |
| Face pieces, inhalation | II-A | 46 | |
| | II-B | 2 | |
| Fan bases & blades | III | | |
| | IV | B | |
| Fans, insulation | II-A | 9 | |
| | II-B | 13 | |
| Faucet caps | III | | |
| | IV | B | |
| Faucet filters | III | | |
| Feeding bottle caps | III | | |
| Feeding nipples | II-A | 48 | |
| | II-B | 8 | |
| Fender protective plates | IV | B | |
| Fender welting | IV | B | |
| Fenders, tank | IV | B | See tank fenders. |
| Ferrules | III | | |
| Fibre pads | II-C | 1 | |

| Product | Schedule | Group | Remarks |
|---|---|---|---|
| Fibre, rubberized | III | | See rubberized hair. |
| | IV | A | See rubberized hair. |
| Filler, channel | III | | See channel filler. |
| | IV | B | See channel filler. |
| Filler, concrete | III | | See contraction joint. |
| Filler strip | II-A | 31 | |
| | II-C | 30 | |
| Filter cloth | III | | |
| Filters, faucet | III | | See faucet filters |
| Finger cots, industrial | II-A | 37 | |
| | II-B | 6 | |
| Finger cots, medical, etc. | II-A | 34 | |
| | II-B | 1 | |
| Finger pads | III | | |
| Finger print rolls | II-A | 28 | |
| Finger print rubber | II-A | 28 | |
| Finishes, leather | III | | See leather finishes. |
| | IV | B | See leather finishes. |
| Fire control cushioning | IV | A | See sponge. |
| Fire extinguisher tubing | II-C | 18 | |
| Fire hose | II-A | 23 | |
| Fittings, hard rubber | II-A | 9 | |
| Fittings, insulation | II-B | 13 | |
| Fittings, lined | II-A | 10 | |
| Flanged flexible hose | II-A | 8 | |
| Flaps, bicycle tire | II-C | 33 | |
| Flaps, tank | IV | B | See tank fenders. |
| Flaps, tire | II-A | 20 | |
| Flat transmission belts | II-A | 5 | |
| | II-B | 14 | |
| Flexible couplings | II-A | 8 | |
| Flight control cushioning | IV | A | See sponge. |
| Float valve shank washers | II-C | 27 | |
| Floats, tank | III | | See tank floats. |
| Flooring | III | | |
| | IV | B | |
| Flush elbows | II-C | 27 | |
| Flush valve washers | II-C | 27 | |
| Fly paper | III | | |
| | IV | A | |
| Fly swatters | IV | B | |
| Flyers' clothing bags | IV | A | |
| Focusing cloth, camera | III | | See camera focusing. |
| Foot boards (motorcycle) | IV | A | |
| Footbath trays | III | | |
| | IV | B | |
| Footpads, medicated | II-A | 40 | |
| Footwear | II-A | 34 | |
| | II-A | 35 | |
| Force cups | II-C | 27 | |
| Fountain pen stock | III | | |
| Fountain syringe tubing | II-A | 45 | |
| Frames | II-A | 9 | |
| | II-B | 13 | |
| Freezing trays, refrigerator | III | | See refrigerator. |
| Friction, cord and fabric | II-A | 33 | |
| | II-C | 29 | |
| Friction tape | II-C | 13 | |
| | IV | A | |
| Full circle airbags | II-A | 32 | |
| Fuller balls | II-A | 36 | |
| Fume duct, insulation | II-A | 9 | |
| | II-B | 13 | |
| Funnels | II-A | 9 | |
| | II-B | 13 | |
| Furniture parts | III | | See chair. |
| Gaiters | II-A | 35 | |
| Garage air hose | II-C | 18 | |
| Gas main bags | II-A | 20 | |
| Gas masks | II-A | 16 | |
| | II-C | 26 | |
| Gaskets | II-C | 27 | |
| | III | | |
| Gaskets, basin | III | | See basin gaskets. |
| Gaskets, casket | III | | See casket gaskets. |
| Gaskets, coffee maker | III | | See coffee makers. |
| Gaskets, cowl | IV | A | See cowl vent. |
| Gaskets, hose | II-A | 20 | |
| Gaskets, lavatory | III | | See sink gaskets. |
| Gaskets, milk equipment | II-A | 24 | |
| Gaskets, sealed beam | II-A | 29 | |
| Gaskets, sealing | II-C | 2 | |
| Gaskets, sink | III | | See sink gaskets. |
| Gaskets, toilet | III | | See toilet closet. |
| | IV | A | See toilet closet. |
| Gaskets, windshield wiper | II-A | 29 | |
| Gasoline hose | II-A | 8 | |
| Gasoline pump hose | III | | |
| Gasoline tubing | III | | |
| Gauntlets | III | | |
| Gear shift knobs | IV | B | |
| Gear silencers | III | | |
| Gimp, sateen | IV | B | See sateen gimp. |
| Glazing rubber | IV | B | See channel filler. |
| Gloves, autopsy | II-A | 37 | |
| | II-B | 6 | |
| Gloves, electricians' | II-A | 38 | |
| | II-B | 4 | |
| Gloves, household | III | | See household gloves. |
| Gloves, industrial | II-A | 37 | |
| | II-B | 3 | |
| | II-B | 6 | |
| Gloves, mortuary | II-A | 37 | |
| | II-B | 6 | |
| Gloves, net-lined | II-A | 37 | |
| Gloves, surgeons' | II-A | 50 | |
| | II-B | 10 | |
| Gloves, X-ray | II-A | 39 | |
| Glue dispensers | III | | |
| Goggles | II-A | 16 | |
| | II-C | 26 | |
| Grab rails | IV | B | See rubber covered lamp. |
| Graining tools, painters' | III | | See painters'. |
| Graphite guns | III | | |
| Grease gun hose | II-A | 8 | |
| Grease tubing | II-C | 18 | |
| Grips, gun | IV | B | See gun. |
| Grips, handle | III | | See handle. |
| | IV | A | See handle. |
| Grips, knife | III | | See knife handles. |
| Grommets | III | | |
| | IV | B | |
| Guard, wire | III | | See trolley wire guards. |
| Guards, paint brush | III | | See paint brush guards. |
| Gum, box die | II-A | 25 | |
| Gum, rubber die | II-A | 25 | |
| Gum, rubber type | II-A | 25 | |
| Gum, stamp | II-C | 23 | |
| Gum, tube repair | II-A | 33 | |
| | II-C | 29 | |
| Gun grips | IV | B | |
| Gun platforms | IV | B | See link mats, also mats & matting. |
| Guns, graphite | III | | See graphite guns. |
| Gunsight slot pads | IV | A | See sponge |
| Gym shoes | IV | A | |
| Hair rubberized | III | | See rubberized |
| | IV | A | See rubberized |
| Handballs | II-C | 3 | |
| Handle grips | III | | |
| | IV | A | |
| Handles, extension lamp | III | | See extension lamp. |
| Handles, knife | III | | See knife handles. |
| Handles, rubber covered | IV | B | See rubber covered. |
| Hand rests | IV | A | See sponge. |
| Handrails, escalators | IV | A | See escalator. |
| Hard rubber, dielectric | II-A | 15 | |
| Hard rubber, industrial | II-A | 9 | |
| Hard rubber medical, etc. | II-A | 44 | |
| Hard rubber photographic trays | III | | |
| Hard rubber spatulas | III | | |
| Harness strapping, loom | III | | See loom harness. |
| Hat-forming bags | III | | |
| Hatters' belts | III | | |
| Headharness | II-A | 16 | |
| Heads, mallet | II-C | 34 | |
| | IV | A | See mallet. |
| Hearing instruments | II-A | 43 | |
| Heel bases | II-C | 14 | |
| Heels | II-C | 14 | |
| Heels, conductive | II-A | 56 | |
| Helmet cushions, crash | IV | B | See cellular pads. |
| Helmets, sand blast | II-A | 55 | |
| Hog beater belts | II-A | 5 | |
| Holders, test tube | III | | See test tube. |
| Holdups, lug straps | III | | See lug straps. |
| Hood supports | IV | B | |
| Horse shoes | III | | |
| Horseshoe pads | II-C | 21 | |
| Horticultural tape | III | | |
| Hose, acid | II-A | 8 | |
| Hose, air brake | II-A | 29 | |
| Hose, air drill | II-A | 8 | |
| Hose, arbor pipe forming | II-A | 8 | |
| Hose, automotive radiator | II-C | 18 | |
| Hose, blower | II-A | 8 | |
| Hose, brewery | III | | See brewery |
| Hose, car heater | II-C | 18 | |
| Hose, cement | II-A | 8 | |
| Hose, chemical | II-A | 8 | |
| Hose, cowl vent | IV | A | See cowl vent. |
| Hose, curb pump | II-A | 8 | |
| Hose, curb line | II-C | 18 | |
| Hose defroster | III | | See defroster parts. |
| Hose, divers | II-A | 8 | |
| Hose, dry material | II-A | 8 | |
| Hose, dust collector | II-A | 8 | |
| Hose, exhaust | II-A | 8 | |
| Hose, expansion joint | II-A | 8 | |
| Hose, fire | II-A | 23 | |
| Hose, flanged | II-A | 8 | |
| Hose, garage air | II-C | 18 | |
| Hose, gaskets | II-A | 20 | |
| Hose, gasoline | II-A | 8 | |
| Hose, gasoline pump | III | | See gasoline. |
| Hose, grease | II-C | 18 | |
| Hose, grease gun | II-A | 8 | |
| Hose, hydraulic brake | II-A | 29 | |
| Hose, hydraulic control | II-A | 8 | |
| Hose, jetting | II-A | 8 | |
| Hose, lawn | IV | A | See water hose. |
| Hose, lineman's | II-A | 20 | |
| Hose masks | II-A | 16 | |
| | II-C | 26 | |
| Hose, milk conveying | II-A | 8 | |
| Hose, mill | II-A | 23 | |
| Hose, nozzles | III | | |
| Hose, oil | II-A | 8 | |
| Hose, paint | II-A | 8 | |
| Hose, phosphate | II-A | 8 | |
| Hose, pinch valve | II-A | 8 | |
| Hose, pneumatic | II-A | 8 | |
| Hose, railroad | II-A | 8 | |
| Hose, rock wool insulation | II-C | 18 | |
| Hose, rotary drillers' | II-A | 8 | |
| Hose, sand blast | II-A | 8 | |
| Hose, sanitary | II-A | 8 | |
| Hose, service station | III | | See Service station. |
| Hose, spray | II-A | 8 | |
| | II-C | 18 | |
| Hose, steam | II-A | 8 | |
| Hose, stirrup pump | III | | See stirrup pump. |
| Hose, suction | II-A | 8 | |
| Hose, swimming pool | III | | See swimming pool |
| Hose, tank wagon | II-A | 8 | |
| Hose, vacuum | II-A | 8 | |
| Hose, vacuum brake | II-A | 29 | |
| Hose, vacuum cleaner | II-C | 18 | |
| Hose, washers | II-A | 20 | |
| Hose, washing machine | III | | See washing machine |
| Hose, water | II-C | 18 | |
| | IV | A | See water hose. |
| Hose, welding | II-A | 8 | |
| Hose, whiskey | III | | See whiskey. |
| Hose, X-ray | II-A | 39 | |
| Hospital sheeting | II-A | 47 | |
| | IV | B | |
| Hospital equipment wheels and casters | IV | B | See molded wheels |
| Household gloves | III | | |
| Hydraulic brake hose | II-A | 29 | |
| Hydraulic brake parts | II-A | 29 | |
| Hydraulic clutch controls | II-A | 29 | |
| Hydraulic control hose | II-A | 8 | |
| Hydraulic throttle control | II-A | 29 | |

| Product | Schedule | Group | Remarks |
|---|---|---|---|
| Hydrometer parts | III | | |
| Ice bags | II-A | 42 | |
| Ice cube trays | III | | |
| Implement tires | IV | B | See tractor. |
| Implements, abrasive. | II-A | 19 | |
| | II-B | 16 | |
| Inflations, milking machine. | II-A | 24 | |
| Inhalation bags | II-A | 46 | |
| | II-B | 2 | |
| Inhalation facepieces. | II-A | 46 | |
| | II-B | 2 | |
| Inhalators | II-A | 16 | |
| | II-C | 26 | |
| Injections (biological) specimen. | III | | See specimen. |
| Inkwells | III | | |
| | IV | B | |
| Insoles (shoe) | II-C | 17 | |
| Instep supports | III | | |
| Instruments, cushioning. | IV | A | See sponge. |
| Instruments, musical. | III | | See musical. |
| Insulator hoods | II-A | 20 | |
| Insulators, post | III | | See post insulators. |
| Invalid rings | II-A | 46 | |
| Jetting hose | II-A | 8 | |
| Joint seals | III | | See contraction joint. |
| Joint washers, slip | III | | See slip joint. |
| Keys, typewriter | III | | See typewriter keys. |
| | IV | B | See typewriter keys. |
| Kneeling pads | III | | |
| | IV | B | |
| Knife handles | III | | |
| Knobs, gear shift | IV | B | See gear shift knobs. |
| Knobs, rubber covered. | IV | B | See rubber covered. |
| Labels | III | | |
| | IV | A | |
| Laboratory bulbs | II-A | 41 | |
| Laboratory compounds. | II-A | 60 | |
| | II-B | 17 | |
| | II-C | 31 | |
| Laboratory tubes and tubing. | II-A | 39 | |
| | II-B | 1 | |
| Lagging, pulley | III | | See pulley agging. |
| Lamp guards | IV | B | See rubber covered. |
| Lamp handles | III | | See extension lamp. |
| Lamp shades | III | | |
| Last puller belts | II-A | 3 | |
| Lavatory gaskets | III | | See sink gaskets. |
| Lawn hose | IV | A | See water hose. |
| Lawnmower tires | III | | |
| | IV | B | See wheelbarrow. |
| Leather, artificial | III | | See artificia leather. |
| | IV | B | See artificial leather. |
| Leather finishes | III | | |
| | IV | B | |
| Lever, housing | IV | A | See dust. |
| Life saving suits | II-A | 58 | |
| Light sockets | III | | See electric base. |
| Line hose | II-A | 20 | |
| Line tube caps | III | | |
| Lineman's equipment. | II-A | 20 | |
| Liners, oil well | II-A | 18 | |
| Lining, brake | II-A | 6 | |
| | II-C | 5 | |
| Lining, barrel | II-C | 7 | |
| Lining, blowers, exhausters and pumps. | II-A | 9 | |
| Lining bumper rubbers, oil well. | II-A | 18 | |
| Lining, chute | III | | See chute lining. |
| Lining, drain pipe | III | | See drain pipe. |
| Lining, industrial brake. | II-A | 6 | |
| Link mats | III | | |
| | IV | B | |
| Lock gates, seals | II-A | 20 | |
| Loom harness | III | | |
| Loom pickers | II-A | 13 | |
| Low platform tires | II-A | 30 | |
| Lug stock | II-A | 31 | |
| | II-C | 30 | |
| Lug straps | III | | |
| Machine gun pads | IV | A | See recoil pads. |
| Machine parts, exercise. | III | | See exercise machine. |
| Mack gaskets | III | | See sink gaskets. |
| Magneto parts | II-A | 15 | |
| Mallet heads | IV | A | |
| Mallets | II-C | 34 | |
| Marbon B | III | | |
| | IV | A | |
| Marking devices | II-A | 25 | |
| Mask parts | IV | A | See sponge. |
| Masks, gas | II-A | 16 | |
| | II-C | 26 | |
| Masks, hose | II-A | 16 | |
| | II-C | 26 | |
| Mastic deck covering. | IV | B | |
| Mat covers, wrestling. | IV | B | See wrestlings. |
| Mats and matting | III | | |
| | IV | B | |
| Mats, ink | III | | See link mats. |
| | IV | B | See link mats. |
| Mattresses | III | | See cushions. |
| Measures | II-A | 9 | |
| | II-B | 13 | |
| Mechanical packings | II-A | 17 | |
| Medical bulbs | II-A | 41 | |
| Medical instrument parts. | II-A | 39 | |
| Medical tubes and tubing. | II-A | 39 | |
| | II-B | 1 | |
| Medicine droppers | II-A | 41 | |
| Metatarsal cushions | II-A | 42 | |
| Metatarsal pads | II-A | 42 | |
| Meterological balloons. | II-A | 51 | |
| | II-B | 7 | |
| Midsoles (shoes) | II-C | 17 | |
| Milk conveying hose | II-A | 8 | |
| Milk equipment | II-A | 24 | |
| Milk hose | II-A | 23 | |
| Mine battery parts | II-A | 16 | |
| Mine lamp parts | II-A | 16 | |
| Mine pacs | II-A | 34 | |
| Mine ventilating tubing. | II-A | 20 | |
| | II-B | 15 | |
| Mining headharness | II-A | 16 | |
| Mixtures (laboratory testing). | II-A | 60 | |
| | II-B | 17 | |
| | II-C | 31 | |
| | II-A | 63 | |
| Molding bags | III | | See candy molds. |
| Molds, candy | III | | |
| Molds, casting | II-A | 41 | |
| Mortuary bulbs | II-A | 39 | |
| Mortuary instrument parts. | II-A | 39 | |
| Mortuary tubes and tubing. | II-B | 1 | |
| Motorcycle tires | II-A | 30 | |
| Motorcycle foot boards. | IV | A | See footboards. |
| Mountings, automotive. | II-A | 29 | |
| Mud pump parts, oil well. | II-A | 18 | |
| Musical instruments | III | | |
| Name plates | IV | B | |
| Newspaper blankets | II-A | 28 | |
| Nipples, feeding | II-A | 48 | |
| | II-B | 8 | |
| Nozzles, hose | III | | See hose nozzles. |
| Office machine silencers. | IV | B | |
| Office machinery silencers. | III | | See typewriter. |
| Offset blankets | II-A | 28 | |
| Oil hose | II-A | 8 | |
| Oil well parts | II-A | 18 | |
| Operating cushions | II-A | 46 | |
| Orthodontia bands | II-A | 39 | |
| Outsoles (shoes) | II-C | 15 | |
| Outsoling strips (shoes). | II-C | 15 | |
| Outlet gaskets, closet. | III | | See toilet outlet gaskets. |
| Oxygen tent canopies. | III | | |
| Oxygen tents | II-A | 46 | |
| | II-B | 2 | |
| Pacifiers | III | | |
| Packers, oil well | II-A | 18 | |
| Packing, mechanical | II-A | 17 | |
| Packing, sheet | II-A | 17 | |
| Packing, strip | II-A | 17 | |
| Pads | III | | See gaskets, pads, etc. |
| Pad,, bunion | III | | See bunion pads. |
| Pads, carboy | III | | See carboy pads. |
| Pads, chair | III | | See desk. |
| | IV | B | See desk. |
| Pads, corn | III | | See corn pads. |
| Pads, crash helmet | IV | B | See cellular. |
| Pads, crutch | III | | See crutch pads. |
| Pads, desk | III | | See desk. |
| | IV | B | See desk. |
| Pads, finger | III | | See finger pads. |
| Pads, horseshoe | II-C | 21 | |
| Pads, kneeling | III | | See kneeling pads. |
| | IV | B | See kneeling pads. |
| Pads, metatarsal | II-A | 42 | |
| Pads, press die | II-A | 12 | |
| Pads, recoil | III | | See recoil pads. |
| | IV | A | See recoil pads. |
| Pads, sink | IV | B | See sink. |
| Pads, stove top | IV | B | See stove top pads. |
| Pads, surgical | II-C | 1 | |
| Pads, truss | II-A | 42 | |
| | II-C | 25 | |
| Pails | II-A | 9 | |
| Paint brush guards | III | | |
| Paint spray hose | II-A | 8 | |
| Painters' graining tools. | III | | |
| Panelboard | III | | |
| Paper, fly | III | | See fly paper. |
| | IV | A | See fly paper. |
| Paper machine aprons. | III | | |
| Paper making equipment. | II-A | 3 | |
| Paper padding adhesives. | III | | |
| | IV | B | |
| Paper, sewage disposal. | IV | B | See sewage. |
| Parachute backs and seats. | IV | A | See sponge. |
| Passenger car tires | II-A | 30 | |
| Pasteurizer couplings. | II-A | 24 | |
| Patches, repair | II-A | 33 | |
| | II-C | 29 | |
| Paving blocks | IV | B | |
| Pedal rubbers | III | | |
| | IV | B | |
| Pedals, accelerator | III | | See accelerator. |
| Pen stock, fountain | III | | See fountain pen. |
| Pencil plugs | II-C | 12 | |
| Pessaries | II-A | 49 | |
| | II-B | 9 | |
| Phosphate hose | II-A | 8 | |
| Photo wringers | III | | |
| Photographers' bulbs & tubes. | III | | |
| Photographic trays | III | | See hard rubber. |
| Pickers, loom | II-A | 13 | |
| Picture screens | IV | B | |
| Pinch valve hose | II-A | 8 | |
| Pipe coupling rings | II-A | 22 | |
| Pipe, hard rubber | II-A | 9 | |
| | II-A | 44 | |
| Pipe, insulation | II-A | 9 | |
| | II-B | 13 | |
| Pipe, lined | II-A | 10 | |
| Pipe lining, drain | III | | See drain pipe. |
| Pitman arm bushings. | II-A | 29 | |
| Plasters, label | III | | See labels. |
| Plasters, medicated | II-A | 40 | |
| Plate wipers | IV | B | |
| Platens, typewriter | III | | See typewriter. |
| Plates, fender | IV | B | See fender. |
| Plates, name | IV | B | See name plates. |
| Plates, printing | II-A | 27 | |
| Plates, step | IV | B | See step. |
| Pliofilm | III | | |
| | IV | A | |
| Plioform | III | | |
| | IV | A | |
| Pliolite | III | | |
| | IV | A | |
| Plug connectors | III | | See electric base plugs. |
| Plywood adhesives | III | | |
| | IV | B | |
| Pneumatic hose | II-A | 8 | |
| Pneumatic truss pads. | II-A | 42 | |
| Policemen, rubber | II-A | 39 | |
| Polishing belts | II-A | 3 | |
| Post insulators | III | | |
| Powder bags (mining). | III | | |
| Press die pads | II-A | 12 | |
| Pressure sensitive tape | II-C | 22 | |
| Printers' equipment | II-A | 28 | |
| Printers' rollers | II-A | 28 | |
| Printing plates | II-A | 27 | |

| Product | Schedule | Group | Remarks |
|---|---|---|---|
| Propeller bearing mountings. | II-A | 29 | |
| Prophylactics | II-A | 49 | |
| | II-B | 9 | |
| Prostatic bags | II-A | 39 | |
| | II-B | 1 | |
| Prosthetic devices | II-B | 1 | |
| Protective clothing seaming. | II-A | 54 | |
| Protective plates | IV | B | See fender. |
| Protectors, telephone. | III | ------- | See telephone protectors. |
| Protectors, telephone cord. | III | ------- | See telephone cord. |
| Pulley lagging | III | ------- | |
| Pump hose, gasoline | III | ------- | See gasoline curb. |
| Pump pistons oil well. | II-A | 18 | |
| Pumps, breast | II-A | 41 | |
| Pumps, insulation | II-B | 13 | |
| Pumps, lining | II-A | 9 | |
| Pumps, rubber | II-A | 9 | |
| Pumps, tubing | II-C | 18 | |
| Racks | II-A | 9 | |
| | II-B | 13 | |
| Railroad hose | II-A | 8 | |
| Rattlers, brake rod | III | ------- | See brake rod. |
| Recapping materials | II-A | 31 | |
| | II-C | 30 | |
| Recoil pads | III | ------- | |
| | IV | A | |
| Refrigerator parts | II-C | 20 | |
| Refrigerator trays | III | ------- | |
| Reliners, tires | III | ------- | See tire reliners. |
| Repair deck covering. | IV | B | See mastic deck. |
| Repair materials, tire and tube. | II-A | 33 | |
| | II-C | 29 | |
| | III | ------- | See tire & tube. |
| Respirators | II-A | 16 | |
| | II-C | 26 | |
| Rests, arm | III | ------- | See arm rests. |
| Retreading materials. | II-A | 31 | |
| | II-C | 30 | |
| Rings, invalid | II-A | 46 | |
| Rings, pipe coupling. | II-A | 22 | |
| Rings, sealing containers. | II-A | 19 | |
| Rings, street car wheel. | II-A | 64 | |
| Road builder tires | II-A | 30 | |
| Road grader tires | II-A | 30 | |
| Rock service tires | II-A | 30 | |
| Rock wool insulation hose | II-C | 18 | |
| | III | ------- | |
| Rods, stirring | III | ------- | See stirring rods. |
| Roll coverings | II-A | 11 | |
| Rollers, insulation | II-B | 13 | |
| Rollers, printers' | II-A | 28 | |
| Rolls, finger print | II-A | 28 | |
| Rotary drillers' hose | II-A | 8 | |
| Rubber bands | III | ------- | |
| | IV | A | |
| Rubber, denture | II-A | 46 | |
| Rubber die gum | II-A | 25 | |
| Rubber, engravers' | II-A | 26 | |
| Rubber, finger print | II-A | 28 | |
| Rubber footwear | II-A | 34 | |
| | II-A | 35 | |
| Rubber, glazing | IV | B | See channel filler. |
| Rubber policemen | II-A | 39 | |
| Rubber solution for wet plate negatives. | II-A | 28 | |
| Rubber stamps | II-A | 26 | |
| | II-A | 27 | |
| Rubber thread and rubber tape | III | ------- | |
| | IV | B | |
| Rubber type gum | II-A | 25 | |
| Rubberized hair and fibre | III | ------- | |
| | IV | A | |
| Rubbers, cutting | II-A | 28 | |
| Rubbers, footwear | II-A | 35 | |
| Rubbers, milk bottle filler. | II-A | 24 | |
| Sand blast clothing | II-A | 55 | |
| Sand blast hose | II-A | 8 | |
| Sand blast stencils | III | ------- | |
| Sanitary belts | II-C | 26 | |
| Sanitary hose | II-A | 8 | |
| Sateen gimp | IV | B | |
| Screen diaphragms | II-A | 3 | |
| Screens, insulation | II-A | 9 | |
| | II-B | 13 | |
| Screens, picture | IV | B | See picture. |
| Screw bumpers | III | ------- | |
| Sealed beam gaskets | II-A | 29 | |
| Sealing compounds | II-A | 59 | |
| | II-B | 11 | |
| | II-C | 2 | |

| Product | Schedule | Group | Remarks |
|---|---|---|---|
| Seals, contraction joint. | III | ------- | See contraction joint. |
| Seals, cow vent | IV | A | See cow vent seals. |
| Seat bottoms and backs. | IV | A | See sponge. |
| Seats, toilet | IV | B | See toilet seats. |
| Sectional airbags | II-A | 32 | |
| Self-adhering signs | III | ------- | |
| Separators, lineman's. | II-A | 20 | |
| Service station signal hose. | III | ------- | |
| Serving trays | IV | B | |
| Sets, desk | IV | B | See desk sets. |
| Sewage disposal bags | IV | B | |
| Shades, lamp | III | ------- | See lamp shades. |
| Shaft covering | II-C | 18 | |
| Shapes, automotive wiring. | II-C | 4 | |
| Sheet packings | II-A | 17 | |
| Sheeting, crib | III | ------- | See crib sheeting. |
| Sheeting, hospital | II-A | 47 | |
| | IV | B | See hospital sheeting. |
| Sheets, X-ray | II-A | 39 | |
| Shims | III | ------- | See gaskets, pads, etc. |
| Shims, automotive | IV | B | |
| Shock absorber bushings. | II-A | 29 | |
| Shock absorbers, V-belts. | III | ------- | See V-belt. |
| Shoe bottom fillers | II-C | 16 | |
| Shoe cements | II-A | 57 | |
| | II-B | 12 | |
| Shoe tapes | II-C | 16 | |
| Shoes, animal | III | ------- | See animal boots. |
| Shoes, blowout | III | ------- | See blowout shoes. |
| Shoes, elastic fabrics. | II-C | 26 | |
| Shoes, gym | IV | A | See gym. |
| Signal hose, service station. | III | ------- | See service station. |
| Signs, self-adhering | III | ------- | See self-adhering signs. |
| Silencers, gear | III | ------- | See gear silencers. |
| Silencers, office machine. | IV | B | See office machine. |
| Silencers, typewriter. | III | ------- | See typewriter. |
| Sink gaskets | III | ------- | |
| Sink pads, mats, sprays & stoppers. | IV | B | |
| Sink sprays and drain stoppers. | III | ------- | |
| Siphon washers | II-C | 27 | |
| Sleeves, dredging | II-A | 8 | |
| Sleeves, lineman's | II-A | 20 | |
| Sleeves, veterinary | II-B | 2 | |
| Slip joint washers | III | ------- | |
| Slush pump, oil well. | II-A | 18 | |
| Soap dishes | IV | B | See bath sprays. |
| Soles, shoes | II-C | 15 | |
| Soles, conductive | II-A | 56 | |
| Soles, stick-on | III | ------- | See stick-on soles. |
| Soling strips, shoes | II-C | 15 | |
| Spark plug caps | III | ------- | |
| Spatulas | III | ------- | See hard rubber. |
| Special purpose tires. | II-A | 30 | |
| Specimen (biological) injections. | III | ------- | |
| Splicing compound, cable | II-A | 2 | |
| Sponge applicators | III | ---- | |
| Sponge cushioning | IV | A | |
| Sponge cushions | II-A | 46 | |
| Sponge rings, invalid | II-A | 46 | |
| Sponge, stamp gum cushion. | II-C | 24 | |
| Sponges | IV | B | See bath sprays. |
| Sports shoes | III | ------- | See cleats. |
| Spray hose | II-A | 8 | |
| | II-C | 18 | |
| Sprays, bath | III | ------- | See bath sprays. |
| | IV | B | See bath sprays. |
| Sprays, sink | III | ------- | See sink sprays. |
| | IV | B | See sink sprays. |
| Spring bumpers | II-C | 4 | |
| Springs, street car | III | ------- | See street car. |
| Spud washers | II-C | 27 | |
| Squash balls | II-C | 3 | |
| Squeegees, window | IV | B | See window. |
| Stabilizers, oil well. | II-A | 18 | |
| Stair treads | III | ------- | |
| | IV | B | |
| Stamp gum | II-C | 23 | |
| Stamp sponge | II-C | 24 | |
| Stamps, rubber | II-A | 27 | |
| Stamps, toy | II-A | 26 | |
| | II-A | 27 | |
| Steam hose | II-A | 8 | |
| Steel wool pads | II-C | 1 | |

| Product | Schedule | Group | Remarks |
|---|---|---|---|
| Steering box pads | II-A | 29 | |
| Steering post bushings. | II-A | 29 | |
| Steering wheels | IV | B | |
| Stems, valve | IV | B | See valve stems. |
| Stencils, sand blast | III | ------- | See sand blasting. |
| Step plates | IV | B | |
| Stick-on soles and taps. | III | ------- | |
| Stipplers | III | ------- | |
| Stirring rods | III | ------- | |
| Stirrup pump hose | III | ------- | |
| Stock fountain pen | III | ------- | See fountain pen stock. |
| Stools, lineman's | II-A | 20 | |
| Stoppers, basin | III | ------- | See basin stoppers. |
| Stoppers, bath tub | III | ------- | See bath tub. |
| Stoppers, drain | III | ------- | See sink sprays. |
| Stoppers, sink | IV | B | See sink. |
| Stopples, medical, etc. | II-A | 39 | |
| Storage battery parts. | II-A | 14 | |
| | II-C | 10 | |
| Stove top pads | IV | B | |
| Strapping, loom harness. | III | ------- | See loom harness. |
| Straps, battery carrier. | III | ------- | See battery carrier. |
| Straps, lug | III | ------- | See lug straps. |
| Straps, toggle | III | ------- | See toggle straps. |
| Streetcar springs | III | ------- | |
| Streetcar wheel rings. | II-A | 64 | |
| Street sweeper belts. | III | ------- | |
| Strip packings | II-A | 17 | |
| Strippers, oil well | II-A | 18 | |
| Stripping, bumper | IV | A | See bumper. |
| Stripping stock | II-A | 31 | |
| | II-C | 30 | |
| Stuffing box, oil well. | II-A | 18 | |
| Suction cups, printers'. | II-A | 28 | |
| Suction hose | II-A | 8 | |
| Suctions, denture | II-A | 39 | |
| Suits, life-saving | II-A | 58 | |
| Supports, arch | III | ------- | See arch supports. |
| Supports, hood | IV | B | See hood. |
| Supports instep | III | ------- | See instep supports. |
| Supports, surgical | II-C | 26 | |
| Surgeons' gloves | II-A | 50 | |
| | II-B | 10 | |
| Surgical appliances | II-C | 1 | |
| Surgical bandage and supports. | II-C | 26 | |
| Surgical bulbs | II-A | 41 | |
| Surgical equipment. | IV | B | See molded wheels. |
| Surgical instrument parts. | II-A | 39 | |
| Surgical tape | II-A | 40 | |
| Surgical tubes and tubing. | II-A | 39 | |
| | II-B | 1 | |
| Swab rubbers, oil well. | II-A | 18 | |
| Swimming pool hose | III | ------- | |
| Switchboard mats | IV | B | See mats. |
| Syringe tubing | II-A | 45 | |
| Syringes, combination. | II-A | 41 | |
| Table tops | III | ------- | |
| | IV | B | |
| Tabs, zipper | IV | B | See zipper tabs. |
| Tacks, bumper | III | ------- | See bumper tacks. |
| | IV | B | See bumper tacks |
| Tail-pipe supports | II-C | 4 | |
| Tailwheels, airplane | IV | B | See molded wheels. |
| Tank balls | II-A | 36 | |
| Tank fenders and flaps. | IV | B | |
| Tank floats | III | ------- | |
| Tank pads and linings. | IV | A | See sponge. |
| Tanks, lined | II-A | 10 | |
| Tanks, hard rubber | III | ------- | See hard rubber. |
| Tanks, X-ray | III | ------- | See hard rubber. |
| Tape, friction | II-C | 13 | |
| | IV | A | See friction. |
| Tape, horticultural binding. | III | ------- | See horticultural. |
| Tape, pressure sensitive. | II-C | 22 | |
| Tape, surgical | II-A | 40 | |
| Tapes (shoes) | II-C | 16 | |
| Taps, conductive | II-A | 56 | |
| Taps (shoes) | II-C | 15 | |

| Product | Schedule | Group | Remarks |
|---|---|---|---|
| Taps, stick-on | III | | See stick-on soles and taps. |
| Telephone bases | III | | |
| | IV | B | |
| Telephone cord protectors. | III | | |
| Telephone protectors. | III | | |
| Tennis balls | II-C | 3 | |
| Tent fabrics | IV | B | |
| Terminal blocks | II-A | 15 | |
| Testing rubbers, oil well. | II-A | 18 | |
| Test tube holders | III | | |
| Textile machinery parts. | III | | See lug straps, etc. |
| Textile printing blankets. | III | | |
| Thermometer cases | III | | |
| Thermoplastic coatings. | III | | |
| Thermos bottle parts. | III | | |
| Thermostat covers | IV | B | |
| Thread | III | | See rubber thread. |
| | IV | B | See rubber thread. |
| Tile and tiling | IV | B | |
| Tile flooring | III | | See flooring, etc. |
| Tire airbags | II-A | 30 | |
| Tire blowout shoes | III | | See blowout shoes. |
| Tire, cord dip | II-B | 18 | |
| Tire flaps | II-A | 30 | |
| Tire relinersTire repair materials | III | | |
| | II-A | 33 | |
| | II-C | 29 | |
| | III | | |
| Tire tubes | II-A | 30 | |
| Tire valve stems | IV | B | See valve stems. |
| Tire valves | II-A | 30 | |
| Tires, bicycle | II-C | 33 | |
| Tires, lawnmower | III | | |
| | IV | B | See wheelbarrow |
| Tires, pneumatic, solid & cushion. | II-A | 30 | |
| Tires, tractor and implement. | IV | B | See tractor. |
| Tires, vacuum cleaner. | III | | See vacuum cleaner. |
| Tires, wheelbarrow | III | | |
| | IV | B | |
| Toggle straps | III | | |
| Toilet closet gaskets | III | | |
| | IV | A | |
| Toilet seat bumpers | III | | |
| | IV | A | |
| Toilet seats | IV | B | |
| Tools, insulated | II-A | 15 | |
| Tools, painters' graining. | III | | See painters' graining. |
| Top-lifts (shoes) | II-C | 15 | |
| Tourniquets | II-A | 46 | |
| Toy stamps | II-A | 26 | |
| | II-A | 27 | |
| Tractor and implement tires. | IV | B | |
| Transmission belts | II-A | 5 | |
| | II-B | 14 | |
| Transmission mountings. | II-A | 29 | |
| Trays, corrosive materials. | II-A | 9 | |
| Trays, explosive materials. | II-A | 9 | |
| Trays, foot bath | III | | See foot bath trays. |
| | IV | B | See foot bath trays. |
| Trays, hard rubber | III | | See hard rubber photographic trays. |
| Trays, ice cube | III | | See ice cube trays. |
| Trays, insulation | II-A | 9 | |
| | II-B | 13 | |
| Trays, refrigerator | III | | See refrigerator freezing trays. |
| Trays, serving | IV | B | See serving trays. |
| Tread repair stock | II-A | 33 | |
| | II-C | 29 | |
| Treadle connections | IV | A | See accelerator treadle connections. |
| Treads, stair | III | | See stair and step treads. |
| | IV | B | See stair and step treads. |
| Tree lighting devices | III | | See Christmas tree. |
| Trolley wire guard | III | | |
| Truck tires | II-A | 30 | |
| Truss pads | II-A | 42 | |
| | II-C | 25 | |
| Trusses | II-C | 26 | |
| Tube repair materials. | II-A | 33 | |
| | II-C | 29 | |
| | III | | See tire and tube repair materials. |
| Tubes and tubing, medical, etc. | II-A | 39 | |
| | II-B | 1 | |
| Tubes, bicycle | II-C | 33 | |
| Tubes, photographers'. | III | | See photographers' bulbs. |
| Tubes, tire | II-A | 30 | |
| Tubing, beer | III | | See beer tubing. |
| Tubing, braided | II-C | 18 | |
| Tubing cable covering. | II-C | 18 | |
| Tubing, fire extinguisher. | II-C | 18 | |
| Tubing, gasoline | III | | See gasoline tubing. |
| Tubing, hard rubber. | II-A | 15 | |
| Tubing, milking machine. | II-A | 24 | |
| Tubing, mine | II-B | 15 | |
| | II-A | 20 | |
| Tubing, pump | II-C | 18 | |
| Tubing shaft covering. | II-C | 18 | |
| Tubing, syringe | II-A | 45 | |
| Tubing, windlace | III | | See windlace & windlace tubing. |
| Tubing, windshield wiper. | II-C | 18 | |
| Typewriter erasers | IV | A | See erasers. |
| Typewriter keys | III | | |
| | IV | B | |
| Typewriter silencers | III | | |
| Umbilical belts | II-C | 26 | |
| Upholstery | III | | See cushions. |
| Upholstery, artificial | IV | B | See artificial. |
| Urinals | II-A | 39 | |
| | II-B | 1 | |
| V-belt shock absorbers. | III | | |
| V-belts | II-A | 7 | |
| | II-B | 14 | |
| | II-C | 6 | |
| Vaccine caps | II-A | 39 | |
| Vacuum brake hose | II-A | 29 | |
| Vacuum brake parts | II-A | 29 | |
| Vacuum breaker gaskets. | II-C | 27 | |
| Vacuum cleaner belts. | II-A | 61 | |
| Vacuum cleaner bumpers | III | | |
| Vacuum cleaner tires. | III | | |
| Vacuum cleaner tubing. | II-C | 18 | |
| Valve stems | IV | B | |
| Valves | II-A | 9 | |
| Valves, back flow | II-C | 27 | |
| Valves, bicycle tire | II-C | 33 | |
| Valves, insulation | II-B | 13 | |
| Valves, oil well | II-A | 18 | |
| Valves, tire | II-A | 30 | |
| Ventilating tubing, mine | II-A | 20 | |
| | II-B | 15 | |
| Veterinary bulbs | II-A | 41 | |
| Veterinary instrument parts. | II-A | 39 | |
| Veterinary sleeves | II-B | 2 | |
| Veterinary tubes and tubing. | II-A | 39 | |
| | II-B | 1 | |
| Vibration dampers | II-A | 29 | |
| | II-A | 65 | |
| Wainscoting | III | | See flooring. |
| | IV | B | |
| Washers, ball cock | II-A | 36 | |
| Washers, basin | III | | See basin washers. |
| Washers, bibb | II-A | 36 | |
| Washers, flush valve | II-C | 27 | |
| Washers, float valve | II-C | 27 | |
| Washers, hose | II-A | 20 | |
| Washers, overflow | II-C | 27 | |
| Washers, siphon | II-C | 27 | |
| Washers, slip joint | III | | See slip joint washers. |
| Washers, spud | II-C | 27 | |
| Washers, waste | II-C | 27 | |
| Washing machine drain hose. | III | | |
| Washing machine parts. | II-C | 20 | |
| Water bags, canvas | IV | B | See canvas. |
| Water bottles | II-A | 41 | |
| Water, hose | II-C | 18 | |
| | IV | A | |
| Weatherstrip | III | | |
| | IV | A | |
| Webbing, elastic | II-C | 26 | |
| Welding hose | II-A | 8 | |
| Welting, fender | IV | B | See fender. |
| Wet plate negative solution. | II-A | 28 | |
| Wheelbarrow tires | III | | |
| | IV | B | |
| Wheels, molded | III | | See molded wheels. |
| | IV | B | See molded wheels. |
| Wheels, steering | IV | B | See steering. |
| Whiskey hose | III | | |
| Windlace, tubing | III | | |
| Window squeegees | IV | B | |
| Windshield wiper blades. | II-A | 29 | |
| Windshield wiper gaskets. | II-A | 29 | |
| Windshield wiper tubing. | II-C | 18 | |
| Windshield wipers | IV | B | See window squeegees. |
| Wipers, plate | IV | B | See plate wipers. |
| Wire guard, trolley | III | | See trolley wire. |
| Wire, insulating compounds | II-A | 1 | |
| Workshoes | II-A | 34 | |
| Wrestling mat covers | IV | B | |
| Wringers, photo | III | | See photowringers. |
| X-ray aprons | II-A | 39 | |
| X-ray cooling hose | II-A | 39 | |
| X-ray sheets | II-A | 39 | |
| X-ray tanks | III | | See hard rubber. |
| X-ray trays | III | | See hard rubber. |
| Yarning material | III | | |
| Zipper tabs | IV | B | |

[F. R. Doc. 42-14034; Filed, December 28, 1942; 11:20 a. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M–15–b–1, as Amended Dec. 28, 1942]

Supplementary Order M–15–b–1 (§ 940.5), including all prior amendments thereto, is hereby amended to read as follows:

§ 940.5 *Regulations covering manufacture of rubber products*—(a) *Applicability of Supplementary Order M–15–b (§ 940.3).* This order is issued pursuant to paragraph (c) (2) of Supplementary Order No. M–15–b (§ 940.3), as amended, issued by the Director General for Operations. All definitions and all other provisions of Supplementary Order No. M–15–b shall apply to this order as fully as though set forth herein. Nothing in this order shall be construed to permit the use of crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber in the manufacture of any products except as permitted by Supplementary Order No. M–15–b, as amended, or by special directions issued by the Director General for Operations.

(b) *General provisions.* With respect to all regulations set forth in the lists attached to this order, unless otherwise stated in the applicable list:

(1) The total rubber hydrocarbon (sometimes designated RHC in this order and in lists attached to this order) is the sum total of crude rubber and the average rubber hydrocarbon value of reclaimed rubber expressed on a volume basis (except where such term is used in List 19, with respect to which Note 1 of subdivision (a) of List 19 shall control). The average rubber hydrocarbon value of reclaimed rubber used in compounds in regulations incorporated in lists now or hereafter attached to this order shall be calculated from the rubber value of reclaimed rubber as certified by the manufacturer of the reclaimed rubber.

(2) The synthetic rubber value (sometimes designated SRV in this order and in lists attached to this order) is the total synthetic rubber expressed on a volume basis.

(3) A mixture of various types of synthetic rubber is permitted in synthetic rubber compounds.

(4) All regulations shall apply to all purchase orders, including war orders, except where otherwise specified in the appropriate list.

(5) These regulations shall not apply to the manufacture of experimental products or experimental compounds designed for:

(i) Special requirements for the Army or Navy of the United States.

(ii) The substitution of synthetic rubber for crude rubber and latex.

(iii) The substitution of reclaimed rubber for crude rubber, latex or synthetic rubber.

(iv) The conservation of crude rubber, latex, reclaimed rubber, scrap rubber or synthetic rubber.

(c) *Regulations covering the manufacture of certain rubber products.* No person shall consume any crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber in the manufacture of any of the types of products included in the lists enumerated below and attached hereto except in accordance with the regulations therein prescribed; such regulations to be effective as to any product or class of products as of January 11, 1943, except where otherwise specified in the appropriate list:

| | |
|---|---|
| (1) Compounds for mechanical rubber products | List 1. |
| (2) Conveyor, elevator and flat transmission belting and V-belts | List 2. |
| (3) Hose | List 3. |
| (4) Packing | List 4. |
| (5) Dam and lock gate seals | List 5. |
| (6) Hog scraper (beater) paddles | List 6. |
| (7) Loom pickers | List 7. |
| (8) Milk and milking machine equipment | List 8. |
| (9) Pipe coupling rings | List 9. |
| (10) Press die pads | List 10. |
| (11) Printing rubber products | List 11. |
| (12) Rubber-lined tanks, drums and rubber-protected industrial equipment | List 12. |
| (13) Abrasive implements | List 13. |
| (14) Mine and industry safety parts | List 14. |
| (15) Brake linings, brake blocks and clutch facings | List 15. |
| (16) Rubber-covered rolls | List 16. |
| (17) Soles, taps, sheet soling, toplifts, heels and heel bases | List 17. |
| (18) Industrial occupational protective clothing | List 18. |
| (19) Hard rubber products | List 19. |
| (20) Rubber insulating tape | List 20. |
| (21) Rubber footwear | List 21. |
| (22) Compounds for tires, tire casings, camelback, capping stock and tire and tube repair materials | List 22. |
| (23) Tire and tube repair materials | List 23. |
| (24) Tires and tire casings (except airplane and bicycle) | List 24. |
| (25) Tire tubes (except airplane and bicycle) | List 25. |
| (26) Truck tire flaps | List 26. |
| (27) Insulated wire and cable | List 27. |
| (28) Feeding nipples | List 28. |
| (29) Airplane tires and tire casings | List 29. |
| (30) Camelback, capping stock, lug stock and base stock | List 30. |
| (31) Medical and surgical rubber goods | List 31. |

This order and the lists attached hereto shall become effective January 11, 1943.

(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 28th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

LIST 1—REGULATIONS FOR THE MANUFACTURE OF COMPOUNDS FOR MECHANICAL RUBBER PRODUCTS

This List 1 establishes standards for the grades of compounds to be used in the manufacture of mechanical rubber products. Other lists now and hereafter attached to Supplementary Order No. M–15–b–1 will govern the use of these compounds in the manufacture of finished products. These compounds need be used only when required by regulations contained in such other lists. The variations permitted by subdivision (c) of this list are allowed in the manufacture of finished products covered by other applicable lists unless prohibited by such other lists.

(a) RUBBER COMPOUNDS

| Grade | Maximum per cent by volume | |
|---|---|---|
| | Crude rubber | Total RHC |
| M-A | 95 | 95 |
| M-B | 90 | 90 |
| M-C | 85 | 85 |
| M-D | 80 | 80 |
| M-E | 75 | 75 |
| M-F | 70 | 70 |
| M-G | 65 | 75 |
| M-G-1 | 65 | 65 |
| M-H | 60 | 75 |
| M-H-1 | 60 | 60 |
| M-H-2 | 60 | 80 |
| M-J | 55 | 75 |
| M-J-1 | 55 | 55 |
| M-K | 50 | 70 |
| M-K-1 | 50 | 50 |
| M-L | 45 | 65 |
| M-L-1 | 45 | 45 |
| M-M | 40 | 65 |
| M-M-1 | 40 | 60 |
| M-M-2 | 40 | 40 |
| M-N | 35 | 65 |
| M-N-1 | 35 | 50 |
| M-O | 30 | 65 |
| M-P | 25 | 65 |
| M-P-1 | 25 | 60 |
| M-P-2 | 25 | 25 |
| M-Q | 20 | 70 |
| M-Q-1 | 20 | 60 |
| M-Q-2 | 20 | 45 |
| M-Q-3 | 20 | 25 |
| M-R | 15 | 60 |
| M-R-1 | 15 | 55 |
| M-R-2 | 15 | 20 |
| M-R-3 | 15 | 15 |
| M-S | 10 | 60 |
| M-S-1 | 10 | 15 |
| M-S-2 | 8 | 11 |
| M-S-3 | 6 | 16 |
| M-S-4 | 4 | 15 |
| M-S-5 | 3 | 8 |
| M-S-6 | 2 | 15 |
| M-T | 0 | 50 |
| M-T-1 | 0 | 25 |
| M-T-2 | 0 | 20 |
| M-T-3 | 0 | 16 |
| M-T-4 | 0 | 9 |

(b) SYNTHETIC RUBBER COMPOUNDS

| Grades | | | Maximum percent by volume |
|---|---|---|---|
| Butadiene | Chloroprene | Polysulfids | Total SRV |
| M-SB | M-SN | M-ST | 95 |
| M-SB-1 | M-SN-1 | M-ST-1 | 90 |
| M-SB-2 | M-SN-2 | M-ST-2 | 85 |
| M-SB-3 | M-SN-3 | M-ST-3 | 80 |
| M-SB-4 | M-SN-4 | M-ST-4 | 75 |
| M-SB-5 | M-SN-5 | M-ST-5 | 70 |
| M-SB-6 | M-SN-6 | M-ST-6 | 65 |
| M-SB-7 | M-SN-7 | M-ST-7 | 60 |
| M-SB-8 | M-SN-8 | M-ST-8 | 55 |
| M-SB-9 | M-SN-9 | M-ST-9 | 50 |
| M-SB-10 | M-SN-10 | M-ST-10 | 45 |
| M-SB-11 | M-SN-11 | M-ST-11 | 40 |
| M-SB-12 | M-SN-12 | M-ST-12 | 35 |
| M-SB-13 | M-SN-13 | M-ST-13 | 30 |
| M-SB-14 | M-SN-14 | M-ST-14 | 25 |

(c) GENERAL PROVISIONS

(1) Synthetic rubber may be substituted for crude rubber, in whole or in part, provided the sum of the SRV by volume and RHC by volume does not exceed the maximum total RHC of the grade specified.

(2) In the synthetic rubber compounds specified in this list crude rubber and reclaimed rubber may be used when required for processing reasons, provided the total amount of any crude rubber used does not exceed 15% of the maximum volume of the SRV designated for the synthetic rubber compound.

(3) Compounds of lower crude rubber, total RHC or SRV content than those designated in lists now or hereafter attached to Supplementary Order No. M-15-b-1 may be used in manufacturing products covered by such lists, provided the physical and service requirements, where specified, are met.

(4) All compounds shall be black except where otherwise designated in other applicable lists.

LIST 2—REGULATIONS FOR THE MANUFACTURE OF CONVEYOR, ELEVATOR AND FLAT TRANSMISSION BELTING AND V-BELTS

(a) GENERAL PROVISIONS

(1) The manufacture of conveyor, elevator and flat transmission belting and V-belts shall be limited to the types and grades listed in this List 2.

(2) Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more crude rubber or rubber hydrocarbon (RHC) than is permitted in laminated belting of equivalent size and thickness.

(3) Constructions using combinations of fabric and other reinforcing materials, such as cord or wire, are permitted, provided total crude rubber and rubber hydrocarbon (RHC) do not exceed those which are used in an equivalent grade, fabric ply, construction belt.

(4) The regulations contained in this List 2 shall not apply to the manufacture of component parts of water craft, aircraft, military vehicles or gun mounts to fill war orders for the Army or Navy of the United States when the Army or Navy contract specifically requires the use of different compounds or constructions.

(5) Any brands or labels used shall be spaced at least ten feet apart, except that each belt may have at least one brand or label.

(b) CONVEYOR BELTING

(1) *Compounds permitted.* Compounds for each of the grades of conveyor belting listed in Table A below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order No. M-15-b-1, as amended, the appropriate grades of compound to be used for covers and frictions being those hereinbelow designated therefor opposite the description or designation of such class in Table A.

TABLE A

| Grade of belt | Conveyor cover compound | Pulley cover compound | Friction compound | Grade regulation | | | Combined cover gauge maximum in inches |
|---|---|---|---|---|---|---|---|
| | | | | Average tensile range p. s. i. | | Average friction range in pounds | |
| | | | | Pulley cover | Conveyor cover | | |
| No. 1 | M-N | M-R | M-N | 800-1000 | 1700-2200 | 16-19 | 7/32 |
| No. 2 | M-R | M-R | M-P | 800-1000 | 800-1000 | 12-15 | 7/32 |

NOTE 1: A skim coat of same quality as friction compound and not exceeding .010 inches shall be permitted on 42 oz. or heavier belt duck on grade 1 only.

NOTE 2: The gauge of any breaker, where used, is to be included in the cover thickness.

(2) *Grades of belts permitted.* (i) All conveyor belts designed for the following uses shall be of Grade 2 quality only, and the thicknesses of covers for each group shall not exceed those specified for such group:

| Group 1—Sum of thicknesses of conveyor and pulley covers shall not exceed 1/16" | Group 2—Sum of thicknesses of conveyor and pulley covers shall not exceed 3/32" | Group 3—Sum of thicknesses of conveyor and pulley covers shall not exceed 1/8" |
|---|---|---|
| Fruits. | Sand. | Sulphur. |
| Vegetables. | Soil. | Salts. |
| Lime slaked. | Soda. | Sugar. |
| Charcoal. | Powdered stone and chemicals. | Small sized bituminous coal up to 4". |
| Grains and seeds. | Earth. | Small coke up to 2". |
| Beets. | Fine gravels to 1/4". | Ashes. |
| Flour. | Pulverized coal. | Culm. |
| Soap. | Coke breeze. | Clay. |
| Portable conveyor for handling above material. | Concentrates. | Shells. |
| | Wet pulp. | Gravel 1/2" to 2". |
| | Portable conveyor for handling above material. | Concrete mix. |
| | | Cement. |
| | | Lime unslacked. |
| | | Phosphate pebble. |
| | | All portable conveyors except for services in Groups 1 and 2. |

(ii) Either Grade 1 or Grade 2 belting may be used for belts designed for services other than designated in Groups 1, 2 and 3 above.

(iii) No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber may be used to manufacture conveyor belting designed for the handling of boxes, bales, bags, cases, sacks, paper, dry pulp and wood chips.

(iv) Grade 1 belting may be used for any service where the temperature of the materials handled exceed 200° Fahrenheit.

(v) Pulley lagging shall be made with not more than five plies of woven duck, with a friction back and a wearing face not greater than $\frac{3}{8}$" in thickness. Compounds shall be of Grade 2 quality. Pulley lagging shall not be manufactured for use as portable conveyors.

(c) ELEVATOR BELTING

(1) *Compounds permitted.* Compounds for each of the grades of elevator belting listed in Table B below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grades of compounds to be used for covers and frictions being those hereinbelow designated therefor opposite the description or designation of such class in Table B.

TABLE B

| Grade of belt | Pulley cover compound | Bucket cover compound | Friction compound | Grade regulation: Average tensile range p. s. i. Bucket cover | Grade regulation: Average tensile range p. s. i. Pulley cover | Grade regulation: Average friction range in pounds | Maximum combined cover gauge in inches |
|---|---|---|---|---|---|---|---|
| No. 1 | M-N | M-R | M-N | 800-1000 | 1700-2200 | 16-19 | $\frac{3}{16}$ |
| No. 2 | M-R | M-R | M-P | 800-1000 | 800-1000 | 12-15 | $\frac{3}{16}$ |

NOTE 1: A skim coat of same quality as friction compound and not exceeding .010 inch shall be permitted only on Grade 1.

NOTE 2: The gauge of any breaker, where used, is to be included in the cover thickness.

(2) *Grades of belts permitted.*

(i) All elevator belts designed for the following uses shall be of Grade 2 quality only, and the thicknesses of covers for each group shall not exceed those specified for such groups:

| Group 1—Sum of thicknesses of the bucket and pulley covers shall not exceed $\frac{1}{16}$" | Group 2—Sum of thicknesses of the bucket and pulley covers shall not exceed $\frac{1}{8}$" | Group 3—Sum of thicknesses of the bucket and pulley covers shall not exceed $\frac{5}{32}$" | Group 4—Friction surface only |
|---|---|---|---|
| Pulverized coal. | Coke breeze. | Gravel up to 2". | Grains. |
| Soap. | Powdered stone and chemicals. | Small bituminous coal up to 2". | Seeds. |
| Lime slaked. | Concentrates. | Trap rock up to 2". | |
| | Sand. | Salt. | |
| | Clay. | Sugar. | |
| | Soil. | Cement. | |
| | | Lime unslaked. | |
| | | Phosphate pebble. | |

(ii) Either Grade 1 or Grade 2 belting may be used for belts designed for services other than designated in Groups 1, 2, 3 and 4 above.

(iii) No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber may be used in the manufacture of elevator belting designed for the handling of boxes, bales, bags, cases, sacks, paper, dry pulp and wood chips.

(d) FLAT TRANSMISSION BELTING

Flat transmission belts and belting shall be manufactured in two grades only, as follows:

| Grade of belt | Crude rubber maximum weight in pounds | Total RHC maximum weight in pounds |
|---|---|---|
| No. 1 | .46 | .73 |
| No. 2 | .15 | .47 |

NOTE 1: The maximum weight of crude rubber and total RHC as designated above shall be based on a unit of 1,200 sq. in. per single ply of fabric.

NOTE 2: All flat belts and belting designed to transmit power to, and/or on, any farm machinery and equipment shall be Grade 2 quality, except those designed to transmit power to the Hammermills which may be Grade 1.

NOTE 3: Grade 1 belting is permitted with 1/32" Grade M-N rubber cover when designed for service under severe chemical conditions. No rubber covers are permitted for belts designed for any other service.

NOTE 4: Color of seaming strip is optional.

NOTE 5: No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be used in the manufacture of loom harness strapping.

(e) V-BELTS

(1) V-belts shall be manufactured in two grades only, as follows:

| Grade of belt | Crude rubber and latex maximum by volume of total belt | Total RHC maximum by volume of total belt |
|---|---|---|
| | *Percent* | *Percent* |
| No. 1 | 40 | 55 |
| No. 2 | 0 | 50 |

NOTE 1: The crude rubber and RHC is based on total volume of belt. In determining the belt volume the published nominal cross-sectional dimensions shall be used where these exist and mold cross-sectional dimensions shall be used in all other cases. The percentage calculations shall be based on the volume of net finished belt but manufacturing waste shall be included in the crude rubber and RHC contents.

NOTE 2: Color of cord treatments is optional.

NOTE 3: On Grade 2 belts a maximum of 1% crude rubber by volume may be used as a cement to aid processing, and this 1% crude rubber shall be included in the total RHC.

(2) All V-belts of the following classifications shall be of Grade 2 quality only:

F. H. P.

Belts designed for replacement for passenger automobiles.

Belts designed for replacement for trucks under 1½ tons.

Agricultural belts, except those of C section and larger, double V and round belts of any section, designed for use with agricultural machinery. Farm tractor belts may be Grade 1 quality.

Household equipment belts.

LIST 3—REGULATIONS FOR THE MANUFACTURE OF HOSE

(a) GENERAL PROVISIONS

(1) The manufacture of hose shall be limited to the types and grades listed in this List 3, except as permitted by List 14.

(2) The tube, friction, layers, filler and cover for each of the types of hose listed in the regulations contained in this List 3 shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order No. M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such type.

(3) Hose manufactured in accordance with these regulations shall be inspected and tested in accordance with the methods of A. S. T. M. Standard D-380, latest revision prior to January 11, 1943.

(4) The regulations contained in this List 3 shall not apply to the manufacture of component parts of watercraft, aircraft, military vehicles or gun mounts to fill war orders for the Army or Navy of the United States when the Army or Navy contract specifically requires the use of different compounds or constructions.

(5) Brands or labels shall be spaced at least twenty-five feet apart, except that each length of hose may have at least one brand or label.

(b) COMMERCIAL TYPES

| Type of product | Compound | | | | Construction and/or service restrictions |
|---|---|---|---|---|---|
| | Tube | Friction | Layer or Filler | Cover | |
| Acid-conducting and suction | M-H | M-P | M-R | M-P | Tube: 3/16 inch maximum. Cover: 1/16 inch maximum. |
| Air brake—Truck and bus. | M-N or M-SN-7 or M-SB-7. | M-N or M-SN-7 or M-SB-7. | | M-P or M-SN-9 or M-SB-9. | Maximum wall: 13/64" on sizes under 5/8" I. D. 3/8" on sizes 5/8" and over. |
| Air-curb | M-T | M-T | | M-T | Maximum wall: 3/16 inch. Made only in 1/4" and 3/8" I. D. sizes. |
| Air and air tool: Industrial Grade 1. | M-N, or M-SN-7 or M-SB-7. | M-P or M-SN-7 or M-SB-7. | | M-M or M-SN-7 or M-SB-7. | Maximum wall: 11/32" for sizes with 5/8" I. D. and smaller. 13/32" for sizes 3/4" I. D. to 1 1/4" I. D. incl. 1/2" for sizes 1 5/8" I. D to 3" incl. 5/8" for sizes over 3" I. D. Service: Designed for use only for heavy duty service, in mines, quarries and outside construction, including ship yards where tools are oiled through the hose and abrasion on cover is severe. |
| Grade 2 | M-Q-1 | M-P | | M-P | Maximum wall: 9/32" for sizes 5/8" I. D. or smaller. 11/32" for sizes 3/4" I. D. to 1 1/2" incl. 7/16" for sizes over 1 1/2" I. D. Service: Designed for use for all industrial air or air tool service not specifically covered in Grade 1. |
| Alcohol, brewers and beverage hose, tubing and suction hose | M-J-1 | M-P | M-P | M-R | Tube: 1/8" maximum. Cover 1/16" maximum. Tube color—optional. |
| Arbor pipe forming. | M-H | M-H | | | Tube 5/64" maximum. |
| Braided cover tubing. | M-T | | | | Maximum wall: 5/64" on sizes 3/8" I. D. and under. 3/32" on sizes over 3/8" I. D. |
| Butane and Propane. | M-SB-9 or M-SN-9 or M-ST-6. | M-SB-8 or M-SN-8 or M-ST-6. | | M-SB-8 or M-SN-8 or M-ST-6. | Maximum wall: 7/16" on sizes 1" I. D. and under. 33/64" on sizes over 1" I. D. |
| Cable covering—electric. | M-T | M-T | | M-T | Maximum wall: 3/16". Not an integral part or vulcanized to a wire or cable. Service: Safety protective covering on electrical power lines. |
| Cement handling, Cement gun, incl. grouting. | M-E | M-H | M-P | M-P | Tube: 3/16" maximum. Cover: 1/16" maximum. |
| Cement and material-dry and ice-slinger. | M-E | M-N | M-P | M-P | Tube: 3/16" maximum for sizes 1" I. D. and under. 1/4" maximum for sizes over 1" I. D Cover: 3/64" maximum all sizes. Not permitted for rock wool insulation. |
| Concrete placing. | M-E | M-N | M-P | M-P | Tube: 1/2" maximum. Cover: 1/16" maximum. |
| Chemical | M-T | M-R | | M-T | Maximum wall: 9/32" on sizes 3/4" I. D. and under. 11/32" on sizes over 3/4", I. D. |
| Coupling-flexible. | M-Q-1 | M-R | | | Tube: 3/64" maximum |
| Creamery (Sanitary). | M-Q-1 | M-M | | M-N or M-SN-7 or M-SB-7. | Tube: 7/64" maximum. Cover: 1/16" maximum. Service: For meat packing or food handling plants only. |
| Divers: Floating | M-A | M-H | | M-A | Maximum wall: 3/16". |
| Sinking | M-N | M-N | | M-M | Maximum wall: 5/16". |
| Dredging sleeves. | M-H | M-N | | M-P | Tube: 1/4" maximum. Cover: 3/64" maximum. Skim coat: Not permitted. |
| Expansion joints. | M-A | M-E | M-M | M-M | Tube: 1/8" maximum for sizes 8" I.D. and under. 3/16" maximum for size over 8" I.D. Cover: 1/16" maximum all sizes. Service: Expansion joints are normally used in rigid line to absorb thrust or excessive motion or to isolate vibration and/or noise. |
| Fire extinguisher tubing. | M-T | M-T | | M-T | Maximum wall: 3/16". |

(b) COMMERCIAL TYPES—continued

| Type of product | Compound | | | | Construction and/or service restrictions |
|---|---|---|---|---|---|
| | Tube | Friction | Layer or Filler | Cover | |
| Flanged flexible pipe. | M-E | M-N | M-P | M-P | Tube: 3/16" maximum for sizes 12" I.D. and under. 1/4" maximum sizes over 12". Cover: 3/64" maximum all sizes. |
| Fuelline—Automotive, truck and bus. | M-K or M-SB-10 or M-SN-10. | | | | Service: The rubber compound may be used in connection with metal lining. The synthetic rubber compounds may be used either with or without metal lining. |
| Fuel oil and gasoline (Not service station pump hose.) | M-SB-9 or M-SN-9 or M-ST-6. | M-SB-9 or M-SN-9 or M-ST-6. | | M-SB-9 or M-SN-9 or M-ST-6. | Maximum wall: 11/32" all sizes. |
| Garden | M-T | | | M-T | Maximum wall: 5/32" (Cover may be omitted). |
| Grease—Low pressure non-industrial. | M-T | M-T | | M-T | Maximum wall: 5/32". |
| Hydraulic brake | M-E | M-A | | M-A | Maximum wall: .195 inch for 3/8" I.D. .230 inch for 7/32" I.D. |
| Hydraulic control and industrial grease: | | | | | |
| High pressure | M-M or M-SB-9 or M-SN-9. | M-M or M-SB-9 or M-SN-9. | | M-P or M-SB-9 or M-SN-9. | O.D.: To fit available one time couplings. |
| Medium pressure. | M-M or M-SB-9 or M-SN-9. | M-M or M-SB-9 or M-SN-9. | | M-P or M-SB-9 or M-SN-9. | Maximum wall: 1/4" on sizes 3/8" I.D. and under. 5/16" on sizes over 3/8" I.D. |
| Low pressure | M-M or M-SB-9 or M-SN-9. | | | M-P or M-SB-9 or M-SN-9. | Maximum wall: 1/8" all sizes. |
| Jetting and hydraulic. | M-N | M-P | | M-M | Maximum wall: 5/16" on sizes 4" I.D. and under. 11/16" on sizes over 4" I.D. |
| Milk conveying | M-H-1 | M-P | | M-N | Tube: 3/32" maximum. Cover 5/32" maximum. |
| Oil suction and discharge: | | | | | |
| (a) Rough bore | M-SB-9 or M-SN-9 or M-ST-6. | M-SB-8 or M-SN-8 or M-ST-6. | M-SB-8 or M-SN-8 or M-ST-6. | M-SB-8 or M-SN-8 or M-ST-6. | Tube: 1/16" maximum for sizes 4" I.D. and under. 7/64" maximum for sizes over 4" I.D. Layer: 1/16" maximum. Cover: 3/32" maximum all sizes. |
| (b) Smooth bore. | M-SB-9 or M-SN-9 or M-ST-6. | M-SB-8 or M-SN-8 or M-ST-6. | M-SB-8 or M-SN-8 or M-ST-6. | M-SB-8 or M-SN-8 or M-ST-6. | Tube: 7/64" maximum for sizes 4" I.D. and under. 9/64" maximum for sizes over 4" I.D. Layer: 1/16" maximum. Cover: 3/32" maximum. |
| Phosphate flexible. | M-E | M-H | M-P | M-P | Tube: 1/4" maximum. Cover: 1/16" maximum. |
| Pinch valve | M-E | M-H | | M-E | Maximum wall: 1/8" on sizes 4" I.D. and under. 3/16" on sizes over 4" I.D. |
| Pump tubing | M-T | M-T | | M-T | Maximum wall 7/64" on sizes 1/4" I.D. and under. 5/32" on sizes over 1/4" I.D. |
| Radiator: | | | | | |
| Grade 1 | M-K or M-SB-7 or M-SN-7. | M-N or M-SB-7 or M-SN-7. | | M-P or M-SB-7 or M-SN-7. | Tube: Maximum thickness 3/32". Wall: Maximum gauge 7/32" for 3 ply; Maximum gauge 9/32" for 5 ply. No wall gauge restrictions for types designed for use on combat vehicles. Service: Only to fill war orders and for use on trucks 1 1/2 tons and over, buses and railroad gas-electric power units. |
| Grade 2 | M-ST-6 | M-ST-6 | | | Tube: Maximum thickness 1/16"—no cover permitted Service: Designed for use on trucks 1 1/2 ton and over, which are provided with proper fittings and clamps for sealing. |
| Grade 3 | M-T | M-T | | M-T | Maximum wall: 3/16". Service: All services not specifically covered by grades 1 and 2. |
| Rock wool insulation. | M-T | M-R | M-T | | Tube: 1/8" maximum. No cover permitted. |
| Rotary drilling | M-E | M-H | M-M | M-M | Tube: 5/32" maximum. Cover: 3/32" maximum. |
| Sand blast | M-E | M-N | | M-P | Tube: under 1"—3/16" maximum all other 1/4". Cover 3/64" maximum, all sizes. |
| Shaft covering flexible. | | M-T | | M-T | Cover: 1/16" maximum. |

(b) COMMERCIAL TYPES—continued

| Type of product | Compound | | | | Construction and/or service restrictions |
|---|---|---|---|---|---|
| | Tube | Friction | Layer or Filler | Cover | |
| Spray—Agricultural: High pressure. | M-N | M-P | | M-M | Maximum wall: 5/16" on sizes under 3/4" I.D. 1 1/32" on 3/4" I.D. 1 3/32" on 1" I.D. Service: Designed for working pressure in excess of 500 p.s.i. |
| Low pressure | M-T | M-T | | M-T | Maximum wall: 5/32". |
| Spray—Paint: Fluid line | M-ST-6 | M-ST-6 | | M-ST-6 or M-SB-9 or M-SN-9. | O.D.: To fit existing and available paint spray fluid and air line couplings. |
| Air line | M-P | M-P | | M-N (Red) | |
| Steam: Grade 1 | M-E | M-E | | M-E | Tube: 3/16" maximum Cover: 1/16" maximum. Service: Designed for saturated steam pressure from 100 to 200 p.s.i. or temperatures between 338 degrees and 388 degrees F. |
| Grade 2 | M-H | M-E | | M-P | Tube: 1/8" maximum for sizes 1" I.D. and under. 5/32" maximum for sizes over 1" I.D. Cover: 1/16" maximum. Service: Design for saturated steam pressures from 40 to 100 p.s.i. or temperatures between 287 deg. and 338 deg. F |
| Grade 3 | M-Q-1 | M-M | | M-R | Tube: 7/64" maximum. Cover: 3/64" maximum. Service: Designed for saturated steam pressure up to 40 p.s.i. or temperatures up to 287 deg. F. |
| Suction: Fire engine—hard. | M-T | M-R | M-T | M-T | Tube: 5/64" maximum. Layer: 1/16" maximum. Cover: 1/16" maximum. |
| Fire engine—soft | M-P | M-P | | | Tube: 1/16" maximum for 3 1/2" and under 3/32" maximum for sizes over 3 1/2". |
| Hard rubber | M-R | M-R | | M-T | Tube: 1/8" maximum on sizes 1" I. D. and under. 5/32" maximum on sizes over 1". Cover: 1/32" maximum. |
| Rotary slush pump. | M-N | M-P | M-P | M-P | Tube: 5/32" maximum. Cover: 1/16" maximum. |
| Sand suction | M-E | M-H | M-P | M-P | Tube: Under 12"—1/4 maximum. 12" to 24"—3/8" maximum. All other—3/4". Cover: 1/16" maximum all sizes. |
| Water-rough bore. | M-T | M-R | M-T | M-T | Tube: 1/16" maximum 3" I. D. and under. 5/64" maximum over 3" I. D. to 6" I. D. incl. 3/32 maximum over 6" I. D. Layer: 1/16" maximum. Cover: 3/64" maximum 4 1/2" I. D. and under. 1/16" maximum over 4 1/2" I. D. NOTE: Rough-bore gauges measured over top of wire. |
| Water-smooth bore. | M-T | M-R | M-T | M-T | Tube: 1/16" maximum 3" I. D. and under. 5/64" maximum over 3" I. D. to 6" I. D. incl. 3/32" maximum over 6" I. D. Layer: 1/16" maximum. Cover: 3/64" maximum 4 1/2" I. D. and under. 1/16" maximum over 4 1/2" I. D. |
| Tank car and tank truck. | M-SB-9 or M-SN-9 or M-ST-6. | M-SB-9 or M-SN-9 or MST-6. | | M-SB-8 or M-SN-8 or M-ST-6. | Maximum wall: 1 1/32" on sizes under 2" I. D. 7/16" on sizes 2" I. D. to 4" I. D. 5/8" on sizes 4" I. D. and over. |
| Tender tank | M-Q-1 | M-N | M-Q-1 | M-Q-1 | Tube: 5/64". maximum. Layer: 5/64" maximum. Cover: 1/16" maximum. |
| Tubing: Grade 1 | M-H | | | | Service: Industrial and laboratory use only. Tubing for household use not permitted. |
| Grade 2 | M-Q-1 | | | | |
| Vacuum brake (Truck and bus). | M-M or M-SN-7 or M-SB-7. | M-N or M-SN-7 or M-SB-7. | | M-P or M-SN-9 or M-SB-9. | Maximum wall: 15/64" on sizes under 1/2" I. D. 9/16" on sizes 1/2" I. D. and over. |

(b) COMMERCIAL TYPES—continued

| Type of product | Compound | | | | Construction and/or service restrictions |
|---|---|---|---|---|---|
| | Tube | Friction | Layer or Filler | Cover | |
| Vacuum household. | M-T | M-T | | | Tube: 1/32" maximum. No cover permitted. |
| Industrial | M-Q-1 | M-N | | M-P | Tube: 1/16" maximum. Cover: 1/32" maximum. |
| Dust collector | M-E | M-P | M-P | M-P | Tube: 1/8" maximum. Cover: 1/64" maximum. |
| Blower or exhaust | M-E | M-P | M-P | M-P | Tube: 3/64" maximum. Cover: 1/64" maximum. Maximum cover thickness for industrial vacuum, dust collector and blower or exhaust hose may be 3/64" provided a layer and/or a filler is not used. |
| Water-cold sizes 1½" and under | M-T | M-T | | M-T | Maximum wall: 1/8" on sizes 1" and under. 5/16" on sizes over 1" to 1½" incl. 13/32" on sizes over 1½" to 4" incl. |
| Sizes over 1½" | M-T | M-R | | M-T | 1/2" on sizes over 4". |
| Welding | M-P or M-SN-9 or M-SB-9. | M-P or M-SN-9 or M-SB-9. | | M-P (black) or M-N (red) or M-SN-9 or M-SB-9. | Maximum wall: 1/4" on sizes 3/16" I. D. and under. 3/16" on sizes over 3/16" I. D. Color: Cover may be red or black. Twin: Twin welding hose is permitted, provided the amount of crude rubber and RHC or SRV used in the construction does not exceed that of two single lines of same size and strength. |

(c) FIRE HOSE AND MILL HOSE

(1) The following regulations (which, with respect to the use of crude rubber, are identical with Federal Emergency Alternate Specifications E-ZZ-H-451a) shall apply to the manufacture of all fire hose and mill hose.

(2) Fire hose and mill hose shall be manufactured only in the following sizes and the maximum amount of crude rubber per 100 feet for each size shall not be greater than the amount designated for each size, as follows:

| Nominal size: | *Maximum amount of crude rubber permitted per 100 feet* |
|---|---|
| 1½ inches | 4.0 pounds. |
| 2 inches | 5.5 pounds. |
| 2½ inches | 7.0 pounds. |
| 3 inches | 8.5 pounds. |
| 3½ inches | 10.0 pounds. |

(3) The rubber lining shall be made either from calendered sheets of not less than three plies lap-jointed and vulcanized into one solid body, or from a single ply extruded tube. The lap joints of calendered tubes shall be as small as is consistent with best manufacturing practice.

(4) The rubber lining shall be of a thickness not less than .04 of an inch at any point when measured on specimens buffed just to the point where the fabric impression left by the jacket is removed.

(5) Each set of hose couplings shall be provided with three rubber gaskets of good quality. One gasket shall fit accurately the swivel of the couplings, and one (not less than 1/8 of an inch thick) shall be placed under the end of each expansion ring. When the coupling is made up snugly, as in service, the gasket in the swivel shall not be compressed to such an extent as to project beyond the inside surface of the coupling.

(6) The hose shall have an internal diameter as shown by a tapered plug gauge of not less than the nominal size of the hose, except that in the case of 2½ inch hose, the internal diameter so measured shall not be less than 2 9/16 inches.

(7) Unless otherwise specified in the purchase order, hose shall be furnished in lengths averaging not less than 50 feet, measured from back to back of couplings and under a pressure of 10 pounds per square inch. No length before sampling shall be less than 48 feet.

(8) The hose with couplings attached shall meet the following hydrostatic proof pressure test requirements without leakage in the hose or at the couplings or breaking any threads in the jacket:

| | Numerical requirements for— | | | | |
|---|---|---|---|---|---|
| | Single jacket | | Double jacket | | |
| | 1½ and 2 inch | 2½ inch | 1½ and 2 inch | 2½ inch | 3 and 3½ inch |
| Test pressure for initial requirements—pounds per square inch | | | 10 | 10 | 10 |
| Test pressure—pounds per square inch | 300 | 300 | 400 | 400 | 400 |
| Test pressure for kink test—pounds per square inch | | | 350 | 350 | 250 |
| Elongation at test pressure—maximum percent | | | 8 | 8 | 8 |
| Twist to right—maximum degrees per foot | | | 29 | 12.5 | 12.5 |
| Twist to left—maximum degrees per foot | 0 | 0 | 0 | 0 | 0 |
| Warp—maximum inches | | | 20 | 20 | 20 |
| Rise—maximum inches | | | 0 | 0 | 0 |

The kink test may be required on only one sample per 100 lengths.

A twist to the right is indicated by a clockwise rotation of the coupling, looking from the hose toward the coupling. A twist to the left is indicated by a counter clockwise rotation. A maximum twist to the left of 2 degrees per foot will be permitted while pressure is being raised, but any final twist must be to the right.

Warp is defined as deviation from a straight line.

(9) A three foot sample, when subject to a burst test while lying straight, shall not burst below the pressure designated in the following table:

| Kind of hose: | *Burst pressure—pounds per square inch* |
|---|---|
| Single jacket | 450 |
| Double jacket | 600 |

(10) The hose shall meet the following tests with respect to the rubber lining:

(i) Tensile strength of at least 800 pounds per square inch when tested across the fold.

(ii) Ultimate elongation of at least 300%.

(iii) Tensile strength, as determined with test pieces ½ inch wide prepared from strips cut transversely across the fold which have been subjected to the action of dry heat of 158 degrees ± 2 degrees Fahrenheit for 96 hours, shall be not less than 75% of the strength before heating.

(11) The adhesion of the rubber lining to the jacket shall be such that a weight of 8 pounds suspended from a strip 1½ inches wide will cause separation at a rate not greater than 1 inch per minute. This requirement does not prohibit that construction wherein there is no adhesion between the jacket and lining along the fold, providing the surface over which there is no adhesion is not greater than 35% of the total surface.

(d) RAILROAD HOSE

The tube, cover, intermediate layer and friction for each of the classes of railroad hose listed below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound for each part being that hereinbelow designated therefor opposite the description or designation of such class in Tables A, B, C, E and G of this subdivision (d). The physical properties of the compounds and tests on the hose shall meet the minimum requirements specified.

(1) *Air brake and train air signal hose.*

TABLE A

| | Grade | Minimum gauge in inches | Minimum tensile p. s. i. | Minimum elongation | Minimum adhesion in pounds |
|---|---|---|---|---|---|
| | | | | *Percent* | |
| Tube | M-P | 0.094 | 800 | 300 | 12 between tube and duck. |
| Friction | M-N | | | | 15 between plies of duck. |
| Cover | M-M | 0.063 | 1,200 | 300 | 12 between cover and duck. |

(i) *Cotton reinforcement.* The reinforcement shall consist of not less than four plies of cotton duck cut on a bias of approximately 45 degrees and applied evenly and firmly with not less than ½" lap not sewed. The plies of duck shall be well frictioned on both sides with M-N grade compound which shall firmly join the plies to the rubber tube and cover and to each other.

(ii) *Rubber caps.* Each length of hose shall have a rubber cap firmly vulcanized on each end.

(iii) *Sampling.* For each lot of 300 or less lengths of each size of hose, one extra length shall be furnished for test.

(iv) *Hydrostatic test.* A 17-in. section of hose shall be subjected to a hydrostatic pressure of 200 lbs. per sq. in. applied at the rate of not less than 100 lb. per sq. in. in 6 seconds. The expansion in circumference at this pressure shall be not more than ¾ in. for air-brake or 11/16 in. for air-signal hose. The hose shall show no leaks or other defects. After the above test, the same section of hose shall be subjected to a hydrostatic pressure of 500 lb. per sq. in. maintained for 10 minutes without leaking, bursting or showing other defects; after which the pressure shall be increased until the hose bursts, which shall not occur at a pressure of less than 700 lb. per sq. in.

(v) *Dimensions and tolerances.* The dimensions and tolerances of the hose shall be as follows:

| | Length in inches | Outside diameter in inches | Inside diameter in inches | Thickness of end cap, in inches |
|---|---|---|---|---|
| Air-brake hose: | | | | |
| Maximum | 22½ | 2¼ | 1 7/16 | 5/32 |
| Minimum | 22 | 2 1/16 | 1⅜ | 3/32 |
| Air-signal hose: | | | | |
| Maximum | 22½ | 1¾ | 1 3/16 | 5/32 |
| Minimum | 22 | 1 13/16 | 1⅛ | 3/32 |

(vi) *Label.* The label shall be in accordance with AAR Specification EM-601-42. (2) *Tender tank hose.*

TABLE B

| | Grade | Minimum gauge in inches | Minimum tensile p. s. i. | Minimum elongation | Minimum adhesion in pounds |
|---|---|---|---|---|---|
| | | | | *Percent* | |
| Tube | M-Q-1 | 0.070 | 600 | 200 | 10 between tube and duck. |
| Friction | M-N | | | | 12 between plies of duck. |
| Intermediate | M-Q-1 | 0.070 | | | 10 between intermediate layer and duck. |
| Cover | M-Q-1 | 0.060 | 600 | 200 | 10 between cover and duck. |

(i) *Cotton reinforcement.* The reinforcement shall consist of plies of cotton duck cut on a bias of approximately 45 degrees and applied evenly and firmly with not less than ½" lap not sewed. The plies of duck shall be well frictioned on both sides with M-N grade compound which shall firmly join the plies to the rubber tube, cover and intermediate layer and to each other. A distinct intermediate layer of rubber shall be readily visible when the finished hose is cut open. At each end of the hose there shall be an extra ply of duck under the cover and extending for 6 inches from the end of the hose.

The cotton duck shall be either 15.4 oz. single yarn chafer or 16 oz. plied yarn chafer, the weight being based on a linear yard per 40" wide.

(ii) *Helical wire reinforcement.* The helical reinforcement shall be of thoroughly galvanized or copperized spring steel wire No. 9 BWG (0.148 inches). It shall be wound with not over 1 inch pitch throughout the length of the hose up to a point distant 3½" from each end of the hose. At this point the wire shall be turned to a straight line parallel with the axis of the hose and shall extend to a point 1 inch from the ends of the hose.

(iii) *Intermediate rubber layer.* The intermediate layer of rubber shall be formed completely around the wire and bonded to the duck.

(iv) *Sampling.* For lots of 25 to 100 lengths, of each size of hose one length shall have a prolong 18 inches long for test purposes. For lots less than 25, no prolong shall be supplied.

(v) *Boiling water test.* Samples of the tube, removed from the hose and buffed to a uniform thickness shall be immersed in boiling water for a period of eight hours. After removal and drying for 24 hours the type A test specimen shall be died from the immersed sample and tested. The tensile strength shall not be less than 50% of the original.

(vi) *Bend test.* A complete length of hose shall be bent 180 degress until two ends are parallel. The diameter of the inside of the bend shall be equal to three times the nominal inside diameter of the hose. The hose when bent in this position shall show no kinking.

(vii) *Tolerance.* (*a*) The inside diameter may vary by not more than 1/32" either way from that designated.

(*b*) The length of hose may vary by not more than ¼" either way from that designated.

(*c*) The outside diameter over soft ends of hose shall conform to the following table:

| Nominal inside diameter in inches | Outside diameter in inches | |
|---|---|---|
| | Maximum | Minimum |
| 2¼ | 3¼ | 3 1/16 |
| 2½ | 3½ | 3⅜ |
| 3 | 4 | 3⅞ |
| 3½ | 4½ | 4⅜ |
| 4 | 5 | 4⅞ |
| 4½ | 5½ | 5⅜ |

(viii) *Label.* The label shall be in accordance with AAR Specification EM-606-42.

(3) *Cold water hose.*

TABLE C

| | Grade | Minimum gauge in inches | Minimum tensile p. s. i. | Minimum elongation | Minimum adhesion in pounds |
|---|---|---|---|---|---|
| | | | | *Percent* | |
| Tube | M-T | 0.050 | 400 | 150 | 5—sizes ¾" and under.<br>6—over ¾". |
| Friction: | | | | | |
| 1½" and under | M-T | | | | 6—all sizes. |
| Over 1½" | M-R | | | | |
| Cover | M-T | 0.047 | 550 | 200 | 5—sizes ¾" and under.<br>6—over ¾". |

(i) *Cotton reinforcement.* The reinforcement shall consist of cotton duck for wrapped hose and braided fabric for braided hose. For wrapped hose the plies of duck shall be cut on a bias of approximately 45 degrees and applied evenly and firmly over the tube with not less than ½" lap, not sewed. The plies of duck shall be well frictioned on both sides with the designated grade of compound which shall firmly join the plies to the reclaimed rubber tube and cover and to each other. The plies of braided fabric shall be separated by a friction layer in the designated grade of compound which shall firmly join the plies to the reclaimed rubber tube and cover and to each other.

(ii) *Sampling.* From each lot of 1000 feet or less of each size of hose, a three foot section shall be taken for test purposes.

(iii) *Hydrostatic test, dimensions, plies and tolerances.* The bursting strength, as determined by straight burst method, the inside and outside diameters, minimum number of plies, shall be as designated in the following Table D:

TABLE D

| Size I. D. | Outside diameter maximum—in inches | Minimum number of plies | | Bursting strength minimum—p. s. i. |
|---|---|---|---|---|
| | | Wrapped | Braided | |
| ½ | 1 5/16 | 3 | 2 | 600 |
| ¾ | 1 5/8 | 3 | 2 | 600 |
| 1 | 1 15/16 | 4 | 2 | 500 |
| 1¼ | 2 7/8 | 4 | 3 | 500 |
| 1½ | 2 15/16 | 4 | 3 | 450 |
| 2 | 3 3/4 | 4 | | 450 |
| 2½ | 4 5/16 | 5 | | 450 |
| 3 | 5 1/16 | 5 | | 450 |
| 3½ | 5 13/16 | 5 | | 350 |
| 4 | 6 7/16 | 5 | | 300 |

NOTE.—The inside diameter may vary either way from that specified by not more than 1/32" for sizes ¾" and smaller, and by not more than 1/16" for larger sizes.

(iv) *Label.* The label shall be in accordance with AAR Specification EM-604-42. (4) *Air, gas and oxygen hose.*

TABLE E

| | Grade | Minimum gauge in inches | Minimum tensile p. s. i. | Minimum elongation | Minimum adhesion in pounds |
|---|---|---|---|---|---|
| | | | | *Percent* | |
| Tube: | | | | | |
| ⅜" and under | M-P | 0.050 | 600 | 200 | 7 |
| 7/16 to 1" incl. | M-Q-1 | 0.063 | 600 | 200 | 8 |
| Over 1" | M-Q-1 | 0.078 | 600 | 200 | 8 |
| Friction: | | | | | |
| ⅜" and under | M-P | | | | 7 |
| Over ⅜" | M-P | | | | 10 |
| Cover: | | | | | |
| ⅜" and under | M-P (Black) | 0.020 | 700 | 250 | 5 |
| ⅜" and under | M-N (Red) | 0.020 | 700 | 250 | 5 |
| Over ⅜" | M-P | 0.063 | 800 | 250 | 8 |

NOTE: ½" gas and oxygen hose, if required, shall conform to the same regulations as ⅜" and under for tube, friction and cover.

(i) *Cotton reinforcement.* The reinforcement shall consist of cotton duck for wrapped hose and braided fabric for braided hose. For wrapped hose the plies of duck shall be cut on a bias of approximately 45 degrees and applied evenly and firmly over the tube with not less than ½" lap, not sewed. The plies of duck shall be well frictioned on both sides with M-P grade compound which shall firmly join the plies to the rubber tube and cover and to each other. The plies of braided fabric shall be separated by a friction layer of M-P grade compound which shall firmly join the plies to rubber tube and cover and to each other.

(ii) *Sampling.* From each lot of 1,000 feet or less of each size of each kind of hose, a three foot section shall be taken for test purposes.

(iii) *Hydrostatic test, dimensions, plies and tolerances.* The bursting strength, as determined by straight burst test, the inside and outside diameters, minimum number of plies, and tolerances and dimensions shall be as designated in the following Table F:

TABLE F

| Size, I. D. (inches) | Outside diameter—maximum—in inches | Minimum number of plies | | Bursting strength minimum p. s. i. |
|---|---|---|---|---|
| | | Wrapped | Braided | |
| ¼ | 5/8 | 4 | 2 | 900 |
| 5/16 | 1 1/16 | 4 | 2 | 700 |
| 3/8 | 3/4 | 4 | 2 | 600 |
| ½ gas and oxygen | 7/8 | 4 | 2 | 550 |
| ½ | 1 1/16 | 4 | 2 | 800 |
| ¾ | 1 15/32 | 4 | 2 | 700 |
| 1 | 1 13/16 | 4 | 3 | 700 |
| 1¼ | 1 15/16 | 5 | 3 | 600 |
| 1½ | 2 3/16 | 5 | 3 | 550 |

NOTE 1: The inside diameter tolerance shall be plus or minus 3/128" on sizes 3/8" and under: plus or minus 1/32" on sizes ½" and ¾", and plus or minus 1/16" on sizes over ¾".

NOTE 2: The minimum O. D. on the ¼", 5/16" and 3/8" sizes of gas and oxygen hose shall not be less than 1/16" under the maximum designated O. D.

(iv) *Label.* The label shall be in accordance with AAR Specification EM–603–42.

(v) *Color.* All compounds shall be black, except the cover on hose for acetylene-hydrogen which shall be red.

(5) *Steam and hot water hose.*

TABLE G

| | Grade | Minimum gauge in inches | Minimum tensile, p. s. i. | | Minimum elongation—Original | Minimum adhesion in pounds | |
|---|---|---|---|---|---|---|---|
| | | | Original | After steaming | | Original | After steaming |
| | | | | | *Percent* | | |
| Tube | MH | 3/8" & 1/4"–0.094" | | | | 15 | 12 |
| | | 3/4"–0.109" all other sizes—0.125. | 750 | 550 | 200 | | |
| Friction | ME | | | | | 18 | 15 |
| Cover | MP | All 0.047" sizes | 600 | | 200 | 12 | |

NOTE 1: The rack steaming test only shall be used

NOTE 2: Hose for general use shall, unless otherwise specified, be furnished in 50 ft. length.

Hose for car heating purposes shall be furnished in 24 in. length with a permissible variation of ¼" either way.

(i) *Cotton reinforcement.* The reinforcement shall consist of plies of cotton duck cut on the bias and applied evenly and firmly over the tube with not less than a ½" lap not sewed. The number of plies shall be as shown in Table H appearing in subparagraph (iii) hereof.

The plies of duck shall be well frictioned on both sides with a rubber compound which shall firmly join the plies to the rubber tube and cover and to each other.

(ii) *Sampling.* Two samples, each 24" long, shall be taken from each lot of 1,000 or less feet of each size of long length hose, and from each lot of 300 or less lengths of car heating hose. One of these samples shall be used for the hydrostatic test, the other for the before and after steaming tests.

(iii) *Hydrostatic test.* One of the 24 in. test samples shall be subject to a hydrostatic pressure applied at the rate of not less than 100 lbs. per sq. in. in six seconds and shall withstand without bursting, leaking or developing other defects, the indicated pressure for the respective sizes of hose shown in the following Table H:

TABLE H

| Diameter of hose—in inches | | Plies | Burst pressure lb. per square inch |
|---|---|---|---|
| Inside | Outside maximum | | |
| 3/8 | 1 1/16 | 4 | 875 |
| ½ | 1 3/16 | 4 | 875 |
| ½ | 1 5/16 | 7 | 1,000 |
| ¾ | 1 9/16 | 4 | 875 |
| ¾ | 1 11/16 | 7 | 1,000 |
| 1 | 1 7/8 | 5 | 875 |
| 1¼ | 2 1/8 | 5 | 800 |
| 1½ | 2 3/8 | 5 | 800 |
| 1½ | 2 1/2 | 6 | 875 |
| 1½ | 2 5/8 | 8 | 1,000 |
| 1 5/8 | 2 1/2 | 5 | 775 |
| 1 5/8 | 2 5/8 | 6 | 875 |
| 1 5/8 | 2 3/4 | 8 | 1,000 |
| 1¾ | 2 3/4 | 6 | 775 |
| 2 | 3 | 6 | 750 |

(iv) *Tolerances.* (a) The inside diameter may vary either way by not more than 1/32" from the dimensions shown.

(b) The inside diameter after the steam test shall be not more than 13 per cent greater than the original diameter for sizes 1 inch and over, and not more than 20 per cent for sizes less than 1 inch.

(v) *Label.* The label shall be in accordance with the AAR Specification EM–605–42.

### LIST 4—REGULATIONS FOR THE MANUFACTURE OF PACKING

(a) The manufacture of packing shall be limited to the types and grades listed in this List 4.

(b) The fabric reinforced face and friction compounds, the non-fabric reinforced compounds and core compounds for each of the commercial types of packing shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such types. For these types of packing, when a compound grade is not designated, the maximum limitation on crude rubber by weight shall be that designated therefor opposite the description or designation of such type.

(c) The regulations contained in this List 4 shall not apply to the manufacture of component parts of watercraft, aircraft, military vehicles or gun mounts to fill war orders for the Army or Navy of the United States when the Army or Navy contract specifically requires the use of different compounds or constructions.

| Description | Grade | Non-fabric reinforced compounds | Fabric-reinforced | | Construction and/or service restrictions |
|---|---|---|---|---|---|
| | | | Face compound | Friction compound | |
| Standard rubber sheet packing (known heretofore as red or black sheet packing) including cut, extruded, or molded strips, gaskets or packing rings of simple round, square, or rectangular cross section made from these compounds (except for application elsewhere defined). | 1 | M-M-2 | ---------- | ---------- | Color: May be red or black.<br>Service: (a) Designed for use against chemicals or foodstuffs, where contamination or the imparting of undesirable odors or taste is to be avoided. (b) Designed for use against saturated steam at pressures in excess of 50 p. s. i. |
| Shore hardness—75 min | 2 | M-S | ---------- | ---------- | Service: Designed for service other than listed for Grade 1. |
| Soft rubber sheet, including cut, extruded or molded strip, gaskets or packing rings of simple round, square or rectangular cross section (except for applications elsewhere defined): | ---------- | ---------- | ---------- | ---------- | Service: Soft rubber sheets in Grades 1, 2, and 3 are to be used only in packing designed for services where a grade softer than standard rubber sheet is absolutely necessary. Packing designed for use in bolted tanks shall be Grade 3 except that hardness may be in excess of 75. |
| Shore hardness—below 55 | 1 | M-M | | | |
| Shore hardness—55-65 | 2 | M-O | | | |
| Shore hardness—65-75 | 3 | M-Q-1 | | | |
| Cloth insertion sheet, including cut strip or gaskets. | ---------- | ---------- | M-T | M-R | |
| Diaphragm sheet, including cut diaphragms: | ---------- | ---------- | ---------- | ---------- | Color: Grade 1 may be black or amber. |
| Cloth inserted: | | | | | |
| Supersensitive | 1 | ---------- | M-B | M-E | Service: Grades 1 and 2 cloth inserted designed for control diaphragm service. Grade 1 shall be used only in packing designed for exceedingly flexible diaphragms, not exceeding 1/32" in thickness. |
| Standard | 2 | ---------- | M-N | M-N | |
| Without cloth insertion: | | | | | |
| Shore hardness below 55 | 1 | M-K | ---------- | ---------- | |
| 55-65 | 2 | M-N | ---------- | ---------- | |
| 65-75 | 3 | M-P-1 | ---------- | ---------- | |
| Above 75 | 4 | M-S | ---------- | ---------- | |
| Piston packing, hydraulic, known heretofore as white hydraulic. | ---------- | ---------- | ---------- | M-K | No skim coat, cushion layer or covers permitted. |
| Rod packing: Duck rubber slab construction, known heretofore as low pressure ring, low pressure spiral or cross expansion packing. | ---------- | ---------- | M-P-1 | M-P-1 | Skim coat of same grade as friction shall not exceed 0.010 in., covers shall not exceed 0.016 in. Cushion layers (except skim) not permitted. |

| Description | Fabric reinforced friction compound | Core compound | Maximum crude rubber by weight | Construction and/or service restriction |
|---|---|---|---|---|
| Rod packing: Duck rubber rolled | M-P-1 | M-S | ---------- | No skim coat permitted. Made with or without central rubber core or rubber cover. Round or square cross section. Cover M-P-1. |
| Duck rubber rolled (manufactured by spreading process). | ---------- | ---------- | 15% (based on weight of fabric). | Round or square cross section. |
| Molded V-shape or lip | M-N | ---------- | ---------- | Skim coats of same grade compound as friction permitted. Cushion layers and rubber covers not permitted. |
| Molded channel with metal core known as semi-metallic. | M-N | ---------- | ---------- | Skim coats of same grade compound as friction permitted. Cushion layers and rubber covers not permitted. |
| Molded channel with metal core known as semi-metallic (manufactured by spreading process). | ---------- | ---------- | 15% (based on weight of fabric). | |
| Molded channel with cores other than metal. | M-N | M-S | ---------- | |
| Rubber bonded plastic | ---------- | ---------- | 5% | Color: optional. |
| Rubber bonded metal foil | ---------- | ---------- | 2% | Color: optional. |
| Compressed asbestos sheet | ---------- | ---------- | 13% | Color: optional. |
| Rubberized woven asbestos cloth or braid, including unmolded gaskets or rod packings prepared from same: | | | | |
| Metallic | ---------- | M-S | 10% (based on weight of fabric). | |
| Non-metallic | ---------- | M-S | 13% (based on weight of fabric). | |

LIST 5—REGULATIONS FOR THE MANUFACTURE OF DAM AND LOCK GATE SEALS

(a) The manufacture of dam and lock gate seals shall be limited to the construction listed in this List 5.

(b) The tread, cushion, friction and coat for dam and lock gate seals shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite description or designation of each construction element in Table A of this List 5.

TABLE A

| Construction element | Compound | Minimum tensile strength in pounds per square inch | Minimum elongation | Shore hardness | Minimum ply adhesion in pounds |
|---|---|---|---|---|---|
| Tread | M-N | 1,500 | 350% | 60-70 | |
| Cushion | M-B | 2,000 | 700% | 35-47 | |
| Friction and coat | M-H | | | | 16 |

LIST 6—REGULATIONS FOR THE MANUFACTURE OF HOG SCRAPER (BEATER) PADDLES

(a) The manufacture of hog scraper (beater) paddles shall be limited to the constructions listed in this List 6.

(b) Compounds for each of the grades of hog scraper paddles listed in Table A of this List 6 shall be made from one of the compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compounds to be used for covers, friction and coats being those hereinbelow designated therefor opposite the description or designation of such class:

| Description | Cover compound | Friction compound | Coat or skim compound |
|---|---|---|---|
| Rubber covered | M-R | M-N | M-E |
| Friction surface | | M-N | M-E |

NOTE 1: The skim or coat shall not exceed .010 inch in thickness. Where skim coats are not used, a cushion layer of same quality as the skim may be used provided it does not exceed the combined gauges of the permissible skims.

NOTE 2: Maximum combined gauges of covers shall not exceed 5/16 inch.

LIST 7—REGULATIONS FOR THE MANUFACTURE OF LOOM PICKERS

(a) The manufacture of loom pickers shall be limited to the types listed in this List 7.

(b) Compounds for each of the types of loom pickers shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite description or designation of such type:

| *Type of product* | *Compound* |
|---|---|
| Loom pickers for cotton weaving | M-P-1 |
| Loom pickers for rayon weaving | M-K-1 |
| Reversible drop box pickers for cotton or rayon | M-K-1 |

NOTE 1: The compounds specified above shall be employed only as a friction for the fabric.

NOTE 2: The color of compounds used in loom pickers is optional.

LIST 8—REGULATIONS FOR THE MANUFACTURE OF MILK AND MILKING MACHINE EQUIPMENT

(a) The manufacture of milk and milking machine equipment shall be limited to the items listed in this List 8.

(b) Compounds for each of the following types of rubber parts for milk and milking machine equipment shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite description or designation of such type:

| *Type of product* | *Compound* |
|---|---|
| Milking inflations | M-A. |
| Milking tubing (single line) | M-H-1. |
| Milking tubing (twin line) | M-M-1. |
| Bottle filler rubbers | M-H-1. |

Miscellaneous parts such as special gaskets, gland rings, bowl rings:

Grade 1. Shore hardness below 55 M-K.
Grade 2. Shore hardness 55-65 M-N.
Grade 3. Shore hardness 65-75 M-P-1.
Grade 4. Shore hardness above 75 M-S.

(c) The color of milking inflations is optional.

LIST 9—REGULATIONS FOR THE MANUFACTURE OF PIPE COUPLING RINGS

(a) The manufacture of pipe coupling rings shall be limited to the types listed in this List 9.

(b) Compounds for each of the grades of pipe coupling rings listed below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such grade:

| *Compound* | *Service restriction* |
|---|---|
| M-N or M-SB-8 or M-SN-6. | Designed for all types of coupling rings, bell joint clamp gaskets, and all types of rings, bands, plugs, gaskets, etc., for the repair of pipe. |

LIST 10—REGULATIONS FOR THE MANUFACTURE OF PRESS DIE PADS

(a) The manufacture of press die pads shall be limited to the grades listed in this List 10.

(b) Compounds for press die pads shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such products:

| Grade | Compound | Shore durometer |
|---|---|---|
| No. 1 | M-A | Under 40. |
| No. 2 | M-E | 40 and over. |

NOTE 1: In order to reverse the pad so that both sides can be used, pads shall not be manufactured with the rubber compound vulcanized to a steel plate.

NOTE 2: Rubber color stripes to identify hardness are permitted.

LIST 11—REGULATIONS FOR THE MANUFACTURE OF PRINTING RUBBER PRODUCTS

(a) The manufacture of printing rubber products shall be limited to the types and grades listed in this List 11.

(b) Compounds for each of the types of printing rubber products shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such type.

| Type of product | Shore durometer | Compound |
|---|---|---|
| Printing plate gums | 46-55 | M-M-1 or M-SB-8 or M-SN-7. |
| Printing plate gums | 56-65 | M-N-1 or M-SB-9 or M-SN-8. |
| Printing plate gums | 66-90 | M-Q-1 or M-SB-10 or M-SN-9. |
| Printing plate insert and backing fabrics | | M-R-1 or M-SB-8 or M-SN-7. |
| Adhesive fabric | | M-E. |
| Offset blankets | | M-J-1 or M-SB-7 or M-SN-6 or M-ST-5. |
| Newspaper blankets | | M-L-1 or M-SB-8 or M-SN-7 or M-ST-5. |
| Cutting rubber | | M-J-1 or M-SB-7 or M-SN-6. |
| Printing rolls | | M-J-1 or M-SB-7 or M-SN-6. |
| Engraving rubber face stock | 30-55 | M-M-1 or M-SB-8 or M-SN-7. |
| Engraving rubber face stock | 56-75 | M-N-1 or M-SB-8 or M-SN-7. |
| Engraving rubber face stock | 76-90 | M-P-1 or M-SB-9 or M-SN-8. |
| Engraving rubber friction | | M-Q-1 or M-SB-8 or M-SN-7. |
| Engraving rubber filler | | M-Q-1 or M-SB-10 or M-SN-9. |
| Box die gums | | M-M-1 or M-SB-7 or M-SN-6. |

NOTE 1: In any combination of compounds, any one or group of compounds may be higher in crude rubber and RHC volume than the designated compound grade provided the total volume of crude rubber and RHC of all compounds is not in excess of that permitted.

NOTE 2: The thickness of face stocks on engraving rubber shall not exceed ⅛".

NOTE 3: Red face stock may be used on offset blankets and newspaper blankets.

NOTE 4: Rolls (except feed rolls) used on duplicating, hectograph, mimeograph or similar reproducing equipment shall conform to the requirements for printing rolls.

LIST 12—REGULATIONS FOR THE MANUFACTURE OF RUBBER LINED TANKS, DRUMS AND RUBBER PROTECTED INDUSTRIAL EQUIPMENT.

(a) The manufacture of rubber lined tanks, drums and rubber protected industrial equipment shall be limited to the types and kinds set forth in this List 12.

(b) Compounds for each of the following types of rubber lined tanks, drums and rubber protected industrial equipment shall be made from one of the grades of compounds listed in List I attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such type in Table A of this List 12.

TABLE A

| Type of equipment | Compound | Construction and/or service restrictions |
|---|---|---|
| Rubber lined drums and tanks (hard or soft rubber). | M-F | ⅛" maximum thickness designed for use for temperature up to and including 150° F.<br>3/16" maximum thickness designed for use for temperatures in excess of 150° F. |
| Rubber lined pipes and fittings | M-F | ⅛" maximum thickness in pipes up to and including 3" diameter, regardless of anticipated temperature; also in pipes over 3" in diameter designed for use where temperature is not in excess of 150° F.<br>3/16" maximum thickness for pipes over 3" in diameter designed for use where temperature is in excess of 150° F. |

NOTE 1: The lining of tank cars is to be in accordance with I. C. C. specifications.

NOTE 2: No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be used in conjunction with tanks, barrels, pails, drums, racks, fume ducts or pipe and fittings for any operation connected with the plating or anodizing of materials.

NOTE 3: No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be used in lining or covering tanks and drums, pipe and fittings, when designed for purely abrasive services where no corrosive liquids are present.

NOTE 4: No outside rubber coverings shall be permitted extending more than a vertical distance of 2" below the outside top edge of any rubber lined tank or more than 2" from the outside edge of any rubber lined cover.

NOTE 5: Where corrosive chemicals and chemicals having a softening action on rubber are involved, an additional 1/16" thickness may be employed.

NOTE 6: Where closed vessels or tanks operating under a vacuum of 18" of mercury or more are involved, an additional thickness of 1/16" may be used.

(c) Rubber protected fume ducts, fans, racks, frames, trays, screens, buckets, pails, dippers, funnels, and measures (for handling corrosive materials and explosives) shall employ the same restrictions and compounds as rubber lined tanks and drums.

(d) Rubber protected agitators, pumps, blowers, exhauster and pump lining, valves and valve parts shall be made from compound grade M-F, and the restrictions on thickness shall be the same as those for rubber lined tanks and drums, except that a greater thickness of rubber may be used where existing equipment makes it necessary to have such additional thickness to make the equipment function.

(e) Lining of centrifugal pumps designed to handle ore concentrates, slurry, sand and other highly abrasive material in suspension, shall be made from compound grade M-C, and the restrictions on thickness shall be the same as those for rubber lined tanks and drums, except that a greater thickness of rubber may be used where existing equip-

ment makes it necessary to have such additional thickness to make the equipment function.

LIST 13—REGULATIONS FOR THE MANUFACTURE OF ABRASIVE IMPLEMENTS

(a) The manufacture of rubber bonded abrasive implements shall be limited to implements designed for the types of operations listed in this List 13.

(b) Crude rubber may be used in the manufacture of only those rubber bonded implements which are designed for the types of work listed below, and the only grade of compound to be used in their manufacture shall be that listed as M–N–2 in List 1 attached to Supplementary Order M–15–b–1, as amended:

Ball and roller race.
Cut-off and thin slotting.
Stainless welds.
Heat sensitive and non-ferrous alloys.
Centerless and control.
Soft polishing and bonded cork.
Rubber asbestos products.
Shank mounted.
Disc mounted tie gum.
Weld grinding at bottom of slots.

LIST 14—REGULATIONS FOR THE MANUFACTURE OF MINE AND INDUSTRY SAFETY PARTS

(a) The manufacture of mine and industry safety parts shall be limited to the types and grades listed in this List 14.

(b) Compounds for each of the mine and industry safety parts listed below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M–15–b–1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such grade in Table A of this List 14.

TABLE A

| Type of product | Compound | Construction |
|---|---|---|
| Face pieces, respirators, goggles and accessories not elsewhere listed | M–K–1 | |
| Corrugated tubes | M–L | |
| Flutter valve, valve mechanisms and valve assemblies | M–B | |

| | Tube | Friction | Cover | |
|---|---|---|---|---|
| Hose mask hose, as required by Bureau of Mines. | M–L or M–SN–9 or M–SB–9. | M–N or M–SN–7 or M–SB–7. | M–P or M–SN–7 or M–SB–7. | Cover—$\frac{3}{32}$" max.<br>Tube—$\frac{1}{16}$" max.<br>I. D.—1 inch only.<br>Maximum O. D.—$1\frac{7}{16}$". |

NOTE.—The color of face pieces, respirators, goggles and corrugated tubes is optional.

LIST 15—REGULATIONS FOR THE MANUFACTURE OF BRAKE LININGS, BRAKE BLOCKS AND CLUTCH FACINGS

(a) The manufacture of brake linings, brake blocks, and clutch facings shall be limited to the types and grades listed in this List 15.

(b) Compounds for each of the following types of brake linings, brake blocks and clutch facings shall be made from one of the grades of compounds listed in List 1 of Supplementary Order M–15–b–1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such type in Tables A and B of this List 15.

TABLE A—BRAKE LININGS AND BLOCKS

| Type of product | Compound | | |
|---|---|---|---|
| | Passenger cars | Trucks and buses | Industrial |
| Folded and compressed | M–T–3 | M–T–3 | M–S–3 |
| Wire back | M–T–4 | M–T–4 | M–T–4 |
| Sheeter | M–T–3 | M–T–2 | M–R–2 |
| Extruded | M–T–1 | M–T–1 | M–R–2 |
| Synthetic resin and/or oil bonded (not wire back) | M–T–4 | M–S–5 | M–S–5 |

TABLE B—CLUTCH FACINGS

| Type of product | Passenger cars | Trucks and buses | Industrial |
|---|---|---|---|
| Formed and jointed | M–T–3 | M–S–1 | M–S–1 |
| Whole cloth | M–T–3 | M–S–1 | M–S–1 |
| Spiral wound and chevron | M–T–3 | M–S–4 | M–S–1 |
| Molded resin bonded | M–T–4 | M–T–4 | M–S–5 |
| Sheeter | M–T–3 | M–T–2 | M–R–2 |

NOTE 1: Vehicles over 1½ tons capacity are considered as trucks and/or buses.

LIST 16—REGULATIONS FOR THE MANUFACTURE OF RUBBER COVERED ROLLS [EXCEPT DOMESTIC WASHING MACHINE WRINGER, PRINTERS, FINGER PRINT AND BUSINESS MACHINES]

(a) Roll covering compounds for each of the types of rolls, listed in Table A below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M–15–b–1, as amended, the appropriate grade of compound being that hereinbelow designated therefor opposite the description or designation of such grade in Table A of this List 16.

TABLE A—*Pusey & Jones Plastometer (hardness—⅛" ball)*

| | *Grade of compound* |
|---|---|
| Above 220 | M–C, M–SB–5, M–SN–5 or M–ST–2. |
| 180–220 | M–D, M–SB–5, M–SN–5 or M–ST–2. |
| 90–180 | M–E, M–SB–5, M–SN–5 or M–ST–2. |
| 60–90 | M–F, M–SB–5, M–SN–5 or M–ST–2. |
| 0–60 | M–G–1, M–SB–5, M–SN–5 or M–ST–2. |
| Base rubber for rolls of all hardnesses | M–H–2. |

(b) The cover thickness of each of the types of rolls listed in Table B of this List 16 shall not exceed that specified for such type in such Table B.

TABLE B

| Industry | Type of roll | Maximum cover thickness |
|---|---|---|
| Paper mill rolls: | | |
| Group 1 | Press, smoothing, sizing, lump breaker, breast pad. | ¾" on rolls up to and including 24" core diameter.<br>⅞" on rolls of larger core diameter. |
| | Waxing—all types—Baby, monkey and primary press. | ¾".<br>When used as top roll ¾"; when used as bottom roll ½". |
| Group 2 | Suction press | ⅞". |
| | Couch, including cylinder wet machine and extractor. | 1¼". |
| | Couch, for deckers, thickeners, save-alls and washers. | ½". |
| | Felt, table, wire and carrier guide | ¼". |
| | Worm felt | ¼" over-all. |
| | Draw cutters (wormed) | ½" over-all. |
| | Coating | 1". |

NOTE 1: Coverings for the classes of rolls described in Group 2 above may be applied only to cores already in use as a component part of the machine. No new cores for existing or new machines may be covered with rubber.

NOTE 2: Embossing rolls shall not be rubber covered.

| Industry | Type of roll | Maximum cover thickness |
|---|---|---|
| | | *Inches* |
| Steel mill rolls | Electrolytic and tinning | 5/8 |
| | Scrubber | 1½ |
| | Carrier and support | 1 |
| | Dancer and immersion | ¾ |
| | Acid | ¾ |
| | Pinch | 1½ |
| | Polishing | 1½ |
| | Bonderizing | ¾ |
| Tanning rolls | Splitting machines | 1 |
| | Setting-out, buffing, flashing, putting-out, unhairing. | ¾ |
| | Wringer, shaving, breast and staking | ½ |
| Textile rolls: | | |
| For flat goods service | Top rolls—all types | 5/8 |
| | Bottom rolls | 5/8 |
| For rope form and warp yarn service | Top rolls—all types | ¾ |
| | Bottom | 5/8 |
| For other services, including jig, beam, immersion guide, and where protective covering against corrosive chemicals is required | | ¼ |

NOTE: Wool scouring rolls may be made to existing dimensions.

*Other industrial rolls.* Agricultural equipment rolls and gluing rolls may not be covered with rubber compound in excess of ¾". No type of industrial rolls not mentioned in this List 16 shall be covered with rubber or rubber compounds.

NOTE 1: On all rolls where ends, shafts or shoulders are protected from corrosion with coverings, the thickness of the end covering shall not exceed ¼", except when used for pickling stainless steel, where nitric acid and/or hydrofluoric acid is used, the thickness should not exceed ¾".

NOTE 2: The maximum thickness of covers may be exceeded where definite diameters are necessary to maintain peripheral speed, or where definite diameters are necessary to maintain tension by the use of graduated diameter in continuous finishing operations.

NOTE 3: The color of roll covering compounds is optional.

## LIST 17—REGULATIONS FOR THE MANUFACTURE OF SOLES, TAPS, SHEET SOLING, TOPLIFTS, HEELS AND HEEL BASES.

These regulations govern the manufacture of all soles, taps, sheet soling, toplifts, heels and heel bases made in whole or in part of crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber.

### (a) COMPOUNDS

MAXIMUM PERCENT BY VOLUME

| Compound grade | Crude rubber | Synthetic rubber (SRV) | Uncured friction scrap | Total RHC | Abrasive index | P & J hardness [1] | |
|---|---|---|---|---|---|---|---|
| | | | | | | Maximum | Minimum |
| HA | 45 | 0 | 0 | 65 | 65 | .75 mm. | .68 mm. |
| HC | 0 | 0 | 0 | 55 | 25 | .80 mm. | .50 mm. |
| HD | 0 | 0 | 0 | 50 | 20 | .80 mm. | .50 mm. |
| HE | 0 | 0 | 0 | 45 | 15 | .80 mm. | .50 mm. |
| HF | 0 | 0 | 0 | 45 | 10 | .80 mm. | .50 mm. |
| HK | 40 | 0 | 0 | 60 | 65 | .35 mm. | .30 mm. |
| HL | 0 | 0 | 10 | 45 | 26 | ---------- | ---------- |
| HM | 0 | 0 | 0 | 55 | 22 | .53 mm. | .42 mm. |
| HO | 0 | 0 | 0 | 50 | 20 | .40 mm. | .27 mm. |
| H-SN-11 (Chloroprene) | 0 | 40 | 0 | 10 | ---------- | ---------- | ---------- |
| H-SB-12 (Butadiene) | 0 | 35 | 0 | 15 | ---------- | ---------- | ---------- |

[1] For reference only, the following equivalent Shore durometer hardness figures, which are approximately equivalent, are given for the Pusey and Jones (P & J) hardness figures, designated in the table above.

P & J .80 mm to .50 mm equivalent to 65 to 80 Shore.
P & J .53 mm to .42 mm equivalent to 75 to 82 Shore.
P & J .40 mm to .27 mm equivalent to 85 to 95 Shore.
P & J .35 mm to .30 mm equivalent to 87 to 93 Shore.
P & J .75 mm to .68 mm equivalent to 68 to 70 Shore.

NOTE 1: A minus tolerance of two points from the specified abrasive index requirements is permitted, with an unlimited plus tolerance.

NOTE 2: For Grade HL compound, the RHC of the uncured cord friction scrap is not included in the total.

NOTE 3: Reclaimed rubber of a quality better than first quality whole tire grade is not permitted to be used in any of these compounds. This prohibits the use of tube reclaim, floating scrap reclaim, carcass reclaim and any other grade of reclaimed rubber with an RHC greater than 55 per cent by weight. The use of in-process scrap and/or uncured friction scrap is prohibited in all sole and heel compounds, except as expressly permitted by subdivision (a) of this List 17.

NOTE 4: HF compound shall not contain any reclaimed rubber derived in whole or in part from pneumatic or solid tire (including tire beads), bogie wheels, tire tubes, or floating scrap, or any grade of reclaimed rubber or scrap rubber with an RHC greater than 40% by weight.

NOTE 5: Black is the only color permitted in the products covered by these specifications.

NOTE 6: Not less than 3% of suitable antioxidants by weight based on the total weight of rubber hydrocarbon (RHC) shall be used in HL and HM compounds, one-third of which shall be of a recognized flex-resisting type.

NOTE 7: Clean cut cotton cords or cords from tire carcasses may be used in HF, HL, and HM compounds to meet the necessary requirements for corded soles, taps and heels.

NOTE 8: The methods of Federal Specification EA-ZZ H141 and ZZ R601 shall be applicable to these regulations.

NOTE 9: All conductive soles and heels shall meet the standards of the ASA specifications.

NOTE 10: No toplifts, heels or heel bases may be cut out of any scrap rubber, tires or belting.

NOTE 11: Soling material may be cut from scrap tire casings or scrap belting.

### (b) HEELS AND HEEL BASES

(1) Corded heels made from HL compound may be manufactured only to fill war orders.

(2) HC compound may be used only in heels using an inert core, which shall be manufactured only to fill war orders. For whole heels a core of 0.366" ± .03" thickness shall be used, while for half heels a core of 0.183" ± 0.015" thickness shall be used.

(3) HD compound may be used only in washer well type heels and may be manufactured only to fill war orders.

(4) HF compound only may be used in "Steel Plate" heels, with the tensile, elongation and abrasive index requirements waived. The hardness shall be between .18 mm. and .40 mm.

(5) HF compound only may be used in heel bases, with the tensile, elongation and abrasive index requirements waived. The hardness shall be between .18 mm. and .40 mm.

(6) All heels, except those to fill war orders and conductive types, shall be made of HF compound only.

(7) All heels made of HF compound shall have a minimum tensile of 400 p. s. i. with a minimum elongation of 150% in addition to meeting other requirements set forth for such heels in subdivision (a) of this List 17.

(8) HK compound may be used only in the manufacture of conductive heels.

### (c) SOLES, TAPS, SHEET SOLING AND TOPLIFTS

(1) Composition soles, taps and sheet soling, except oil resisting and conductive types, shall be made only from HM compound.

(2) Corded soles and taps, either transverse or cord on end, made from HL com-

pound, may be manufactured only to fill war orders or orders for industrial work or utility shoes.

(3) Molded toplifts and toplifting material may be manufactured from HO compound only.

(4) Synthetic oil-resisting compounds H–SB–12 and H–SN–11 may be used only on orders for industrial work shoes requiring soles and heels with oil-resisting properties.

(5) HA compound may be used only in the manufacture of conductive soles.

LIST 18—REGULATIONS FOR THE MANUFACTURE OF INDUSTRIAL OCCUPATIONAL PROTECTIVE CLOTHING

(a) The manufacture of industrial occupational protective clothing shall be limited to pants, coats, jackets, hats and firemen's and policemen's clothing; provided that this limitation shall not apply to:

(1) Self-inflating life preservers and dual tube belts when required to fill war orders.

(2) Commercial diving equipment.

(3) Gloves

(4) Waterproof footwear.

(5) Life saving suits designed for use by seamen.

(b) No crude rubber, synthetic rubber or latex shall be used in compounds for rubberizing the fabrics for these products.

(c) Single coated fabrics shall contain not more than 12 ounces of compounds per square yard.

(d) Double coated fabrics shall contain not more than 19 ounces of compounds per square yard.

(e) Double texture fabrics shall contain not more than 10 ounces of compounds per square yard.

(f) Crude rubber or synthetic rubber may be used in the manufacture of cements and/or tapes necessary for seaming in the manufacture of these products.

(g) Not over three pounds of crude rubber may be used in a complete life saving suit, including shoes, gloves, hood, fasteners and suit.

LIST 19—REGULATIONS FOR THE MANUFACTURE OF HARD RUBBER PRODUCTS

No person shall consume any crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber in the manufacture of any of the types of products listed below, except in accordance with the regulations set forth in this List 19.

(a) COMPOUNDS

| Grade | Maximum percent by volume | |
|---|---|---|
| | Crude rubber and latex | Total RHC |
| HR-A | 85 | 85 |
| HR-B | 80 | 80 |
| HR-C | 70 | 70 |
| HR-D | 60 | 75 |
| HR-D-1 | 60 | 60 |
| HR-E | 50 | 65 |
| HR-E-1 | 50 | 50 |
| HR-E-2 | 45 | 60 |
| HR-F | 40 | 55 |
| HR-F-1 | 40 | 40 |
| HR-G | 30 | 55 |
| HR-G-1 | 30 | 30 |
| HR-H | 20 | 50 |
| HR-H-1 | 20 | 35 |
| HR-H-2 | 20 | 20 |
| HR-I | 10 | 50 |
| HR-J | 0 | 50 |

NOTE 1: Where used in this List 19 the terms "rubber hydrocarbon" and "(RHC)" mean the sum total of crude rubber and the average rubber value of the reclaimed rubber used, expressed on a volume basis, as determined from the specific gravity of the unvulcanized compound.

NOTE 2: The rubber hydrocarbon (RHC) of hard rubber dust derived from scrap rubber is not included in the total RHC content. The rubber hydrocarbon of hard rubber dust, manufactured from crude rubber or reclaimed rubber, however, is included in the total RHC.

NOTE 3: Synthetic rubber may be substituted for crude rubber, in whole or in part, in the above compounds, provided the sum of the SRV by volume and RHC by volume does not exceed the maximum total RHC of the grade designated.

NOTE 4: Compounds of lower rubber and rubber hydrocarbon (RHC) content may be used in manufacturing hard rubber products listed in this List 19, provided the physical requirements, where designated, are met.

(b) HARD RUBBER PRODUCTS

Hard rubber compounds for each of the types of products listed below shall be made from one of the grades of compounds listed in subdivision (a) of this List 19, the appropriate grade of compound to be used being that hereinbelow designated opposite the description or designation of each such type.

(1) *Hard rubber products designed for handling corrosive chemicals and explosives.*

| *Type of product* | *Compound* |
|---|---|
| Bottles, (Blown): | |
| Body | HR–F. |
| Sealing bond | HR–D. |
| Baskets, centrifuge-lined and covered perforated metal. Maximum thickness cover and lining shall be 3/16". Maximum thickness hole lining shall be 5/16" | HR–C. |
| Baskets—etching, buckets, pails, dippers, funnels, measures, beakers, frames, racks and trays | HR–H. |
| Bleaching rods and dye sticks | HR–B. |
| Component hard rubber parts of machinery for manufacture of rayon and chlorine: | |
| Hand made | HR–D–1. |
| Molded | HR–E–1. |
| Fittings—tees, ells, flanges, crosses, unions and couplings: | |
| Molded | HR–G. |
| Blown | HR–E. |
| Pipe | HR–G. |
| Pumps, molded valves and valve parts | HR–F. |
| Pump lining | HR–C. |
| Valves and valve parts (blown) | HR–E. |

(2) *Sheet, rod and tubing.*

| Type of product | Compound | Construction and/or service restrictions |
|---|---|---|
| Sheet | HR–E | Thickness—1/16" and under. |
| | HR–G | Thickness—over 1/16". |
| | | Service—for dielectric purposes and resistance to corrosive chemicals only. |
| Rod | HR–E–2 | Diameter—1/4" or less. |
| | HR–G | Diameter—over 1/4". |
| | | Service—for dielectric purposes and resistance to corrosive chemicals only. |
| Tubing | HR–D | Wall thickness—3/32". |
| | HR–G | Wall thickness—over 3/32". |
| | | Service—for dielectric purposes and for handling corrosive chemicals only. |

NOTE: Where the finished dimensions of an article machined from sheet are less than 1/16", rod less than 1/4" diameter or tubing less than 3/32" wall thickness, or where such products require special characteristics, such as low power factor or high dielectric strength, compound HR–B may be used.

(3) *Molded parts.*

| Type of product | Compound | Construction and/or service restrictions |
|---|---|---|
| Cable connectors and terminal blocks | HR–H | Service—for dielectric purposes. |
| Insulated tools | HR–J | Service—for dielectric purposes. |
| Magneto parts | HR–E–1 | Service—for dielectric purposes. |
| Mine safety lamp parts | HR–C | |
| Hard rubber pipe—connections and accessories | HR–G | Service—medical, surgical, dental, veterinary and mortuary types only. |
| Syringe pipes and combination fittings | HR–G–1 | |
| Pessaries | HR–D | |
| Water meter parts: | | |
| Molded | HR–D | Service—For water meter parts only. |
| Blown | HR–D | |
| Sheet, rod and tubes | HR–D | |

(4) *Hard rubber latex coverings.*

| Type of product | Compound | Construction and/or service restrictions |
|---|---|---|
| Coverings for fume ducts, fans, racks, frames, trays, screens, pipe and fittings, buckets, dippers, funnels, measures, drums, pumps, valves, baskets and agitators. | HR–A | Service—for protecting equipment from corrosive chemicals and fumes. |

(5) *Storage battery parts.*

| Type of product | Compound | Range of physical properties |
|---|---|---|
| Binding strips | HR-D | |
| Separators, sheet or molded retainers | HR-E-1 | |
| Tubular retainers | HR-D-1 | |
| Support and tie rods | HR-G | |
| Hand built jars, except radio, farm-light, mine safety and automotive S. L. I. types. | HR-I | 1,500 lbs.—3,000 p. s. i. 20%—3% elongation. |
| Hand built monoblocs except radio, farm-light, mine safety and automotive S. L. I. | HR-H | 2,000 lbs.—4,200 p. s. i. 10.5%—5% elongation. |
| Molded single cell jars and molded monoblocs, except automotive S. L. I. S. A. E. Groups 1, 2 and 3. | HR-J | 1,300 lbs.—2,000 p. s. i. or more. 6%—1% elongation. |
| Molded covers, vents filler caps, splash covers, discs and sleeves, molded plate supports, bridges, wedges, protectors, insulators, spacers, boots, moss shields, post sealing nuts. | HR-J | 1,300 lbs.—2,000 p. s. i. or more. 6%—1% elongation. |
| Mine safety battery parts | HR-A | |

NOTE 1: No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber may be consumed in the manufacture of hard rubber storage battery parts except for the parts designated above.

NOTE 2: No crude rubber, latex, synthetic rubber, reclaimed or scrap rubber may be consumed in the manufacture of separators or retainers for use in radio, farm lighting or automotive S. L. I. batteries, except to fill war orders.

(6) *Hard Rubber—Army, Navy and Federal specifications.*

| Type of product | Compound | Specifications and physical requirements |
|---|---|---|
| Army aircraft battery containers | HR-D | 70-20-d.<br>Tensile—4,000 lbs.-7.5% elongation.<br>5,000 lbs.-6.0% elongation.<br>6,000 lbs.-5.0% elongation.<br>Tensile product—30,000. |
| Army aircraft battery vents | HR-J | 70-20-d.<br>Tensile—1,300 lbs.—<br>2,000 p. s. i. or more 6%-1% elongation. |
| Navy portable batteries: Monoblocs | HR-H | 17B4 (int.)<br>Tensile—1,800-4,200 lbs. p. s. i.<br>12%-5% elongation |
| Covers and vents | HR-J | Tensile—2,400 lbs. p. s. i.<br>4% elongation |
| Signal Corps battery containers:<br>Outside covers and cases | HR-B | 70-20-d.<br>Tensile—4,000 lbs.-5,000 lbs.-6,000 lbs.<br>Elongation 7.5%-6%-5%<br>Tensile product 30,000 |
| Inner covers and vents | HR-J | Tensile—2,400 lbs. p. s. i.<br>4% elongation |
| Ordnance vehicle battery containers, covers and vents. | HR-J | RIXS-108.<br>Tensile—1,300 lbs.-2,000 lbs. or more<br>6%-2% elongation. |
| Submarine separators | HR-E-2 | 17-S-6-b-Mullen test 2.0 lbs. per mil thickness. |
| Submarine batteries, Jars | HR-A | 17-J-3 (int.)<br>Tensile—5,000 lbs. min. |
| Vents and parts | HR-D | Tensile—5,000 lbs. min. |
| Ordnance—Ebonite tubing | HR-B | O. S. No. 849. |
| Army insulated tools | HR-H | |
| Army aircraft monoblocs:<br>Wall thickness (in section tested) 1/8" and under. | HR-G | 70-22-C. |
| Over 1/8" | HR-H | Tensile—4,000 lbs.—5,000 p. s. i.<br>2.5%—2.0% elongation. |
| Navy aircraft monoblocs | HR-G | B-38B.<br>Tensile—4,000 lbs.—5,000 p. s. i.<br>2.5%—2.0% elongation. |
| Coast Guard aircraft monoblocs | HR-G | RMS-104-B.<br>Tensile—4,000 lbs.—5,000 p. s. i.<br>2.5%—2.0% elongation. |
| Coast Guard portable monoblocs | HR-H | RMS-102-B.<br>RMS-103-B.<br>Tensile—2,000 lbs.—4,200 p. s. i.<br>10.5%—5% elongation. |
| X-ray and photographic tanks—molded | HR-E | ZZ-T-636 and ZZ-T-91. |
| Hand made over 1/8" wall | HR-H | Tensile—4,000 p. s. i. min.<br>4% min. elongation. |
| Hand made under 1/8" wall | HR-F-1 | Specifications to blueprints. |
| Navy mine sweeper monoblocs | HR-G | Tensile—4,350 lbs.—5,000 p. s. i.<br>4%-2% elongation. |
| Army-Navy aircraft. Wall thickness—1/8 and under. | HR-G | AN WB—141-B. |
| Over 1/8" | HR-H | Tensile—4,000 lbs.—5,000 p. s. i.<br>2.5%-2%. |
| Motorcycle monoblocs | HR-J | WB-131-B.<br>Tensile 3,000—4,000 p. s. i.<br>Elongation 3%-1%. |
| Truck and vehicle monoblocs | HR-J | WB-131-B.<br>Tensile—1,300 lbs.—2,000 p. s. i.<br>5%-1%. |

LIST 20—REGULATIONS FOR THE MANUFACTURE OF RUBBER INSULATING TAPE

(a) Rubber insulating tape shall be manufactured only from unvulcanized or partially vulcanized crude rubber and reclaimed rubber compounds.

(b) The thickness shall be .027 inches, plus or minus .003 inches.

(c) Crude rubber shall not be used in proportions which will require more than seven pounds of crude rubber or more than twenty-one pounds of reclaimed rubber per 27,000 square inches of tape.

(d) Rubber insulating tape shall conform to Emergency Alternate Federal Specification E-HH-T-111a, as amended June 23, 1942.

LIST 21—REGULATIONS FOR THE MANUFACTURE OF RUBBER FOOTWEAR

(a) The production of footwear, except as permitted by subdivisions (b) and (c) of this List 21, shall be limited to the following items, and the average amount of crude rubber and latex per pair used in the manufacture of each item shall not be greater than the indicated maximum weight:

| Item | *Average weight of crude rubber and latex per pair maximum (in pounds)* |
|---|---|
| Men's short boot (14" height, square top) | 1.00 |
| Men's 4-buckle cloth farm-weight arctic | .65 |
| Men's 4-buckle cloth light-weight arctic | .55 |
| Boys' 3-buckle cloth light-weight arctic | .45 |
| Youth's 3-buckle cloth light-weight arctic | .40 |
| Women's 2-snap gaiter (rubber) | .25 |
| Misses' 2-snap gaiter (rubber) | .25 |
| Child's 2-snap gaiter (rubber) | .20 |
| Men's work rubber, semistorm and storm | .50 |
| Men's dress rubber, storm and over (soft back only) | .30 |
| Men's clog | .125 |
| Boy's dress rubber, storm and over (soft back only) | .25 |
| Youth's storm rubber | .25 |
| Women's toe rubber | .10 |
| Growing girls' storm and women's over (maximum 16/8 heel) | .20 |
| Misses' storm rubber | .20 |
| Child's storm rubber | .17 |

(b) The production of severe occupational footwear for other than war orders shall be limited to the following items, and the average amount of crude rubber and latex per pair used in the manufacture of each item shall not be greater than the indicated maximum weight:

| Item | *Average weight of crude rubber and latex per pair maximum (in pounds)* |
|---|---|
| Men's short boot (plain toe) | 1.50 |
| Men's short boot (steel toe) | 1.57 |
| Men's storm king boot (plain toe) | 2.00 |
| Men's storm king boot (steel toe) | 2.07 |
| Men's hip boot (plain toe) | 2.30 |
| Men's hip boot (steel toe) | 2.37 |
| Men's 15" lace mine pac (plain toe) | 1.50 |
| Men's 15" lace mine pac (steel toe) | 1.57 |
| Men's workshoe (plain toe) | .95 |
| Men's workshoe (steel toe) | 1.02 |

(c) The production of footwear to fill war orders shall be limited to the items and respective maximum weights listed in subdivisions (a) and (b) of this List 21 and to the following additional items, and the average amount of crude rubber and latex per pair used in the manufacture of each item listed below shall not be greater than the indicated maximum weight:

| Item | *Average weight of crude rubber and latex per pair maximum (in pounds)* |
|---|---|
| Wader, over the shoe, arm-pit height | 3.50 |
| Wader, over the shoe, waist height | 2.90 |
| Men's hip boot, alternate light weight | 1.85 |
| Men's toplace short boot | 1.25 |
| Men's 4-buckle cloth arctic, BQD No. 56B | .68 |
| Men's cashmerette four-buckle arctic No. 72A2B | .75 |
| Men's six-buckle height arctic, Bur. of Aero | .75 |
| Men's four-buckle height arctic, Bur. of Aero | .68 |
| Men's flying boots, A6, A9, A10—Cements only | |
| Men's aviation wading shoes, Bur. of Aero | .38 |
| Men's shoe pac (shell) | .68 |

| *Item* | *Average weight of crude rubber and latex per pair maximum (in pounds)* |
|---|---|
| Men's shoe pac (shell) Yukon type BQD No. 57E | .68 |
| Boots, canvas upper, BQD No. 79 | .65 |
| Men's storm Navy rubber | .35 |
| Overshoes, clog type, non-slip sole | .30 |
| Gymnasium shoe | .07 |

(d) Variations from the average weights of crude rubber and latex per pair maximum are permitted as follows:

Plus 10%.
Minus unlimited.

(e) All rubber footwear shall be manufactured in black color only.

(f) No crude rubber shall be used for label plasters.

LIST 22—REGULATIONS FOR THE MANUFACTURE OF COMPOUNDS FOR TIRES, TIRE CASINGS, CAMELBACK, CAPPING STOCK AND TIRE AND TUBE REPAIR MATERIALS

These regulations govern the manufacture of compounds for tires, tire casings, camelback, capping stock and tire and tube repair materials. Other lists now and hereafter attached to Supplementary Order M-15-b-1 will govern the use of these compounds in the manufacture of finished products. These compounds need be used only when required by other regulations contained in lists now or hereafter attached to Supplementary Order M-15-b-1, as amended. The variations permitted by this revised List 22 are allowed in the manufacture of finished products covered by other applicable lists unless expressly prohibited by such other lists.

COMPOUNDS

| Description of product | | Maximum percent by volume | |
|---|---|---|---|
| Type | Grade | Crude rubber and latex | Total RHC |
| (1) Tread compounds | A | 73.0 | 73.0 |
| | B | 59.5 | 72.6 |
| | C | 47.9 | 71.5 |
| | D | 40.4 | 71.1 |
| | E | 26.0 | 68.8 |
| | F | 0.0 | 67.0 |
| (2) Friction compounds | A | 88.5 | 89.2 |
| | B | 78.0 | 89.2 |
| | C+ | 69.0 | 87.8 |
| | C | 60.0 | 86.3 |
| | D | 43.0 | 80.5 |
| | E | 19.0 | 73.8 |
| | FF | 6.4 | 70.2 |
| | F | 0.0 | 67.5 |

NOTE: Variations from the above regulations are permitted as follows:

| | Tread compounds | Friction compounds |
|---|---|---|
| Crude rubber and latex. | Plus 0, minus 2 | Plus 0, minus 5. |
| Total RHC | Plus 2, minus (limited only by designated minimum percent of crude rubber and latex). | Plus 5, minus (limited only by designated minimum percent of crude rubber and latex). |

LIST 23—REGULATIONS FOR THE MANUFACTURE OF TIRE AND TUBE REPAIR MATERIALS

The manufacture of tire and tube repair materials shall be limited to the types and grades listed in this List 23.

The grade of compound to be used in manufacturing each type shall be one of those listed in List 22 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound being that set forth opposite the description of each type in the following table:

| Description of item | Compound | |
|---|---|---|
| | Type | Grade |
| (1) Tread repair stock (maximum thickness 1/16"). | Tread | C. |
| (2) Tread repair stock (to fill war orders only). | do | B. |
| (3) Repair plugs (cured) | do | F. |
| (4) Truck tire repair cushion stock. | Friction | A. |
| (5) Passenger tire repair cushion stock. | do | C. |
| (6) Truck tire cord repair friction. | do | A. |
| (7) Passenger tire cord repair friction. | do | C. |
| (8) Square woven fabric friction | do | A. |
| (9) Truck tire repair patches (cured and uncured). | do | C or better. |
| (10) Passenger tire repair patches (cured and uncured). | do | Any. |
| (11) Combination tube repair gum (cured back, uncured face). | do | C. |
| (12) Tube repair gum (uncured). | do | B. |
| (13) Cements (cold-cure) | Minimum .25 pound crude rubber per gallon. | |
| (14) Cements (vulcanizing) | Minimum .55 pound crude rubber per gallon. | |

NOTE 1: Of the above materials items 1, 2, 3, 5, 7, 9 and 10 shall be manufactured in black color only.

NOTE 2: In item 11 different grades of compounds may be used in the cured and uncured portions of each, provided the total crude rubber content in the whole item does not exceed the per cent represented by the compound grade specified.

NOTE 3: No repair kit containing any of the above materials, except garage kits, may contain more than .04 pounds of combination tube repair gum nor more than 1.5 cubic inches of any rubber cement.

NOTE 4: Garage kit containing any of the above materials shall contain either one-third pound, one-half pound or one pound of combination tube repair gum and not more than one-half pint of any rubber cement.

NOTE 5: The overall gauge of any combination tube repair gum manufactured shall not exceed .05 inch, including holland cloth or other protective material.

NOTE 6: Any package or container containing any of the above materials shall bear the name of the manufacturer of the materials.

LIST 24—REGULATIONS FOR THE MANUFACTURE OF TIRES AND TIRE CASINGS (EXCEPT AIRPLANE AND BICYCLE TIRES).

(a) *For other than war orders.* (1) Except as provided in subdivisions (a) (3) and (b) of this List 24, the manufacture of tires and tire casings (except airplane and bicycle tires) shall be limited to the sizes, plies and tread types listed in this subdivision (a).

The friction and tread, respectively, of each of the sizes listed in this subdivision (a) shall be made from one of the grades of compounds listed in List 22 attached to Supplementary Order M-15-b-1, as amended, and (where designated) the maximum crude rubber and latex content shall not exceed that designated, the appropriate grade of compound to be used for each respective friction and tread and (where specified) the maximum crude rubber and latex content being that hereinbelow designated therefor opposite the description or designation of such size.

TRUCK, BUS AND SPECIAL PURPOSE TIRES

| WPB Size No. | Size | Ply | Tread type | Compounds | | Maximum content crude rubber and latex in pounds |
|---|---|---|---|---|---|---|
| | | | | Friction | Tread | |
| 1 | 9.00-13 | 6 | Any | C | B | 16.00 |
| 2 | 7.00-15 | 6 | Regular | C | C | 12.75 |
| 3 | 6.00-16 | 6 | do | C | C | 10.00 |
| 4 | 6.50-16 | 6 | do | C | C | 11.75 |
| 5 | 7.00-16 | 6 | do | C | C | 13.25 |
| 6 | 7.50-16 | 6 | do | B | B | 18.50 |
| 7 | 7.50-16 | 8 | do | B | B | 20.50 |
| 8 | 10.50-16 | 10 | do | A | B | 45.00 |
| 9 | 10.50-16 | 12 | do | A | B | 48.50 |
| 10 | 10.50-16 | 12 | Mud-Snow | A | B | 48.50 |
| 11 | 6.00-17 | 6 | Regular | C | C | 10.00 |
| 12 | 7.00-17 | 8 | do | C | C | 16.00 |
| 13 | 7.50-17 | 8 | do | B | B | 23.50 |
| 14 | 7.50-18 | 8 | do | B | B | 25.00 |
| 15 | 8.25-18 | 10 | do | A | B | 35.00 |
| 16 | 9.00-18 | 10 | do | A | B | 41.25 |
| 17 | 10.00-18 | 12 | do | A | B | 50.00 |
| 18 | 11.00-18 | 12 | do | A | B | 55.00 |
| 19 | 6.00-20 | 6 | do | C | C | 12.00 |
| 20 | 6.50-20 | 6 | do | C | C | 14.25 |
| 21 | 6.50-20/32 x 6 | 8 | do | C | C | 16.50 |
| 22 | 6.50-20/32 x 6 | 8 | Mud-Snow | C | C | 16.50 |
| 23 | 7.00-20 | 8 | Regular | C | C | 18.00 |
| 24 | 7.00-20/32 x 6 | 10 | Regular | A | B | 28.50 |
| 25 | 7.00-20/32 x 6 | 10 | Mud-Snow | A | B | 28.50 |
| 26 | 7.50-20 | 8 | Regular | B | B | 25.75 |
| 27 | 7.50-20/34 x 7 | 10 | do | A | B | 33.25 |
| 28 | 7.50-20/34 x 7 | 10 | Mud-Snow | A | B | 33.25 |
| 29 | 8.25-20 | 10 | Regular | A | B | 38.50 |
| 30 | 8.25-20 | 10 | Mud-Snow | A | B | 38.50 |
| 31 | 9.00-20 | 10 | Regular | A | B | 44.50 |
| 32 | 9.00-20 | 10 | Mud-Snow | A | B | 44.50 |
| 33 | 9.00-20/36 x 8 | 12 | Regular | A | B | 48.00 |
| 34 | 10.00-20 | 12 | do | A | B | 55.50 |
| 35 | 10.00-20 | 12 | Mud-Snow | A | B | 55.50 |
| 36 | 11.00-20 | 12 | Regular | A | B | 62.00 |
| 37 | 11.00-20 | 12 | Mud-Snow | A | B | 62.00 |
| 38 | 12.00-20 | 14 | Regular | A | B | 78.00 |
| 39 | 13.00-20 | 16 | do | A | B | 95.00 |
| 40 | 9.00-22 | 10 | do | A | B | 47.50 |
| 41 | 10.00-22 | 12 | do | A | B | 58.00 |
| 42 | 11.00-22 | 12 | do | A | B | 66.00 |
| 43 | 7.00-24/36 x 6 | 10 | do | A | B | 33.00 |
| 44 | 7.50-24/38 x 7 | 10 | do | A | B | 37.50 |
| 45 | 9.00-24/40 x 8 | 12 | do | A | B | 55.00 |
| 46 | 10.00-24 | 12 | do | A | B | 63.00 |

TRUCK, BUS AND SPECIAL PURPOSE TIRES

| WPB Size No. | Size | Ply | Tread type | Compounds | | Maximum content crude rubber and latex in pounds |
|---|---|---|---|---|---|---|
| | | | | Friction | Tread | |
| 47 | 11.00-24 | 12 | do | A | B | 68.50 |
| 48 | 12.00-24 | 14 | do | A | B | 83.50 |
| 49 | 13.00-24 | 16 | do | A | B | 108.50 |
| 50 | 8.25-20 | 12 | do | A | B | 43.00 |
| 101 | 8.25-20 | 10 | Earthmover | B | A | 38.00 |
| 102 | 9.00-20 | 10 | do | B | A | 44.00 |
| 103 | 10.00-20 | 12 | do | B | A | 51.00 |
| 104 | 11.00-20 | 12 | do | B | A | 58.00 |
| 105 | 12.00-20 | 12 | do | B | A | 62.00 |
| 106 | 13.00-20 | 14 | do | B | A | 78.00 |
| 107 | 14.00-20 | 16 | do | B | A | 100.00 |
| 108 | 16.00-20 | 16 | do | B | A | 130.00 |
| 109 | 18.00-24 | 16 | do | B | A | 175.00 |
| 110 | 18.00-24 | 20 | do | B | A | 195.00 |
| 111 | 21.00-24 | 16 | do | A | A | |
| 112 | 21.00-24 | 20 | do | A | A | |
| 113 | 24.00-32 | 24 | do | A | A | |
| 114 | 24.00-32 | 36 | do | A | A | |
| 115 | 36.00-40 | 34 | do | A | A | |
| 116 | 8.25-20 | 12 | Rock Service | A | A | 55.00 |
| 117 | 9.00-20 | 12 | do | A | A | 65.00 |
| 118 | 10.00-20 | 14 | do | A | A | 80.00 |
| 119 | 11.00-20 | 14 | do | A | A | 90.00 |
| 120 | 11.00-24 | 14 | do | A | A | 97.50 |
| 121 | 12.00-24 | 16 | do | A | A | 112.50 |
| 122 | 13.00-24 | 16 | do | A | A | 135.00 |
| 123 | 14.00-24 | 20 | do | A | A | 190.00 |
| 124 | 16.00-24 | 20 | Rock Service | A | A | |
| 125 | 18.00-24 | 20 | do | A | A | |
| 126 | 21.00-24 | 20 | do | A | A | |
| 127 | 18.00-24 | 16 | Mud-Snow | A | A | |
| 128 | 18.00-24 | 20 | do | A | A | |
| 129 | 18.00-40 | 20 | do | A | A | |
| 130 | 21.00-24 | 16 | do | A | A | |
| 131 | 21.00-24 | 20 | do | A | A | |
| 132 | 21.00-28 | 20 | do | A | A | |
| 133 | 24.00-32 | 24 | do | A | A | |
| 134 | 24.00-32 | 36 | do | A | A | |
| 135 | 30.00-40 | 34 | do | A | A | |
| 136 | 21.00-24 | 24 | Rock Service | A | A | |
| 151 | 7.00-20 | 10 | (Flat base) rib | B | C | 28.00 |
| 152 | 7.00-24 | 10 | do | B | C | 32.00 |
| 153 | 7.50-24 | 10 | do | B | C | 42.00 |
| 154 | 9.00-24 | 10 | do | B | C | 50.00 |
| 155 | 9.00-24 | 10 | (Flat base) traction | B | C | 45.00 |
| 156 | 9.00-24 | 10 | (Drop center) traction | B | C | 45.00 |
| 157 | 10.00-24 | 8 | (Drop center) traction | B | C | 45.00 |
| 158 | 11.00-24 | 8 | (Drop center) traction | B | C | 50.00 |
| 159 | 12.00-24 | 8 | (Drop center) traction | B | C | 55.00 |
| 160 | 13.00-30 | 10 | (Drop center) traction | B | C | 67.50 |
| 161 | 13.00-24 | 8 | (Drop center) traction | B | C | 67.50 |
| 162 | 14.00-20 | 12 | (Drop center) traction | B | C | 82.50 |
| 176 | 7.50-15 | 10 | Regular (Low Plat. Tlr.). | A | B | 25.00 |
| 177 | 8.25-15 | 12 | Regular (Low Plat. Tlr.). | A | B | 35.00 |
| 178 | 9.00-15 | 12 | Regular (Low Plat. Tlr.). | A | B | 40.00 |
| 179 | 10.00-15 | 14 | Regular (Low Plat. Tlr.). | A | B | 45.00 |

MOTORCYCLE TIRES

| WPB Size No. | Size | Ply | Compounds | |
|---|---|---|---|---|
| | | | Friction | Tread |
| 251 | 26 x 2.25 | 2 | C | B |
| 252 | 3.25-19 | 4 | C | B |
| 253 | 3.30-18 | 2 | C | B |
| 254 | 3.50-18 | 2 | C | B |
| 255 | 3.85-18 | 4 | C | B |
| 256 | 4.00-18 | 4 | C | A |
| 257 | 4.50-18 | 4 | C | A |
| 258 | 4.00-19 | 4 | C | A |
| 259 | 4.50-19 | 4 | C | A |
| 260 | 5.00-16 | 4 | C | A |
| 261 | 4.00-18 | 2 | C | A |
| 262 | 4.00-19 | 2 | C | A |

No limitation on tread designs.

INDUSTRIAL TIRES

| Description of product | Compound | |
|---|---|---|
| | Friction | Tread |
| Industrial pneumatic tires: | | |
| Single tube—all sizes | E [1] | F. |
| Straight side—under 6.00 (except 4.00-8 regular and H. D.) | E | F. |
| Straight side—6.00 and up [2] | D | C. |
| Straight side—4.00-8 regular | FF | F. |
| Straight side—4.00-8 heavy duty. | D | C. |
| Industrial solid and industrial tractor solid tires: | | |
| Stretch-on or hollow center | | F. |
| Molded-on for hand operated vehicle. | | FF.[3] |
| Molded-on for power driven or power drawn vehicles. | | C or better. |
| Pressed-on | | C or better. |
| Metal base demountable | | C or better. |

[1] Including tube.
[2] Including only 6.00-9, 7.50-10 and 9.00-10.
[3] Friction grade; tread compound grade A may be used for conductive tread type.

PASSENGER AUTOMOBILE TIRES

| WPB size No. | Size | Ply | Tread type | Compounds | | Maximum content crude rubber and latex in pounds |
|---|---|---|---|---|---|---|
| | | | | Friction | Tread | |
| 202 | 7.00-15 | 4 | Any | F | F | .20 |
| 206 | 6.00-16 | 4 | Any | F | F | .20 |
| 208 | 6.25/6.50-16 | 4 | Any | F | F | .20 |
| 210 | 7.00-16 | 4 | Any | F | F | .20 |
| 213 | 5.25/5.50-17 | 4 | Any | F | F | .20 |
| 217 | 5.25/5.50-18 | 4 | Any | F | F | .20 |
| 219 | 4.75/5.00-19 | 4 | Any | F | F | .20 |
| 225 | 4.40/4.50-21 | 4 | Any | F | F | .20 |
| 227 | 30 x 3½ | 4 | Any | F | F | .30 |

(2) No person shall manufacture any size of tire in more than one design of regular tread type, unless such manufacturers' mold equipment for such size and tread design is insufficient for his requirements.

(3) Mileage tires (for city and intercity bus mileage contracts) may be manufactured from friction and tread compounds up to and including Grade A compounds, as set forth in said List 22, without restriction as to sizes, plies or tread design.

(4) Rayon shall not be used in the manufacture of any tires except mileage contract tires for city and intercity buses, and tires of WPB sizes numbers 29, 31, 34, 36 and 41 in the number of plies specified for such sizes. Tires so manufactured shall be produced in the same molds used for regular skid-depth cotton tires, and shall be marked to indicate their rayon construction.

(5) Each tire casing manufactured under these specifications, except tire casings manufactured to fill war orders, shall be branded on the serial side near the serial number with the words "War Tire" and the letters representing the respective grades of compounds designated for the friction and the tread. In WPB sizes 202, 206, 208, 210, 213, 217, 219, 225 and 227 the word "Reclaim" shall also be branded on the tire, and the friction and tread compound designations may be omitted. Letters used to brand tires of a cross-section of 6.50 inches or more shall be at least 5/16 inch high, while those used to brand smaller tires shall be at least 3/16 inch high.

(b) *To fill war orders.* (1) The manufacture of tires and tire casings (other than airplane and bicycle tires) to fill war orders shall be confined to the respective sizes, plies, tread types, compounds and (where designated) maximum crude rubber and latex contents designated in subdivisions (a) (1), (b) (2) and (b) (6) of this List 24 (except WPB sizes 3, 202, 206, 208, 210, 213, 217, 219, 225 and 227, which shall not be manufactured for war orders).

(2) The friction, tread and (where designated) maximum crude rubber and latex content, respectively, of each of the sizes of tires and tire casings listed below shall be made from one of the grades and compounds listed in said List 22, the appropriate grade of compound to be used for each respective friction and tread and (where designated) the maximum crude rubber and latex content being that hereinbelow designated therefor opposite the description or designation of such size.

TRUCK AND SPECIAL PURPOSE TIRES

| WPB size No. | Size | Ply | Tread type | Compound | | Maximum content crude rubber and latex in pounds |
|---|---|---|---|---|---|---|
| | | | | Friction | Tread | |
| 301 | 6.00–16 | 6 | Mud-Snow N. D | C | B | 10.50 |
| 302 | 7.50–16 | 6 | do | B | B | 18.50 |
| 303 | 9.00–16 | 8 | do | B | B | 30.00 |
| 304 | 5.50–18 | 6 | Regular | C | C | 11.00 |
| 305 | 7.00–20 | 8 | Mud-Snow N. D | C | C | 19.00 |
| 306 | 7.50–20 | 8 | do | B | B | 25.75 |
| 307 | 8.25–20 | 10 | do | A | B | 38.50 |
| 308 | 9.00–20 | 10 | do | A | B | 44.50 |
| 309 | 11.00–20 | 12 | do | A | B | 62.00 |
| 310 | 12.00–20 | 14 | do | A | B | 78.00 |
| 311 | 14.00–20 | 16 | Regular | A | B | 105.00 |
| 312 | 14.00–20 | 16 | Mud-Snow N. D | A | B | 112.50 |
| 313 | 10.00–22 | 12 | do | A | B | 58.00 |
| 314 | 11.00–24 | 12 | do | A | B | 68.50 |
| 315 | 14.00–24 | 16 | Regular | A | B | 120.00 |
| 316 | 14.00–24 | 16 | Mud-Snow N. D | A | B | 127.50 |
| 317 | 14.00–24 | 24 | Regular | A | B | 160.00 |
| 318 | 6.00–16 | 6 | do | C | B | 10.25 |
| 319 | 7.50–16 | 8 | Mud-Snow N. D | B | B | 20.50 |
| 320 | 9.00–16 | 10 | do | A | B | 36.00 |
| 321 | 9.00–16 | 10 | Regular | A | B | 36.00 |
| 322 | 10.50–16 | 10 | Mud-Snow | A | B | 45.00 |
| 323 | 10.50–16 | 12 | Sand | A | B | 48.00 |
| 324 | 7.00–17 | 6 | Regular | C | C | 14.50 |
| 325 | 7.00–17 | 6 | Mud-Snow | C | C | 14.50 |
| 180 | 6.50–10 | 6 | Regular (Low platform trailer) | C | C | 8.50 |
| 181 | 8.25–15 | 14 | do | A | B | 37.50 |
| 182 | 10.50–13 | 10 | do | A | B | |

(3) The skid depth of tires with mud-snow approved non-directional type treads shall be as follows:

| Tire size: | *Mold skid depth in inches* |
|---|---|
| 8.25–10 | 0.470 |
| 9.00–13 | .535 |
| 15- and 16-inch rims: | |
| 6.00 | .50 |
| 6.50 | .52 |
| 7.00 | .535 |
| 7.50 | .56 |
| 8.25 | .585 |
| 9.00 | .40 |
| 10.00 | .645 |
| 11.00 | .67 |
| 20-, 22- and 24-inch rims: | |
| 6.00 | .50 |
| 6.50 | .52 |
| 7.00 | .535 |
| 7.50 | .56 |
| 8.25 | .585 |
| 9.00 | .62 |
| 10.00 | .645 |
| 11.00 | .67 |
| 12.00 | .70 |
| 13.00 | .74 |
| 14.00 | .80 |

Variations from the above measurements shall be permitted to the extent of 0.01 inch plus or minus throughout the mold.

(4) The outside diameter of tires with mud-snow approved non-directional type treads shall be as follows:

| Tire dimension | | Outside diameter in inches—inflated tire | |
|---|---|---|---|
| Diameter | Section | Minimum | Maximum |
| 16-inch rims | 6.00 | 28.60 | 28.80 |
| | 7.50 | 31.40 | 31.70 |
| | 9.00 | 35.00 | 35.40 |
| 20-inch rims | 7.00 | 35.50 | 35.90 |
| | 7.50 | 36.60 | 37.00 |
| | 8.25 | 38.10 | 38.50 |
| | 9.00 | 40.10 | 40.60 |
| | 11.00 | 42.80 | 43.30 |
| | 12.00 | 44.20 | 44.80 |
| | 14.00 | 48.40 | 49.10 |
| 22-inch rims | 10.00 | 43.00 | 43.50 |
| 24-inch rims | 14.00 | 52.40 | 53.10 |

(5) Standard tread radii of mud-snow approved non-directional type treads shall be between 80 and 95 percent of the line cross-section width of the Tire and Rim Association's standard tire sections, according to its most recent standards effective prior to January 11, 1943.

(6) Run-flat (English) and combat (U. S.) tires to fill war orders may be manufactured in any sizes, plies and tread designs, and from any friction and tread compounds up to and including A grade compounds as listed in said List 22.

(7) Rayon shall not be used in the manufacture of any tires (including tires of the kinds and sizes referred to in subdivision (a) (4) of this List 24) to fill any war order, except war orders for U. S. combat tires.

(8) Where required to fill war orders, single marked, high pressure types may be substituted for WPB sizes 21, 22, 24, 25, 27, 28, 33, 43, 44 and 45.

(c) *Regulations in appealed cases.* The friction and the tread, respectively, of truck tires of sizes, plies and tread types not designated in subdivisions (a) and (b) hereof which may be permitted on appeal by special authorization of the Director General for Operations shall, unless otherwise specified in such authorization, be made from one of the grades of compounds listed in said List 22, the appropriate grade of compound to be used for each respective friction or tread being that hereinbelow designated therefor opposite the description or designation of such class.

| Description of product | Compounds | |
|---|---|---|
| | Friction | Tread |
| 13–24 inch rims, size 7.00 and smaller, 8 ply and less | C | C |
| 13–24 inch rims, size 7.50, 8 ply and less | B | B |
| 13–24 inch rims, size 8.25 and larger, 10 ply and more | A | B |

(d) *Maximum crude rubber and latex content.* (1) With the grades of compounds specified in subdivisions (a), (b) and (c) of this List 24, a manufacturer can calculate the maximum amount of crude rubber, latex and total RHC which may be used in the manufacture of a tire or tire casing of any specified type or size. Within the maximum amounts thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread. After January 11, 1943, the compound regulations shall not apply, and a manufacturer may not use in the manufacture of any tire or tire casing more crude rubber and latex than the amount set forth opposite each size and type in said subdivisions (a) and (b), such amount to exclude processing losses and the crude rubber used for curing bags. The waiver of compound grades and the restrictions on crude rubber and latex content shall not apply in the case of the sizes for which no such maximum amount is set forth.

(2) Notwithstanding any provisions of subdivision (b) (1) of said List 22, a minus tolerance of not more than 5% of the maximum crude rubber and latex content specified above is permitted.

(3) When the cord used in any tire is of a gauge of less than .027 inches, as measured by the most recent ASTM methods in effect prior to January 11, 1943, the maximum crude rubber and latex content permitted shall be reduced by 6%.

(4) In the event that the crude rubber and latex content of any tire or tire casing manufactured by any person on January 11, 1943, is less than the maximum permitted above, after giving effect to the minus tolerance of 5%, such person shall not increase the crude rubber and latex content of such tire or tire casing.

(5) Where, immediately prior to January 11, 1943, any type and size of tire manufactured by any manufacturer had a crude rubber and latex content in excess of 105 per cent of the maximum crude rubber and latex content allowed by this List 24 for such type and size of tire, such manufacturer shall make no change in the construction of or compounds for such type and size of tire without special authorization from the Director General for Operations either (i) to acquire new tire molds, (ii) to recut his existing tire molds, (iii) to reduce the quality of compounds, or (iv) exceed the maximum crude rubber and latex content specified therefor in this List 24. All requests for such authorization shall be submitted as appeals on Form PD–500–b. Where, immediately prior to January 11, 1943, the type and size of tire of any manufacturer exceeded the maximum crude rubber and latex content permitted therefor by this List 24 by not more than five per cent, such manufacturer may make such change in construction or compounds as may be necessary to meet the regulations of this List 24 without further authorization, or may appeal (on Form PD–500–b) for permission to exceed the maximum crude rubber and latex content allowed by this List 24. This paragraph does not constitute an authorization to manufacture tires having a maximum crude rubber and latex content in excess of that permitted by this List 24.

(6) Any person may, with special authorization of the Director General for Operations, use lower grades of compounds than those designated above, or make reductions below the maximum crude rubber and latex content allowed, after giving effect to the minus tolerance: *Provided*, That the tires manufactured thereby shall bear the name of the manufacturer and, where produced to fill war orders, shall meet the specifications of the purchasers. All requests for such special authorization shall be submitted as appeals on Form PD–500–b.

(e) *Definition.* Where used in this List 24: "regular" as applied to tread type means standard "100" level, on-the-road type.

LIST 25—REGULATIONS FOR THE MANUFACTURE OF TIRE TUBES (EXCEPT AIRPLANE TIRE TUBES AND BICYCLE TIRE TUBES)

(a) The manufacture of tire tubes (except airplane tire tubes and bicycle tire tubes) shall be limited to the types and sizes specified in this List 25.

(b) No tire tube of the types and sizes listed in this List 25 shall have a crude rubber content, excluding processing losses and valves, in excess of the amount designated hereinbelow for each such type and size:

| Description of product | | Maximum crude rubber content in pounds |
|---|---|---|
| Type | Size marking | |
| Motorcycle | V-18 | .70 |
| | V-19 | .75 |
| | W-18-19 | .95 |
| Light truck tapered bead seat rim. | 5.00-16 | 1.05 |
| | 7.00-15 | 2.25 |
| | 7.00-16 | 2.35 |
| | 7.50-15 | 2.65 |
| | 7.50-16 | 2.75 |
| | 8.25-16 | 3.80 |
| | 9.00-13 | 3.75 |
| | 9.00-16 | 5.00 |
| Truck and bus-flat base rim | 6.50-10 | 1.65 |
| | 10.50-13 | 5.80 |
| | CT-17 | 1.85 |
| | DT-17 | 2.45 |
| | 5.50-18 | 1.65 |
| | 7.00-18 | 2.65 |
| | 7.50-15 | 2.65 |
| | AT-20 | 2.65 |
| | BT-20 | 3.30 |
| | BT-24 | 3.85 |
| | CT-20 | 2.00 |
| | ET-18 | 4.05 |
| | ET-20 | 4.35 |
| | ET-24 | 5.00 |
| | 8.25-15 | 4.05 |
| | 8.25-18 | 4.65 |
| | 8.25-20 | 5.00 |
| | 8.25-22 | 5.40 |
| | 8.25-24 | 5.80 |
| | 9.00-15 | 4.85 |
| | 9.00-18 | 5.50 |
| | KT-20 | 5.95 |
| | 9.00-22 | 6.35 |
| | KT-24 | 6.85 |
| | LT-15 | 6.25 |
| | LT-18 | 7.10 |
| | LT-20 | 7.65 |
| | LT-22 | 8.20 |
| | LT-24 | 8.75 |
| | 10.50-16 | 6.60 |
| | 11.00-18 (sand) | 8.35 |
| | MT-20 | 9.00 |
| | MT-22 | 9.60 |
| | MT-24 | 10.20 |
| | OT-20 | 11.50 |
| | OT-22 | 12.30 |
| | OT-24 | 13.05 |
| | PT-20 | 13.20 |
| | PT-24 | 15.00 |
| | 14.00-20 (sand) | 15.75 |
| | ST-20 | 16.75 |
| | ST-24 | 18.95 |
| | 16.00-20 | 21.95 |
| | 16.00-24 | 24.50 |
| | 18.00-24 | 29.15 |
| | 18.00-40 | 40.30 |
| | 21.00-24 | 38.70 |
| | 21.00-28 | 42.15 |
| | 24.00-32 | 53.95 |
| | 30.00-40 | 91.70 |
| | 36.00-40 | 119.65 |
| Industrial | 2.50-4 | .07 |
| | 3.00-5 | .11 |
| | 3.00-7 | .15 |
| | 3.50-5 | .14 |
| | 3.50-6 | .15 |
| | 3.50-7 | .17 |
| | 4.00-4 | .15 |
| | 4.00-7 | .23 |
| | 4.00-8 | .24 |
| | 4.00-9 | .26 |
| | 4.00-12 | .32 |
| | 4.50-7 | .25 |
| | 4.50-12 | .42 |
| | 6.00-9 | .44 |
| | 7.50-10 | .69 |
| | 9.00-10 | 1.14 |
| Road grader and road builder. | HM-24 | 6.95 |
| | KM-24 | 9.50 |
| Combat | 6.00-16 | 1.65 |
| | 6.00-20 | 2.40 |
| | 7.50-16 | 3.05 |
| | 9.00-16 | 5.00 |
| | 7.50-20 | 4.25 |
| | 7.50-24 | 5.75 |
| | 8.25-20 | 5.00 |
| | 9.00-20 | 5.95 |
| | 10.00-20 | 6.85 |
| | 10.00-22 | 7.30 |
| | 11.00-20 | 7.95 |
| | 12.00-20 | 9.55 |
| | 14.00-20 | 12.85 |
| | 14.00-24 | 14.60 |

Variations from the above maximum crude rubber weights shall be permitted to the extent of −5%.

(c) In the event that the crude rubber content for a tire tube of a given type and size manufactured by any person on January 11, 1943 is less than the maximum indicated above, after allowance for the −5% tolerance, such person shall make no change in the crude rubber content of such tubes.

(d) The foregoing restrictions on crude rubber content of tire tubes shall not apply to tire tubes for use with mileage bus contract tires.

LIST 26—REGULATIONS FOR THE MANUFACTURE OF TRUCK TIRE FLAPS

The maximum amounts of crude rubber per flap shall not exceed the amounts set forth in the following table opposite the description of each size and type of flap:

| Tire size | Rim width | Rim type | Maximum weight of crude rubber (in pounds) |
|---|---|---|---|
| 6.00-16 | 4.50 | Semidrop centre | .65 |
| 6.50-16 | 4.50 | do | .65 |
| 7.00-16 | 5.50 | do | .80 |
| 7.50-16 | 5.50 | do | .80 |
| 9.00-16 | 6.50 | Split wheel | .90 |
| 10.00-16 | 6.50 | do | .90 |
| 6.00-20 | 3.75 | Conventional | .40 |
| 6.50-20 | 3.75 | do | .40 |
| 7.00-20 | 4.33 | do | .40 |
| 7.50-20 | 5.00 (8 ply) | do | .80 |
| 7.50-20 | 5.00 (10 ply). | do | .80 |
| 8.25-20 | 5.00 | do | .80 |
| 9.00-20 | 5.00-6.00 | do | 1.10 |
| 10.00-20 | 6.00-7.33 | do | 1.50 |
| 11.00-20 | 7.33 | do | 1.50 |
| 12.00-20 | 8.37 | do | 1.60 |
| 13.00-20 | 8.37 | do | 1.80 |
| 14.00-20 | 8.37-10.00 | do | 1.80 |
| 7.50-20 | 6.00 | Split wheel | 1.60 |
| 8.25-20 | 6.00 | do | 1.60 |
| 9.00-20 | 6.00 | do | 1.60 |
| 12.00-20 | 10.00 | do | 3.00 |
| 14.00-20 | 10.00 | do | 3.65 |
| 9.00-13 | (5.50 D. C.) (6.50 Split) | | 1.45 |

Sizes not listed shall be in proportion to sizes shown.

The amount of crude rubber allowed in flaps designed for use with combat tires may be increased 10% in those cases in which a bead lock is used.

These restrictions shall not apply to the manufacture of flaps for use with mileage contract bus tires.

In the event a manufacturer on January 11, 1943 was using less crude rubber in any size of flap than the maximum amounts listed in this List 26, he shall not increase the amount of crude rubber used in manufacturing flaps of the same size.

LIST 27—REGULATIONS FOR THE MANUFACTURE OF INSULATED WIRE AND CABLE

(a) GENERAL PROVISIONS

(1) The manufacture of rubber-covered insulated wire and cable shall be limited to the types and grades listed in this List 27.

(2) The regulations contained in this List 27 shall not apply to the manufacture of component parts of watercraft, aircraft, combat vehicles or gun mounts to fill war orders for the Army or Navy of the United States when the Army or Navy contract specifically requires the use of different compounds or constructions; or in any case for wire, cable or tape of the following types:

(i) Submarine cable designed for communications, light and power.

(ii) Oil and gas well logging cable.

(iii) Military field communication wire, search light, flood light and fire control cable and Radar Detector Cable.

(iv) Rubber compound tape designed for splicing and terminal use with products listed in (i), (ii) and (iii) above.

(b) COMPOUNDS

The following are the compounds hereinafter referred to in this List 27:

| Use | Compound grade | Maximum per cent by volume | | | Performance reference |
|---|---|---|---|---|---|
| | | Crude rubber | Synthetic rubber SRV | Total RHC | |
| (1) Insulation | W-A | 55 | 0 | 65 | Performance Type RP or ASTM-D-353-1941 Heat resistant type-RH, or ASTM-EA-D-469. |
| | W-B | 35 | 0 | 50 | ASTM-EA-D-353, ASTM-EA-D-574. |
| | W-C | 8 | 0 | 50 | N. E. C. Grade type R, 2/11/42. |
| (2) Jackets | W-D | 50 | 0 | 75 | |
| | W-SN-6 (Chloroprene) | 0 | 65 | 0 | ASTM-EA-D-532. |
| | W-SB-4 (Butadiene) | 0 | 75 | 0 | |

NOTE 1: Synthetic rubber may be substituted for crude rubber, in whole or in part, in the above rubber compounds, provided the sum of the SRV by volume and RHC by volume does not exceed the maximum total RHC of the grade designated.

NOTE 2: If, for processing reasons, it is necessary to use crude rubber or reclaimed rubber, 15% by volume of the SRV may be replaced with RHC derived from crude rubber.

NOTE 3: Compounds of lower crude rubber, total RHC or SRV content, may be used in manufacturing wire insulation and jackets, provided the performance requirements, where designated, are met.

NOTE 4: The performance references are given for the purpose of guidance as to performance expectation and represent typical compounds, but they are not specific requirements of these regulations.

(c) WIRE AND CABLE

Rubber insulations and jackets of each of the classes of wire and cable listed below in this subdivision (c) shall be made from one of the grades of compounds listed in subdivision (b) of this List 27, the appropriate grade of compound to be used for insulation or jacket being that hereinbelow designated opposite the description or designation of such class.

| Type of service | Outer covering | Operating voltage | Compounds | |
|---|---|---|---|---|
| | | | Insulation | Jacket |
| (1) Building wire (except open wiring), telephone drop wire, police and fire alarm systems, and general service designed for use in dry locations. | Fibrous or lead | 0–3000 | W-C | None. |
| | Lead | 3001–5000 | W-C | Do. |
| | Fibrous | 3001–5000 | W-B | Do. |
| | Fibrous or lead | 5001 and over | W-B | Do. |
| (2) For general service designed for use in wet locations. | Lead or impervious sheath | 0–3000 | W-C | Do. |
| | Lead or impervious sheath | 3001 and over | W-B | Do. |
| | Fibrous [1] | All voltages | W-A | Do. |
| (3) For special service wire and cable designed for: | Fibrous or lead | 0–600 | W-A | Do. |
| (a) Copper temperatures above 60° C. | Fibrous, lead or impervious sheath. | All voltages | W-A | Do. |
| (b) Motor leads | | | | |
| (c) Severe mechanical conditions | | | | |
| (d) High frequency communications. | | | | |
| (e) Railway signal service | | | | |
| (4) Designed for portable heavy duty service of the following kinds only: | | 0–5000 | W-B | W-D or W-SN-6 [2] or W-SB-4. |
| (i) Electric power shovels and dredges. | | | | |
| (ii) Mining locomotives and machinery.[3] | | | | |
| (iii) Welding machinery and power leads.[3] | | | | |
| (iv) Portable drills, tools and industrial appliances. | | | | |
| (v) Electrically driven construction machinery, including air compressors cement mixers, conveyors, hoists, cranes, locomotives and public conveyances. | | | | |
| (vi) Oil well exploration cable. | | | | |
| (vii) Shot fire cable, for use in mines as required by the U. S. Bureau of Mines. | | | | |
| (5) Table appliance service cords | Fibrous [4] | 0–600 | W-C | None. |
| (6) Automotive ignition cable | Fibrous | All voltages | W-B | Do. |

[1] Except that W-B compound may be used in the insulation of lead covered underground distributing telephone cables.

[2] If necessary for bonding of laminated chloroprene jackets, it is permissible to use an intermediate tie gum of W-D compound not exceeding 1/64" in thickness.

[3] For "Uni-insulation" the use of W-A compound is permitted in (4) (ii) and (iii).

[4] Provided that a compound containing not more than 50% by volume of rubber hydrocarbon (RHC) obtained by the use of reclaimed rubber only, may be used as a jacket in the manufacture of PWP type cord.

(d) MISCELLANEOUS PROVISIONS

(1) *Grounded neutral conductor.* Unless specifically stated on the purchase order that the "white" conductor is to be used on D. C. circuits or as an ungrounded conductor, it is to be assumed that it will be used for a grounded neutral conductor and no crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be used as insulation on wire designed for the grounded neutral conductor of a 0–600 V AC wiring system, including the service drop and service, the mains, feeders and branch circuit conductors up to the final outlet, but not including portable heavy duty or portable appliance service cords listed in subdivisions (c) (4) and (c) (5) of this List 27, nor the wires designed for lighting fixtures.

(2) *Open wiring on knob and tube or cleat work.* No crude rubber, synthetic rubber or scrap rubber shall be used on insulation designed for open wiring on knob and tube or cleat work.

(3) *Jackets, belts and sheaths.* Rubber jackets, belts or sheaths shall not be used for mechanical protection in wire or cable except as provided in subdivisions (c) (4) and (c) (5) of this List 27.

(4) *Walls.* No insulated wire shall be manufactured or specified by any person with heavier walls than those provided by American Standards Association's standard C 8.11–1936 or ASTM D–27; and required by the rating of the equipment serviced, except for non-leaded submarine cable, and for railroad signal service.

(5) *Rubber insulating tape and terminals.* Rubber compounds for rubber insulating tape and terminals shall conform to specifications set forth in List 20 attached to Supplementary Order No. M–15–b–1, as amended, except that compounds designed for tape for the following uses may be manufactured in the same quality as the insulation designated:

(i) For operating voltages in excess of 3000 volts.

(ii) For cables to be used in wet locations.

(iii) For operation at conductor temperatures of 70° C. or higher.

LIST 28—REGULATIONS FOR THE MANUFACTURE OF FEEDING NIPPLES

(a) The manufacture of feeding nipples made from crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be limited to infants' nipples and lambs' nipples.

(b) Infants' nipples.

(1) All infants' nipples shall be manufactured in accordance with the regulations set forth in the following Table A:

TABLE A

| Type | Molded | Dipped | Hand-made |
|---|---|---|---|
| Minimum tensile strength, p. s. i. | 2000 | 2000 | 1500 |
| Ultimate elongation, in per cent | 750 | 750 | 750 |
| Reclaimed rubber | None | None | None |
| Maximum crude rubber and/or latex by volume, in per cent | 98 | 98 | 98 |
| Maximum rubber hydrocarbon by volume, in per cent | 98 | 98 | 98 |
| The total weight in pounds of crude rubber and/or latex in each finished nipple shall not exceed | .0105 | .007 | .007 |

(2) Compounds may contain ground scrap rubber generated by the manufacturer in the production of infants' feeding nipples.

(c) *Lambs' nipples.* The total weight of crude rubber and/or latex in each finished nipple shall not exceed .0105 pounds.

LIST 29—REGULATIONS FOR THE MANUFACTURE OF AIRPLANE TIRES AND TIRE CASINGS

(a) The manufacture of airplane tires and tire casings shall be limited to the sizes, plies, and types listed below.

(b) The friction and the tread, respectively, of each of the sizes listed below shall be made from one of the grades of compounds listed in List 22 attached to Supplementary Order M–15–b–1, as amended, the appropriate grade of compound to be used for each respective friction and tread being that hereinbelow designated therefor opposite the description and designation of such size.

| Description of item | | Compounds | |
|---|---|---|---|
| Size | Ply | Friction | Tread |
| SMOOTH CONTOUR LANDING WHEELS | | | |
| 27 | 8 | B | B |
| 30 | 8 | B | B |
| 33 | 8 | B | B |
| 36 | 10 | B | B |
| 39 | 10 | B | B |
| 44 | 10 | B | B |
| 47 | 12 | A | A |
| 51 | 14 | A | A |
| 56 | 16 | A | A |
| 65 | 16 | A | A |
| AUXILIARY WHEELS | | | |
| 8.00 | 4 | B | B |
| 10.00 | 6 | B | B |
| 12.50 | 6 | B | B |
| 14.50 | 6 | B | B |
| 17.00 | 6 | B | B |
| 19.00 | 6 | B | B |
| 23.00 | 8 | B | B |
| 26.00 | 10 | B | B |
| 30.00 | 10 | B | B |
| HIGH PRESSURE LANDING WHEELS | | | |
| 26 x 6 x 6–14 | 8 | B | B |
| 30 x 5–20 | 4 (inactive for new design). | C | C |
| 30 x 7–16 | 6 | B | B |
| 32 x 6–20 | 4 (inactive for new design). | C | C |
| 32 x 8–16 | 8 | B | B |
| 36 x 8–20 | 6 (inactive for new design). | C | C |
| 34 x 9–16 | 10 | B | B |
| 36 x 10–16 | 10 | B | B |
| 38 x 10–18 | 12 | A | A |
| 40 x 10–20 | 8 (inactive for new design). | C | C |
| AUXILIARY WHEELS | | | |
| 10–½–4 | 6 | B | B |
| 12–½–4½ | 8 | B | B |
| 10 x 3–4 | 4 (inactive for new design). | B | B |
| LOW PRESSURE LANDING WHEELS | | | |
| 20 x 7.00–6 | 4 | B | B |
| 22 x 6.50–10 | 6 | B | B |
| 24 x 7.50–10 | 6 | B | B |
| 26 x 8.50–10 | 6 | B | B |
| 39 x 13.50–16 | 10 | B | B |
| 42 x 15.00–16 | 10 | B | B |
| 42 x 15.00–16 | 8 (air-line use only) | B | A |
| 44 x 16.00–16 | 10 | B | B |
| 45 x 17.00–16 | 10 | B | B |
| 45 x 17.00–16 | 10 (air-line use only) | B | A |
| 46x18.00–16 | 12 | B | B |
| 45x20.00–18 | 12 | B | B |
| 46x15.50–20 | 12 | B | B |
| 50x17.00–20 | 12 | A | A |
| 55–19.00–23 | 16 | A | A |
| AUXILIARY WHEELS | | | |
| 13x5.00–4 | 6 | B | B |
| 17x6.00–6 | 4 | B | B |
| 16x7.00–4 | 4 | B | B |
| 17x7.00–5 | 4 | B | B |
| 17½x8.00–4 | 4 | B | B |
| 19x8.00–5 | 6 | B | B |
| 19x8.00–5 | 4 H. D | B | B |
| 22x9.00–6 | 8 | B | B |
| 24x10.00–7 | 10 | B | B |
| 29x9.50–12 | 6 (Beaching gear tires only). | B | B |
| 32x11.00–12 | 8 (Beaching gear tires only). | B | B |
| 36x12.50–14 | 10 (Beaching gear tires only) | B | B |
| EXTRA LOW PRESSURE LANDING WHEELS | | | |
| 25x11–4 | 4 | B | B |
| 29x13–5 | 6 | B | B |
| 30x13–6 | 6 | B | B |
| 35x15–6 | 6 | B | B |
| 45x20–10 | 10 | B | B |
| AUXILIARY WHEELS | | | |
| 12x5–3 | 4 | B | B |
| 16x7–3 | 4 | B | B |
| 18x8–3 | 4 | B | B |
| STREAMLINE LANDING WHEELS (INACTIVE FOR NEW DESIGN) | | | |
| 24 | 4 | B | B |
| 27 | 6 | B | B |
| 31 | 6 | C | C |
| 36 | 6 | C | C |
| 40 | 8 | C | C |
| 45 | 8 | C | C |
| 50 | 8 | C | C |
| 27.50x8.90–12.50 | 4 | B | B |
| LOW PROFILE AUXILIARY WHEELS | | | |
| 19x6.80–10 | 6 | B | B |
| 22x7.25–11.50 | 6 | B | B |
| 26x9.00–13.00 | 8 | B | B |
| 33x11.50–16.50 | 10 | B | B |
| CUSHION AUXILIARY TIRES | | | |
| 6x2.00 | | | A |
| 8x2.50 | | | A |
| SOLID AUXILIARY TIRES | | | |
| 6x2½ | | | A |
| 6x3½ | (inactive for new design). | | A |
| 8½x4 | | | A |
| 10x3 | (inactive for new design). | | A |
| 10x4 | (inactive for new design). | | A |

(c) With the grades of compounds designated above, a manufacturer can calculate the maximum amount of crude rubber, latex and total RHC which may be used in the manufacture of a tire or tire casing of any designated size. Within the maximum amounts thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread, but may not consume in the manufacture of any tire or tire casing more crude rubber, latex or RHC than would be used in the manufacture of such tire or tire casing if the above compound grades were used, after allowing for tolerances permitted.

LIST 30—REGULATIONS FOR THE MANUFACTURE OF CAMELBACK, CAPPING STOCK, FILLER STRIP, STRIPPING STOCK, PADDING STOCK, CUSHION STOCK, LUG STOCK AND BASE STOCK

(a) The manufacture of these items shall be limited to the types and grades listed below.

(b) The grade of compound to be used in manufacturing each type shall be one of those listed in List 22 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound being that set forth opposite the description of each type in the following table:

| Description of item | Tread compound | Service |
|---|---|---|
| Motorcycle type capping stock and camelback | A | To fill war orders only. |
| Passenger type capping stock (¼ inch bevel) | F | |
| Passenger type capping stock and camelback | C | To fill war orders only. |
| Truck-type capping stock (¼ inch bevel) | C | |
| Truck-type camelback (wing die) | C | Designed for retreading road building and road grading tires. |
| Lug stock and base stock | C | |
| Heavy-duty capping stock (¼ inch bevel) | A | Designed for recapping and retreading mileage bus tires, rock service tires of a cross-section of 8.25 or more or earth-mover tires of a cross-section of 16.00 or more. |
| Heavy-duty camelback (wing die) | A | |
| Airplane capping stock and camelback | A or lower | Designed for recapping and retreading airplane tires. |
| Filler strip | C | Permitted in widths of 2½" and 3½" only, maximum thickness ⅛". |
| Padding stock | B | Maximum thickness 1/16". |
| Stripping stock | D | Maximum width 1". |
| Passenger type cushion stock | C | |
| Truck type cushion stock | A | |

(c) Capping stock and camelback (except airplane and motorcycle types) shall be manufactured only in gauges of $^{8}/_{32}$, $^{10}/_{32}$, $^{12}/_{32}$, $^{14}/_{32}$, $^{16}/_{32}$, $^{18}/_{32}$, $^{20}/_{32}$, $^{22}/_{32}$ inches and larger.

(d) Passenger-type capping stock may be faced with a compound containing crude rubber: *Provided*, That not more than .02 pound of crude rubber may be used in such compound for each pound of reclaimed rubber used in the thread compound.

### List 31—Regulations for the Manufacture of Medical and Surgical Rubber Goods.

The kinds of medical and surgical rubber goods listed in this List 31 shall be manufactured only in accordance with the regulations set forth herein.

(a) RUBBER COMPOUNDS

| Grade | Maximum percent by volume | |
|---|---|---|
| | Crude rubber or latex | Total RHC |
| D-A | 98 | 98 |
| D-B | 75 | 90 |
| D-C | 70 | 70 |
| D-D | 50 | 50 |
| D-D-1 | 50 | 65 |
| D-E | 45 | 65 |
| D-F | 30 | 60 |
| D-G | 20 | 50 |

(b) GENERAL PROVISIONS

(1) Synthetic rubber may be substituted for crude rubber, in whole or in part, provided the sum of the SRV by volume and RHC by volume does not exceed the maximum total RHC of the grade designated.

(2) Whenever colors are used in manufacture, the product shall be limited to shades of black, brown, red or maroon.

(3) The methods of Federal Specification ZZ-R-601 shall be applicable to these specifications.

(c) DESIGNATION OF GRADES

Each product listed below in this List 31 shall be manufactured from a compound which will not exceed by volume the maximum crude rubber or latex and the total rubber hydrocarbon content indicated by the designated grade for such compound in subdivision (a) of this List 31, the appropriate grade of compound being that hereinafter set forth opposite the description of such product; and each product must also fulfill the requirements of any regulations set forth for that product:

| *List of products* | *Grade* |
|---|---|
| (1) Blood pressure bags | D-B |
| (2) Bulbs, molded | D-E |
| (3) Cloth inserted water bottles, ice caps, throat bags, invalid rings and operating cushions | D-D-1 |
| (4) Colostomy outfits | D-A |
| (5) Dental dam | D-A |
| (6) Dilators | D-A |
| (7) Finger cots | D-A |
| (8) Fountain syringes, molded, for war orders only | D-F |
| (i) Minimum tensile strength, 1,250 p. s. i. | |
| (ii) Minimum ultimate elongation 400%. | |
| (iii) 40% of original tensile strength and ultimate elongation after 4 days in boiling water and 24 hours after removal. | |
| (iv) 75% of original tensile strength and ultimate elongation after 7 days in air at 158° F. and 24 hours after removal. | |
| (9) Fountain syringe tubing and combination tubing | D-G |
| (i) Minimum tensile strength, 700 p. s. i. | |
| (ii) Minimum ultimate elongation 300%. | |
| (10) Glass molded tubes such as catheters, stomach tubes, etc | D-C |
| (11) Ice caps and throat bags, molded | D-F |
| (i) Minimum tensile strength, 1,250 p. s. i. | |
| (ii) Minimum ultimate elongation, 400%. | |
| (iii) 75% of original tensile strength and ultimate elongation after 7 days in air at 158° F. and 24 hours after removal. | |
| (iv) Minimum overall wall thickness (0.025"). | |
| (12) Inhalation bags and face pieces | D-A |
| (13) Invalid rings, molded | D-D-1 |
| (i) Minimum tensile strength, 1,650 p. s. i. | |
| (ii) Minimum ultimate elongation, 500%. | |
| (iii) 80% of original tensile strength and ultimate elongation after 7 days in air at 158° F. and 24 hours after removal. | |
| (14) Medicine droppers | D-E |
| (15) Metatarsal cushions or pads (not part of shoe) | D-E |
| (16) Orthodontia bands | D-A |
| (17) Pneumatic truss pads | D-B |
| (18) Prostatic bags | D-A |
| (19) Surgeons' gloves | D-A |
| (i) Federal Specification ZZ-G-421a. | |
| (20) Surgical adhesive tape | D-D |
| (i) White permissible. | |
| (ii) Rubber requirements of Federal Specification E-UP-401, dated September 2, 1942. | |
| (21) Truss pad covers | D-D |
| (22) Tubes, latex dipped | D-A |
| (23) Urinals | D-A |
| (24) Vaccine caps | D-A |
| (25) Grade I, water bottle and combination syringe, molded | D-D-1 |
| (i) Minimum tensile strength, 1,650 p. s. i. | |
| (ii) Minimum ultimate elongation, 500%. | |
| (iii) 40% of original tensile strength and ultimate elongation after 6 days in boiling water and 24 hours after removal. | |
| (iv) 80% of original tensile strength and ultimate elongation after 7 days in air at 158° F and 24 hours after removal. | |
| (v) Average overall wall thickness 0.033" plus or minus 0.005". | |
| (vi) Maximum capacity, 75 ounces. | |
| (vii) Service: designed for hospital use. | |
| (26) Grade II water bottle and combination syringe, molded | D-F |
| (i) Minimum tensile strength, 1,25' p. s. i. | |
| (ii) Minimum ultimate elongation, 400%. | |
| (iii) 40% of original tensile strength and ultimate elongation after 4 days in boiling water and 24 hours after removal. | |
| (iv) 75% of original tensile strength and ultimate elongation after 7 days in air at 158° F and 24 hours after removal. | |
| (v) Average overall wall thickness 0.030" plus or minus 0.005". | |
| (vi) Maximum capacity, 72 ounces. | |
| (vii) Service: designed for home use. | |

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[F. R. Doc. 42-14038; Filed, December 28, 1942; 11:22 a. m.]

## PART 933—COPPER

[Supplementary Conservation Order M-9-c-3 as Amended Dec. 28, 1942]

Section 933.8 *Supplementary Conservation Order M-9-c-3* is hereby amended so as to read as follows:

§ 933.8 *Supplementary Conservation Order M-9-c-3*—(a) *Effect on Order M-9-c.* On and after December 28, 1942, this order shall govern to the exclusion of Conservation Order M-9-c the use of bronze powder in the manufacture of paste, ink and leaf, of paint (except ship bottom paint), of other coatings (except decalcomanias) and of any other bronze powder products, and the use of bronze powder and such bronze powder products in the manufacture of other articles. It does not overrule the provisions of Copper Conservation Order M-9-c which have prohibited the manufacture of bronze powder for all purposes, except for use in making non-decorative decalcomanias, ship bottom paint and drift signals, since March 31, 1942.

(b) *Manufacture of bronze powder products and of articles made therewith.* On and after December 28, 1942, no person shall manufacture paste, ink or leaf with bronze powder or any other bronze powder product, or manufacture, finish or coat any article with bronze powder or bronze powder products, if he knows or has reason to believe that the bronze powder being used was manufactured after March 31, 1942 or that the bronze powder product being used was manufactured in violation of Conservation Order M-9-c or this Order M-9-c-3, as such orders existed at the time such product was manufactured. Except as above provided, the manufacture of paste, ink and leaf with bronze powder and of any other bronze powder product, and the use of bronze powder products in manufacture, finishing and coating of other articles, is permitted.

(c) *Delivery and acceptance of delivery of bronze powder, of bronze powder products and of articles made therewith.* On and after December 28, 1942, no person shall deliver bronze powder, paste, ink or leaf manufactured with bronze powder, any other bronze powder product, or any article manufactured, finished or coated with bronze powder or bronze powder products, and no person shall accept delivery thereof, if he knows or has reason to believe that the bronze powder was manufactured after March 31, 1942 or that the bronze powder product, or the article manufactured, finished or coated with bronze powder or a bronze powder product, was manufactured in violation of Conservation Order M-9-c or this Order M-9-c-3, as such orders existed at the time such product or article was manufactured. Except as above provided, the delivery and acceptance of delivery of bronze powder, of paste, ink and leaf manufactured with bronze powder, of any other bronze powder product, and of any article manufactured, finished or coated with bronze powder or a bronze powder product, is permitted.

(d) *Communications to War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington, D. C., Ref.: M-9-c-3.

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

(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 28th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-14035; Filed, December 28, 1942; 11:20 a. m.]

## PART 987—COBALT

[General Preference Order M-39 as Amended Dec. 28, 1942]

§ 987.1 *General Preference Order M-39*—(a) *Definitions.* For the purposes of this order:

(1) "Cobalt" means and includes:

(i) Ores, concentrates, and crudes, including beneficiated or treated forms containing cobalt (commercially recognized).

(ii) Cobalt metal, cobalt oxide, and other primary chemical compounds which result from the processing of cobalt ores, concentrates, crudes, or residues; but not including by-products from which cobalt is not commercially recoverable.

(iii) All scrap or secondary material containing commercially recoverable cobalt as defined in (i) and (ii) above, excluding cobalt-bearing iron and steel scrap.

(b) *Refining ores.* The Director General for Operations from time to time may direct the manner in which any of the forms of cobalt specified in paragraph (a) (1) (i) above shall be refined or otherwise processed.

(c) *Deliveries*—(1) *Allocations.* Except as specifically authorized by the Director General for Operations, no person shall deliver or accept delivery of cobalt in any of the forms specified in paragraph (a) (1) (ii) above. The Director will from time to time allocate the supply of such cobalt and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. Such allocations and directions may be made without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also, in his discretion, require any person seeking to place a purchase order for such cobalt to place the order with one or more particular suppliers.

(2) *Exception for small deliveries.* Any person may receive deliveries up to but not exceeding an aggregate of 25 pounds of contained cobalt, in any of the forms specified in paragraph (a) (1) (ii) above,

during any calendar month without specific authorization by the Director General for Operations under paragraph (c) (1) of this order. Any person may make a delivery the acceptance of which is authorized by this subparagraph.

(d) *Reports.* (1) No person shall be entitled to receive an allocation in accordance with paragraph (c) (1) above unless, not later than the 20th day of the month next preceding the month in which delivery is scheduled, he shall have filed with the War Production Board reports on Forms PD-581 and PD-582 as revised. Failure of any person to file a report in the manner and on the date required by this paragraph may be construed as notice to the Director and to all suppliers of cobalt that such person does not desire an allocation of cobalt during the succeeding month.

(2) Any person who on the first day of a calendar month has in his possession or under his control a quantity of cobalt in any of the forms specified in paragraphs (a) (1) (i), (ii) and (iii) above in excess of 100 pounds (contained cobalt) shall file a report with the War Production Board on Form PD-581 on or before the 20th day of such month, whether or not such person applies for an allocation of cobalt for delivery during the succeeding month.

(3) Each refiner or processor of cobalt ores, concentrates or crudes in any of the forms specified in paragraph (a) (1) (i) above shall on or before the 20th day of each month file with the War Production Board on Form PD-581 his production schedule for the succeeding month.

(e) *Use of cobalt prohibited except for specified items.* No person shall put into process any cobalt as defined in paragraphs (a) (1) (i), (ii) and (iii) above, except for the production of cobalt in the forms specified in paragraph (a) (1) (ii) above or except for the uses or in the production of the items (and the necessary material therefor), specified below, and then only to the extent that the use of an alternate material is impracticable.

(1) Catalysts.

(2) Cattle and plant food.

(3) Decolorizer for glass, the batch composition of which shall not exceed 1 pound of cobalt element per 100 tons of glass.

(4) Driers.

(5) Ground coat frit to be used or sold on orders bearing preference ratings of AA-4 or higher.

(6) "Health supplies" as defined in Preference Rating Order P-29 as the same may be amended.

(7) High speed steel as approved under Supplementary Order M-21-a.

(8) Laboratory and research equipment.

(9) Magnets.

(10) Non-ferrous alloys.

(11) Pigment for glass for optical or for safety purposes.

(f) *Prohibitions against sales or deliveries.* Notwithstanding the fact that an order may be authorized pursuant to paragraphs (c) (1) or (c) (2) hereof, no person shall hereafter sell or deliver cobalt to any person if he knows or has reason to believe such material is to be used in violation of the terms of this or any other order of the Director General for Operations.

(g) *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 they may be amended from time to time.

(h) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal. All appeals and other communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Ferro-Alloys Division, Washington, D. C., Reference M-39.

(i) *Applicability of order.* The restrictions contained in this order shall apply to all contracts whether made prior or subsequent to the effective date of this order.

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

(k) *Revocation of Order M-39-b.* Conservation Order M-39-b and all amendments thereto are 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 28th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-14037; Filed, December 28, 1942; 11:21 a. m.]

## PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-d, Revocation]

§ 1042.5 *Supplemental General Imports Order M-63-d* is hereby revoked, the subject matter of such order being incorporated in paragraph (b) (4) of General Imports Order M-63, as amended December 17, 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 28th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-14036; Filed, December 28, 1942; 11:20 a. m.]

## PART 3039—MANUFACTURED GAS

[General Directive 1 Under Limitation Order L-174]

Pursuant to the provisions of paragraph (c) (1) of Limitation Order L-174, *It is ordered and directed:*

§ 3039.1 *General Directive 1 under Limitation Order L-174.* (a) Whenever it is necessary, pursuant to paragraph (c) (1) of Limitation Order L-174, for a utility to reduce deliveries of gas to consumers having standby facilities, the utility shall reduce deliveries to consumers having such standby facilities, to the extent of such standby facilities, in the following order:

(1) All consumers who have standby facilities capable of utilizing coal, but only within the limits of the utility's contractual rights;

(2) All consumers who have standby facilities capable of utilizing coal, without regard to the contractual rights of the utility or any consumer;

(3) All oil refineries having standby facilities of any type, but only within the limits of the utility's contractual rights;

(4) All oil refineries having standby facilities of any type, without regard to the contractual rights of the utility or any consumer; and

(5) All other consumers having standby facilities of any type, without regard to the contractual rights of the utility or any consumer.

(b) Except as set forth in the proviso of the first paragraph of said paragraph (c) (1), deliveries to any consumer in the respective classes (a) (2) to (a) (5) above, inclusive, shall not be reduced until deliveries to all consumers in prior classes have been suspended. Reductions within any class shall be proportionate insofar as practicable.

(c) This directive does not affect the order in which deliveries are to be reduced to consumers without standby facilities, as provided in paragraph (c) (1).

(d) This directive supersedes any specific directives under paragraph (c) (1) inconsistent herewith which have heretofore been issued by the Director General for Operations, but is subject to specific directives which may later be issued in particular cases by the Director General for Operations.

(e) This directive shall be effective immediately upon issuance and shall remain effective until modified or 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 28th day of December 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-14033; Filed, December 28, 1942; 11:20 a. m.]

## Chapter XI—Office of Price Administration

### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149,[1] Amendment 5]

MECHANICAL RUBBER GOODS

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.*

The text of § 1315.21b is amended to read as set forth below:

§ 1315.21b *Maximum prices for certain brands of rubber horseshoe pads manufactured by the Dryden Rubber Company.* Notwithstanding any other provision of this Maximum Price Regulation No. 149, the maximum price of the "Special Star", "O. I. C." and "K & Company" brands of rubber horseshoe pads, hereinafter referred to as "rubber horseshoe pads manufactured by the Dryden Rubber Company" shall be determined as follows:

* * * * *

§ 1315.33a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1315.21b) to Maximum Price Regulation No. 149 shall become effective October 31, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13931; Filed, December 24, 1942; 3:02 p. m.]

### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Supplement 1 to Rev. Tire Rationing Regulations[2]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

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

§ 1315.1851 *Exceptions to eligibility in territories and possessions and transfers of used tires.* (a) Whenever a Territorial Director determines that recapping facilities in the territory or possession under his jurisdiction are inadequate or unavailable, he may:

(1) Grant priority for recapping services to those persons holding certificates for recapping services whom he finds to be most essential to the public health, safety or the war effort.

(2) Authorize the War Price and Rationing Boards in such territory or possession to issue certificates for new or used tires to persons eligible for recapping services under these Regulations.

(b) Whenever a Board in a territory or possession issues a certificate for a used tire, as provided in paragraph (a), the provisions of §§ 1315.701 to 1315.707, inclusive, of the Revised Tire Rationing Regulations shall govern the form, execution and use of the certificate, the transfer and acquisition of the used tire and the turning in of the replaced tire.

(c) A retailer or distributor may transfer used tires to a consumer in exchange for a certificate authorizing such transfer.

(d) A dealer may, in exchange for the replenishment portion (Part B) of a certificate for used tires issued pursuant to paragraph (a), transfer used tires to another dealer.

(e) Supplement No. 1 (§ 1315.1851) to Revised Tire Rationing Regulations shall become effective December 24, 1942, and shall continue in force and effect until amended by further order or direction of the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong., Jan. 30, 1942, OPM Supp. Order No. M-15-c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792, 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13932; Filed, December 24, 1942; 3:03 p. m.]

### PART 1340—FUEL

[MPR 120,[1] Amendment 30]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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.*

An item in the table in § 1340.222 (b) (1) is amended to read as set forth below:

§ 1340.222 *Appendix K: Maximum prices for bituminous coal produced in District No. 11.* * * *

(b) * * *

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

| For shipment from all mines in price groups shown below | Prices and size group Nos. | | |
|---|---|---|---|
| | * | 26 | * |
| No. 6 | * | 260 | * |
| * | * | * | * |

* * * * *

§ 1340.211a *Effective dates of amendments.* * * *

(ee) Amendment No. 30 (§ 1340.222 (b) (1)) to Maximum Price Regulation No. 120 shall be effective as of May 18, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13933; Filed, December 24, 1942; 2:57 p. m.]

### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 249,[1] Amendment 3]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT WHOLESALE

Mincemeat.
Plum pudding.
Fig pudding.
Date pudding.
Christmas cookies.
Fruit cake.
Holiday candy.
Chocolate covered cherries.
Sweet apple cider.
Glaced or candied fruits and peels.
Stuffed dried fruits.
Dried figs.
Pure sorghum syrup.
Pitted and macerated dates and date 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.*

Section 1351.766 is amended to read as set forth below:

§ 1351.766 *Wholesale maximum prices for fruit cake to be calculated under either Supplementary Regulation No. 14[2] to the General Maximum Price Regulation or Maximum Price Regulation No. 249 until and including January 15, 1943.* Sellers of fruit cake at wholesale shall calculate their maximum prices either under § 1499.73 (a) (2) of Supplementary Regulation No. 14 to the General Maximum Price Regulation or under this Maximum Price Regulation No. 249 until and including January 15, 1943. Thereafter such sellers shall calculate their maximum prices under this Maximum Price Regulation No. 249.

§ 1351.763a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1351.766) to Maximum Price Regulation No. 249 shall become effective December 29, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13935; Filed, December 24, 1942; 3:01 p. m.]

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

[1] 7 F.R. 3889, 7173, 8699, 8948, 10103, 10143.

[2] 7 F.R. 1027, 1089, 2106, 2167, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777, 7902, 7834, 7941, 7963, 7973, 8432, 8595, 8594.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4541, 4540, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 8650, 8354, 8948, 9783, 10470, 10581.

[1] 7 F.R. 8702, 9898, 10014.

[2] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7239, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7671, 7739, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9082, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10345, 10381, 10480, 10537, 10557, 10583.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 250,[1] Amendment 3]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT RETAIL

Mincemeat.
Plum pudding.
Fig pudding.
Date pudding.
Christmas cookies.
Fruit cake.
Holiday candy.
Chocolate covered cherries.
Sweet apple cider.
Glaced or candied fruits and peels.
Stuffed dried fruits.
Dried figs.
Pure sorghum syrup.
Pitted and macerated dates and date 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.*

Section 1351.866 is amended to read as set forth below:

§ 1351.866 *Retail maximum prices for fruit cake to be calculated under either Supplementary Regulation No. 14[2] to the General Maximum Price Regulation or Maximum Price Regulation No. 250 until and including January 15, 1943.* Sellers of fruit cake at retail shall calculate their maximum prices either under § 1499.73 (a) (2) of Supplementary Regulation No. 14 to the General Maximum Price Regulation or under this Maximum Price Regulation No. 250 until and including January 15, 1943. Thereafter such sellers shall calculate their maximum prices under this Maximum Price Regulation No. 250.

§ 1351.864a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1351.866) to Maximum Price Regulation No. 250 shall become effective December 29, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F.R. Doc. 42-13936; Filed, December 24, 1942; 3:01 p. m.]

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PART 1351—FOOD AND FOOD PRODUCTS

[Temporary MPR 23]

SHELLED PEANUTS, SALTED PEANUTS AND PEANUT BUTTER

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 issue a temporary regulation establishing as the maximum prices for certain peanut items the prices prevailing with respect thereto within the five days prior to the issuance of this regulation.

The maximum prices established herein are not below prices which will reflect to the producers of peanuts prices for their raw agricultural commodity equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

Therefore, under the authority vested in the Price Administrator by the aforesaid Acts and Executive Order and in Accordance with Revised Procedural Regulation No. 1,[1] Temporary Maximum Price Regulation No. 23 is hereby issued.

Sec.


1351.1551 Purpose of this regulation.
1351.1552 Prohibition against buying and selling above maximum prices.
1351.1553 Maximum prices.
1351.1554 Exempt sales.
1351.1555 Evasion.
1351.1556 Export sales.
1351.1557 Records and reports.
1351.1558 Enforcement.
1351.1559 Petitions for amendment.
1351.1560 Relation to the General Maximum Price Regulation.
1351.1561 Geographical applicability.
1351.1562 Definitions.
1351.1563 Revocation or replacement of regulation.
1351.1564 Effective period.


AUTHORITY: §§ 1351.1551 to 1351.1564, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7891.

§ 1351.1551 *Purpose of this regulation.* It is the purpose of this regulation to establish maximum prices for sales of the following peanut items:

(a) Shelled peanuts.
(b) Salted peanuts.
(c) Peanut butter.

The peanut products listed above are referred to in this regulation as "listed peanut items."

§ 1351.1552 *Prohibition against buying and selling above maximum prices.* (a) From December 29, 1942 to February 26, 1943, inclusive, regardless of any contract or obligation, no person shall sell or deliver a listed peanut item, and no person in the course of trade or business shall buy or receive a listed peanut item at a price higher than the maximum price permitted by this Temporary Maximum Price Regulation No. 23, and no person shall agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged, demanded, paid or offered.

§ 1351.1553 *Maximum prices.* (a) The seller's maximum price for any listed peanut item shall be the highest price charged by the seller to a purchaser of the same class during the period December 19, 1942 to December 23, 1942, inclusive, for the same listed peanut item.

(b) Where a seller during the period December 19, 1942 to December 23, 1942, inclusive, did not deal in a listed peanut item, the seller's maximum price for such listed peanut item shall be the highest price charged during the period December 19, 1942 to December 23, 1942, inclusive, by the most closely competitive seller to a purchaser of the same class for such peanut item.

§ 1351.1554 *Exempt sales.* This Temporary Maximum Price Regulation No. 23 shall not apply to the following:

(a) Sales or deliveries of peanuts for oil.

(b) Sales or deliveries made directly by a farmer of any listed peanut item grown and processed on his farm. However, this Temporary Maximum Price Regulation No. 23 shall apply to a sale or delivery by a farmers' cooperative and to a sale or delivery directly by a farmer of any listed peanut item to an ultimate consumer, if during the preceding month the farmer's sales to ultimate consumers of all food products produced on his farm exceeded $75.00.

(c) Sales or deliveries of raw shelled peanuts from the 1941 crop.

§ 1351.1555 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 23 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 a listed peanut item alone or in conjunction with any other commodity, or by way of any commmission, 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 lines, grading, labeling, packaging or branding of a listed peanut item.

§ 1351.1556 *Export sales.* The maximum prices at which a person may export a listed peanut item shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1351.1557 *Records and reports.* (a) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 23, every person selling a listed peanut item shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for such listed peanut item delivered or supplied during the period December 19, 1942, to December 23, 1942, inclusive, and his offering prices for delivery or supply of a listed peanut item during such period; and shall prepare, on or before December 31, 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 (1) the highest prices charged for such listed peanut item during such period, together with an appropriate identification of such item, and (2) all his customary allowances, discounts, and other price differentials.

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

[1] 7 F.R. 8705, 9898, 10014.

[2] 7 F.R. 5486, 5709, 5911, 6908, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7671, 7739, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9082, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583.

[1] 7 F.R. 8961.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

(b) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 23 every person selling a listed peanut item shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for such peanut item during the period from December 29, 1942 to February 26, 1943, inclusive, and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1351.1558 *Enforcement.* (a) Persons violating any provisions of this Temporary Maximum Price Regulation No. 23 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.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 23 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.

§ 1351.1559 *Petitions for amendment.* Any person seeking an amendment of any provision of this Temporary Maximum Price Regulation No. 23 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, and amendments, issued by the Office of Price Administration.

§ 1351.1560 *Relation to the General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation,[3] and amendments to them, shall be applicable to every person selling a listed peanut item:

(1) *Determination of maximum prices by sellers at retail operating more than one retail establishment* (§ 1499.4a). In applying § 1499.4a of the General Maximum Price Regulation, the base period of December 19, 1942, to December 23, 1942, inclusive, shall be substituted for the period of March 1942 used therein.

(2) *Adjustment of maximum prices in cases of special deals* (§ 1499.4b).

(3) *Transfers of business or stock in trade* (§ 1499.5).

(4) *Federal and state taxes* (§ 1499.7). In applying § 1499.7 of the General Maximum Price Regulation, the base period of December 19, 1942, to December 23, 1942, inclusive, shall be substituted for the period of March 1942 used therein, and the date December 23, 1942, shall be substituted for the date March 31, 1942.

(5) *Sales slips and receipts* (§ 1499.14).

(6) *Registration* (§ 1499.15).

(7) *Licensing* (§ 1499.16).

§ 1351.1561 *Geographical applicability.* The provisions of this Temporary Maximum Price Regulation No. 23 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.1562 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 23, 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 subdivisions, and any agencies of any of the foregoing.

(2) "Highest price charged during the period December 19, 1942, to December 23, 1942, inclusive", means the highest price which the seller (except a seller of shelled peanuts) charged for a listed peanut item delivered by him during the period from December 19, 1942 to December 23, 1942, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. In the case of a seller of shelled peanuts, "highest price charged during the period December 19, 1942, to December 23, 1942, inclusive" means the highest price at which the seller during the period from December 19, 1942, to December 23, 1942, inclusive, contracted to sell for immediate or future delivery to a purchaser of the same class, or, if the seller made no such contract during such period, his highest offering price during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of supply of any listed peanut item than the seller required purchasers of the same class to pay during the period December 19, 1942, to December 23, 1942, inclusive, on deliveries of a listed peanut item.

(3) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding December 23, 1942, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1351.1563 *Revocation or replacement of regulation.* This Temporary Maximum Price Regulation No. 23 may be revoked or replaced by a permanent maximum price regulation or order issued by the Office of Price Administration.

§ 1351.1564 *Effective period.* This Temporary Maximum Price Regulation No. 23 (§§ 1351.1551, to 1351.1564, inclusive), shall become effective on December 29, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, February 26, 1943.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13934; Filed, December 24, 1942; 3:04 p. m.]

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## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amendment 4]

### MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

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

Section 1351.807 of the Maximum Price Regulation No. 280 is hereby amended to read as follows:

§ 1351.807 *Adjustment of maximum prices of fluid milk and shell eggs.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation 280 for fluid milk sold at wholesale in containers other than bottles or paper containers in the case of any seller or group of sellers, and may adjust any price so established for shell eggs sold at wholesale or retail in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such fluid milk or shell eggs; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such fluid milk or shell eggs; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

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[3] 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, 5794, 6939, 7093, 7322, 7454, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

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

[1] 7 F.R. 10145.

(b) Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this § 1351.807.

(c) Applications for adjustment under this § 1351.807 shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1351.821 *Effective dates of amendments.* * * *

(d) Amendment No. 4 to Maximum Price Regulation 280 shall become effective December 23, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

Approved:

CLAUDE R. WICKARD,
*Secretary of Agriculture.*

[F. R. Doc. 42-13940; Filed, December 24, 1942; 4:24 p. m.]

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## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289]

### DAIRY PRODUCTS

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 establish in a permanent regulation maximum prices for the sale of the dairy products named herein.

The Price Administrator has ascertained and given due consideration to the prices of the dairy products covered by this regulation which prevailed between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended; and Executive 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.*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodity—milk—from which the dairy products named in this regulation are producer, a price 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 Executive Order No. 9250.

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,[1] issued by the Office of Price Administration, this Maximum Price Regulation No. 289 is hereby issued.

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AUTHORITY: §§ 1351.1501 to 1351.1522, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1501 *Products covered.* This Maximum Price Regulation No. 289 establishes the maximum prices at which the following dairy products referred to below as "listed dairy products" may be sold and delivered.

(a) Cheddar cheese.
(b) Butter.
(c) Evaporated milk.
(d) Powdered skim milk.

§ 1351.1502 *Exempt sales.* The provisions of this Maximum Price Regulation No. 289 shall not apply to any sale or delivery which is specifically exempted in sections establishing maximum prices for any of the listed dairy products.

§ 1351.1503 *Prohibition against dealing in listed dairy products above maximum prices.* (a) On and after December 30, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver a listed dairy product, and no person, in the course of trade or business, shall buy or receive a listed dairy product at a price higher than the maximum price permitted by this Maximum Price Regulation No. 289, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not apply to sales or deliveries of a listed dairy product which, prior to December 30, 1942 has been received for shipment to the purchaser by a carrier which is not owned or controlled by the seller.

§ 1351.1504 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 289 may be charged, demanded, paid or offered.

§ 1351.1505 *Records and reports.* (a) Every sale of a listed dairy product covered by this Maximum Price Regulation No. 289 after the effective date of this regulation shall be invoiced by the seller. The original invoice shall be signed by the seller or by a duly authorized partner, officer or employee of the seller; shall be delivered to the buyer and shall state: (1) the date of purchase, (2) the name and address of the buyer and seller, (3) the quantity and description of each listed dairy product sold, (4) the price per unit of sale and in total.

(b) After the effective date of this regulation, every buyer of any listed dairy product shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the original, and every seller of any listed dairy product shall similarly preserve a copy of each invoice required to be furnished by paragraph (a) of this section.

(c) Every person subject to this regulation shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time request in writing, either in addition to or in substitution for records and reports herein required.

§ 1351.1506 *Evasion.* The price limitations set forth in this regulation 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 any of the listed dairy products, 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 otherwise.

§ 1351.1507 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal

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

[1] 7 F.R. 8961.

penalties, civil enforcement actions, and suits for treble damage provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or 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, Field or Regional Office of the Office of Price Administration, or its principal Office in Washington, D. C.

§ 1351.1508 *Export sales.* The maximum prices at which a person may export a "listed dairy product" shall be determined in accordance with Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration on April 25, 1942.

§ 1351.1509 *Imports.* On and after the effective date of this Maximum Price Regulation No. 289, no person in the course of trade or business shall import or agree, offer, solicit, or attempt to import a "listed dairy product" at a price in excess of the maximum prices established by this Maximum Price Regulation No. 289.

"Import" means to buy, receive, or in any manner pay for a commodity pursuant to or in connection with any transaction, contract, agreement or other obligation whereby the commodity is transported or is to be transported to the several states of the United States or the District of Columbia from any place outside the several states of the United States and the District of Columbia regardless of whether the importer deals directly with the seller, or deals through an agent, broker or other intermediary acting for either party, in or outside the United States, its Territories or possessions, or the District of Columbia, and regardless of whether such importation is for use or for resale.

§ 1351.1510 *Applicability of Maximum Price Regulation No. 280.* This regulation supersedes the provisions of Maximum Price Regulation No. 280[3] or the provisions of any other maximum price regulation with respect to the "listed dairy products" for which maximum prices are established by this regulation.

§ 1351.1511 *Applicability of certain provisions of the General Maximum Price Regulation.* (a) The following sections of the General Maximum Price Regulation,[4] the amendments thereto, and Revised Supplementary Regulation No. 4[5] thereof, shall be applicable to agreements, sales and deliveries covered by this Maximum Price Regulation No. 289.

(1) § 1499.4b (Special deals.)
(2) § 1499.15 (Registration.)
(3) § 1499.16 (Licensing.)
(4) § 1499.29 (a) (5) (Development contracts.)
(5) § 1499.29 (a) (6) (Secret contracts.)
(6) § 1499.29 (a) (f) (Emergency purchases.)
(7) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Department's sales stores.)

§ 1351.1512 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 289 shall be applicable only to the 48 states of the United States and the District of Columbia.

§ 1351.1513 *Transfers of business or stock in trade.* If the business or stock in trade of a manufacturer or wholesaler of a "listed dairy product" is sold or otherwise transferred on or after December 30, 1942 and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall 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.

§ 1351.1514 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 289 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1351.1515 *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.

§ 1351.1516 *Taxes.* Any tax upon, or incident to, the sale or delivery of a "listed dairy product" 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. 289 for any listed dairy product.* (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 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. 289.

(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. 289.

(b) *As to a tax or increase in a tax which becomes effective after the effective date of this Regulation for any listed dairy product.* 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.

§ 1351.1517 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" means 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, any other Government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(3) "Sale at retail" means a sale to an ultimate consumer other than an industrial, commercial, institutional or governmental user.

(b) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation, as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1351.1518 *Effective date.* This Maximum Price Regulation No. 289 (§§ 1351.1501 to 1351.1522, inclusive) shall become effective December 30, 1942.

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[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.
[3] 7 F.R. 10144, 10337, 10475.
[4] 7 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, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.
[5] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 7175, 7538, 8021, 9827.

§ 1351.1519 *Maximum prices for Cheddar cheese*—(a) *Maximum prices for Cheddar cheese other than at wholesale or retail*—(1) *In the State of Wisconsin.* The maximum price for Cheddar Cheese delivered at all places in the state of Wisconsin regardless of the point of origin, shall be as set forth in Table A below, except as provided in subparagraph (5) below for "twins" and "Cheddars" of 37.5% moisture content or less when sold for processing or to the United States Government or any agency thereof.

TABLE A

| Maximum price (cents per pound) | Styles | Approximate weight (pounds) |
|---|---|---|
| 23¼ | Cheddar | 70 |
| 23¼ | Twins | 70 |
| 23½ | Flats | 35 |
| 23¾ | Double daisies | 44 |
| 23¾ | Triple daisies | 66 |
| 24 | Single daisies | 22 |
| 24 | Longhorns | 12 |
| 24 | Young Americas | 12 |
| 24¼ | Square prints | 10 |
| 24¼ | Natural loaf | 5 |
| 24¼ | Picnics and midgets | 12 |

(2) *Outside the State of Wisconsin.* The maximum prices for Cheddar cheese delivered at all places outside the state of Wisconsin, regardless of the point of origin, shall be the prices listed in Table A above plus transportation charges. The transportation charges shall be the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin to that place times 1.15. Calculation of transportation charges on a cents per pound basis shall be carried to the second decimal point.

(3) Cheese sold f. o. b. cheese factory or assembler's plant shall be considered "delivered" to the buyer at that factory or plant.

(4) The prices in the preceding subparagraphs (1) and (2) are prices for unparaffined, ungraded, bulk Cheddar cheese of 39% or less moisture content, packed in boxes customarily employed for the particular styles listed in subparagraph (1).

(5) *Moisture content for twins and cheddars when sold for processing or to government agencies.* Whenever "twin" and "cheddar" styles of Cheddar cheese are sold for processing or to the United States government, or any agency thereof, and the moisture content of such cheese is 37½% or less, the maximum price shall be as set forth in Table B below.

TABLE B

| Where moisture content is— | *Maximum price (cents per pound)* |
|---|---|
| 33% or less | 25.54 |
| Over 33%, but not over 33½% | 25.36 |
| Over 33½%, but not over 34% | 25.16 |
| Over 34%, but not over 34½% | 24.97 |
| Over 34½%, but not over 35% | 24.77 |
| Over 35%, but not over 35½% | 24.58 |
| Over 35½%, but not over 36% | 24.39 |
| Over 36%, but not over 36½% | 24.20 |
| Over 36½%, but not over 37% | 24.01 |
| Over 37%, but not over 37½% | 23.82 |

(6) *Assembling costs.* Wherever assembling operations are performed, one cent per pound may be added to the maximum prices in subparagraphs (1) and (2), or to the maximum prices set forth in subparagraph (5) (if twins or cheddars are being sold for processing or to the United States government, or any agency thereof), for each pound of Cheddar cheese so assembled. For the purposes of this subparagraph, no person shall be entitled to the additional cent per pound for assembling unless the cheese for which the assembling cost is claimed has been graded, paraffined, and weighed. This allowance of one cent per pound shall also include transportation costs, if any, from the cheese factory to the assembling plant, whether the assembling plant is located inside or outside the state of Wisconsin.

(7) *Marking of date and place of manufacturing.* On and after the effective date of this Maximum Price Regulation No. 289 every person engaged in the manufacture of Cheddar cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink the name of the state in which the cheese has been manufactured, and the day, month and year of manufacture.

*Example.* An assembler in Chilton, Wisconsin wishes to sell some current "cheddar" style cheese to a cheese wholesaler in New York City. He figures the maximum selling price as follows: Since he is selling in New York City he looks to subparagraph (2) because the sale is outside the state of Wisconsin.

In subparagraph (2) he is referred to Table A which names a price for "Cheddars" of 23¼¢ (23.25¢) per lb. He then figures transportation charges from Plymouth, Wisconsin to New York City. *Assume* the carlot freight rate between these points per 100 lbs. gross weight is 81¢.

81¢÷100=.81¢ (to reduce freight rate to a pound basis)
.81¢×1.15=.93⅓ (to obtain full transportation charge per pound allowed)

NOTE: Carried only to second decimal place.

23.25¢—Cheddar price from Table A
1.00 —Assembly cost permitted
.93 —Transportation charge

25.18¢=maximum selling price for assembled cheddars in New York City.

NOTE: Regardless of the actual transportation costs, he must use freight rate from Plymouth times 1.15.

*Example.* This assembler in Wisconsin wishes to sell 35% moisture current "cheddars" to a processor in Chicago. He figures the maximum selling price to the processor in the same way as example above, except that he substitutes for the price of 23.25¢ per lb. found in Table A, the price of 24.77¢ per lb. found in Table B for moisture content of over 34½% but not over 35%, and the transportation charge from Plymouth to Chicago instead of from Plymouth to New York.

NOTE: Table B is used *only* when "cheddar" and "twins" styles are sold for *processing—not* when sold to wholesalers. Table B is also used for sales to United States government agencies.

(b) *Maximum prices for processed Cheddar cheese other than at wholesale or retail*—(1) *In the State of Wisconsin.* The maximum prices for "Processed Cheddar cheese" delivered at all places in the state of Wisconsin, regardless of the point of origin, shall be as follows:

TABLE C

| Weight of package: | *Cents per pound* |
|---|---|
| Half pound or less (for example the ½ lb. and ¼ lb. size) | 29¾ |
| Over half pound to 2 lb. inclusive (for example the 2 lb. size) | 28¼ |
| Over 2 lbs. (for example, the 5 lb. size) | 27¼ |

(2) *Outside the State of Wisconsin.* The maximum prices for "processed Cheddar cheese" delivered at all places outside the state of Wisconsin, regardless of the point of origin, shall be the prices listed in Table C above plus transportation charges. The transportation charges shall be the lowest published railroad carlot freight rate per pound of gross weight, from Plymouth, Wisconsin to that place times 1.15. Calculation of transportation charges on a cents per pound basis shall be carried to the second decimal place.

(3) "Processed Cheddar cheese" sold f. o. b. processing plant shall be considered "delivered" to the buyer at that plant.

*Example.* The cheese processor in Chicago wishes to sell a 2 lb. loaf of processed Cheddar cheese to a cheese wholesaler in New York. He calculates his maximum selling price as follows: He looks to subparagraph (2) in this paragraph because the sale is outside the state of Wisconsin. Here he is referred to Table C where he finds a price of 28.25¢ for this item. He then figures the transportation cnarges from Plymouth, Wisconsin to New York City. *Assume* the carlot freight rate per 100 lbs. gross weight is 81 cents.

81¢÷100=.81¢ (to reduce freight rate to a per lb. basis)
.81¢×1.15=.93¢ (to obtain full transportation charge allowed)
28.25¢—2 lb. package price from Table B
.93¢—Transportation charge

29.18¢=Maximum selling price in New York.

(c) *Maximum prices for wholesaler's sales of Cheddar and processed Cheddar cheese.* (1) Wholesalers shall determine their maximum selling price for a particular lot of any "cheese item" by multiplying their "base cost" by a figure appropriate to the type of sale for which a maximum price is being sought, in accordance with the following procedure:

(i) The wholesaler shall find in the following Table D, the type of sale for which he is seeking a price and the figure under the appropriate column which is to be used as a multiplier.

TABLE D

| Type of sale | Figure to be used as multiplier for units of cheese weighing 2 lbs. or more | Figure to be used as multiplier for packages of "processed cheese" weighing less than 2 lbs. |
|---|---|---|
| (a) *Primary wholesaler's sale.* Any sale to another wholesaler or to a chain store warehouse delivered at the buyer's customary receiving point by a wholesaler who customarily buys or receives his cheese directly from a plant which processes or assembles cheese | 1.03 | 1.035 |
| (b) *Meat packer's wholesale sale.* A sale by a meat packer or the branch warehouse of a meat packer delivered at the buyer's customary receiving point to retail stores or to governmental, commercial, industrial or institutional users. No sales by meat packers or their branch warehouses shall be considered as any other type of sale designated in this Table, except sales which fall within paragraph (a) of this Table, "Primary wholesaler's sale" | 1.06 | 1.07 |
| (c) *Service wholesaler's sale.* A sale to retail stores or to governmental, commercial, industrial or institutional users when delivery is made upon orders previously taken from the buyer and where credit is customarily extended to the buyer. Sales by retail owned cooperatives to retail stores which are not members of its organization are included, where they meet the above requirements | 1.11 | 1.135 |
| (d) *Retail-owned cooperative sale.* A sale to member retail stores delivered at the buyer's customary receiving point by either a non-profit organization or a corporation of which 51% or more of the stock is owned by its retail customers | 1.06 | 1.07 |
| (e) *Cash and carry wholesaler's sale.* A sale to retail stores or to governmental, commercial, industrial or institutional users, where delivery and credit are not extended to the buyer | 1.07 | 1.075 |
| (f) *Wagon route wholesaler's sale.* A sale from a truck operated by a driver-salesman to a retail store, or to governmental, commercial, industrial or institutional users, where the first record of the transaction is made by the salesman concurrently with the delivery of the product sold | 1.11 | 1.135 |

*Example:* The New York cheese wholesaler desires to sell and deliver the "cheddars" which he bought from the Wisconsin assembler to a wholesale grocer in Norfolk, Virginia. He calculates the maximum selling price for this sale as follows: In Table D he finds that his type of sale is a "Primary wholesaler's sale." For this sale the "figure to be used as a multiplier" is 1.03, since a "cheddar" weighs more than 2 lbs.

(ii) He shall then determine his "base cost" for such cheese item.

(iii) His "base cost" depends upon whether he is a "direct buyer" or an "indirect buyer" of such cheese item.

(iv) He is a "direct buyer" if he buys or receives such cheese directly from a plant which processes or assembles cheese.

(v) If he is a "direct buyer," his "base cost" at the particular place at which he is to *deliver* the item shall be as follows:

(*a*) For delivery any place in the state of Wisconsin:

TABLE E

| Type and style of cheese: | "Base cost" in cents per pound |
|---|---|
| Cheddars | 24¼ |
| Twins | 24¼ |
| Flats | 24½ |
| Double daisies | 24¾ |
| Triple daisies | 24¾ |
| Single daisies | 25 |
| Longhorns | 25 |
| Young Americas | 25 |
| Square prints | 25¼ |
| Natural Loaf | 25¼ |
| Picnics and midgets | 25¼ |
| Processed in packages of ½ lb. or less | 29¾ |
| Processed in packages of over ½ lb. to and including 2 lbs | 28¼ |
| Processed in packages of over 2 lbs | 27¼ |

(*b*) For delivery any place outside the state of Wisconsin the appropriate figure in Table E plus transportation charges. Transportation charges shall be 1.15 times the lowest published railroad carlot freight rate per lb. gross weight from Plymouth, Wisconsin to that place.

*Example* (continued): He then finds his "base cost". He is a "direct buyer", therefore his "base cost" is the figure in Table E of 24.25¢ for "cheddars" plus the transportation charges from Plymouth, Wisconsin to the wholesale grocer in Norfolk. *Assume* freight rate between these points per 100 lbs. gross weight is $1.05.

$1.05÷100=1.05¢ (to reduce freight rate to a pound basis)

1.05¢×1.15=1.20¾¢ (to obtain full transportation charge allowed)

24.25¢ "Cheddar" price from Table E

1.20 Transportation charge

25.45¢×1.03 (multiplier)=26.21¾¢

26.2¢=maximum price adjusted to nearest 1/10 of a cent.

NOTE: "Transportation charge" in "direct buyers" "base cost" depends on freight rate to *buyer's* customary receiving point, not seller's location.

(vi) A wholesaler is an "indirect buyer" with respect to any cheese item which he purchased in a "Primary Wholesaler's Sale" as defined in Table D of subdivision (i) of this paragraph.

(vii) If he is an "indirect buyer", his "base cost" shall be the maximum selling price of his supplier at such "indirect buyer's" customary receiving point as determined under this section.

*Example:* If the wholesale grocer in Norfolk, after purchasing from the cheese wholesaler sells and delivers one of the "cheddars" to a retail store in Virginia Beach, the maximum selling price is determined as follows: In Table D, he finds the "type of sale" to be a "Service Wholesaler's Sale." The "figure to be used as a multplier" appropriate to this type of sale and item is 1.11. He then finds his "base cost." Since he is an indirect buyer, his "base cost" is the maximum selling price of his supplier, the cheese wholesaler, at the customary receiving point *of the wholesale grocer in Norfolk,* namely 26.2 cents. (See foregoing example). Then 26.2¢×1.11=29.08¢=29.1¢—maximum selling price adjusted to nearest 1/10 of a cent.

(viii) The wholesaler having found his "base cost" and selected the "type of sale" from Table D, shall multiply this "base cost" by the figure to be used as a multiplier for the appropriate "type of sale." The result shall be his maximum selling price for such sale.

(ix) In calculating the maximum selling price for a "Primary Wholesaler's Sale" of cheese the "base cost" shall never exceed the "base cost" for a "direct buyer" regardless of whether or not the cheese was purchased by the wholesaler as a "direct" or as an "indirect buyer."

*Example* (continued): If the New York cheese wholesaler had not been a "direct buyer" (i. e. had purchased from a cheese company's branch warehouse) and had sold the cheese to the wholesale grocer in Norfolk this sale would still have been a "Primary Wholesaler's Sale" and the maximum price would be 26.2¢, exactly as above, in the example under subdivision (v).

(x) When a wholesaler, who has calculated his maximum selling prices with respect to a particular lot of a cheese item, buys in a different "type of sale" or changes his method of buying from "direct" to "indirect" or from "indirect" to "direct", he shall calculate new maximum selling prices as provided above in this paragraph. Nothing contained in this subdivision shall affect the prohibition contained in subdivision (ix) of this subparagraph.

*Example* (continued)—If the wholesale grocer in Norfolk stops buying from the New York wholesaler and buys his "cheddars" from a Wisconsin assembler directly, or if he sells the Virginia Beach retail store cash and carry, then he must recalculate his maximum selling price in both instances.

(xi) In calculating maximum prices on a cents per pound basis in this paragraph, all calculations by wholesalers shall be carried to the second decimal place. Any final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest tenth of a cent.

(2) *Discounts and allowances for wholesalers.* (i) The maximum prices determined under the provisions of this subparagraph shall be the maximum prices for any quantity sold. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance or other price differential may always be given when it results in a price less than the maximum price.

(d) *Discounts and allowances for sales other than at wholesale and retail.* The prices determined under the provisions of paragraphs (a) and (b) of this section shall be the maximum prices to any class of purchasers and for any quantity sold. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance, or other price differential may always be given when it results in a price less than the maximum price.

(e) *Exempt sales*—(1) *Sales at retail.* All sales at retail are exempt from the provisions of this section. Sales at retail shall be determined under the provisions of Maximum Price Regulation No. 268,[6] entitled "Certain Perishable Food Products at Retail."

[6] 7 F.R. 9184.

(2) *Sales of aged or cured Cheddar cheese.* All sales of aged or cured Cheddar cheese are exempt from the provisions of this section. Maximum prices for sales of aged or cured Cheddar cheese shall be determined under the provisions of Maximum Price Regulation No. 280. Aged or cured Cheddar cheese is Cheddar cheese which has been permitted to stand under a controlled temperature for such a length of time that it has acquired a clean, pleasant, mild aroma, a pleasing, nutty flavor, a mellow, silky, meaty body, and a close, solid, uniformly colored interior. For purposes of this Maximum Price Regulation No. 289, no Cheddar cheese shall be considered aged or cured unless the same has remained in the possession of either an assembler, or a wholesaler under controlled temperature conditions for at least six months.

(3) The sales exempted under subparagraphs (1) and (2) of this paragraph are in addition to the sales exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1351.1511 hereof.

(f) *Definitions*—(1) *Cheddar cheese.* "Cheddar cheese," frequently called "American cheese" means "Cheddar cheese" as defined in the "Standards of Identity for Cheddar Cheese, Cheese, Washed Curd Cheese, Colby Cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, Page 195. It contains not more than 39% of moisture and its solids contain not less than 50% of milk fat.

(2) *Cheese item.* "Cheese item" refers to the particular styles and sizes of Cheddar cheese and of processed Cheddar cheese listed in Table E of subdivision (v) in paragraph (c) (1) of this section.

(3) *Processed Cheddar cheese.* "Processed Cheddar cheese" is Cheddar cheese which has been graded, cleaned, blended, ground, pasteurized and packaged. It shall contain not more than 40% of water and in the water free substance not less than 50% of milk fat.

§ 1351.1520 *Maximum prices for butter*—(a) *Sales and deliveries of butter by manufacturers and wholesalers.*

(1) Where a manufacturer or wholesaler sold his butter during the months of September and October, 1942 at a "price differential" over or under the "market quotation" for any of the cities listed in Table F in subdivision (i) below, he shall determine his maximum selling price for each grade and package type of butter to each class of purchaser in accordance with the following procedure:

(i) He shall first select from Table F the "base quotation" for the particular score of butter and for the particular city with respect to which, during the months of September and October, 1942 he based his butter price for the particular butter item for which he is seeking a maximum selling price to a particular class of purchaser.

TABLE F

| City | Base quotation for butter scores 88 to 92 | | | | |
|---|---|---|---|---|---|
| | 88 | 89 | 90 | 91 | 92 |
| New York, Philadelphia, Boston | 44¾ | 45¼ | 46¼ | 46½ | 46¾ |
| Chicago | 44 | 44½ | 45½ | 45¾ | 46 |
| Los Angeles, San Francisco, Seattle, Portland | 46 | 46½ | 47½ | 47¾ | 48 |

*Example:* The Wisconsin Creamery Company wishes to sell its A grade of butter packed in paper cartons to the Chicago Retail Store. During October the Wisconsin Creamery Company sold other retail stores (purchasers of the same class) such A grade of butter in paper cartons by quoting its price at 1½¢ per lb. over the Chicago market quotation for 92 score butter. The Wisconsin Creamery Company's "base quotation" as determined under subparagraphs (1) (i) of this paragraph would, therefore, be 46¢ which is the Chicago Market quotation for 92 score butter.

(ii) He shall then determine his "price differential." His "price differential" shall be the difference in cents or fractions thereof between the price of an actual sale of a butter item to a particular class of purchasers on any day during the month of September and October, 1942 and the market quotation for the same day for the city, and butter score with respect to which, during the months of September and October, he based his price.

*Example:* During October 1942 the Wisconsin Creamery Company made three sales of Grade A butter in paper cartons to the Chicago Retail Store: namely, on October 9 at 47½¢ per lb. when the market quotation for Chicago for 92 score butter was 45¾¢ per lb.; on October 16 at 47¼¢ when the Chicago market quotation for 92 score butter was 45¾¢; on October 22 at 47¼¢ per lb. when the Chicago market quotation for 92 score butter was 45¾¢ per lb. His "price differential" can be either 1¾¢ or 1½¢.

If the Wisconsin Creamery Company had sold its Grade C butter in boxes to the Joliet Wholesale Company at less than the market quotation for 92 score butter on these three days: namely, at 45½¢, 45¼¢, and 45¼¢ respectively, its "price differential" would be either ¼¢ or ½¢.

(iii) If the manufacturer or wholesaler sold the butter item to a particular class of purchaser at "price differentials" *above* the market quotation in one of the cities listed in Table F during September and October, 1942, his maximum selling price for that butter item to that class of purchaser shall be the "base quotation" plus his largest "price differential" during such months.

(iv) If the manufacturer or wholesaler sold the butter item to a particular class of purchaser at "price differentials" *below* the market quotation in one of the cities listed in Table F during September and October, 1942, his maximum selling price for that butter item to that class of purchaser shall be the "base quotation" *minus* his smallest "price differential" during such months.

*Example:* The Wisconsin Creamery Company sold during October its Grade A butter in paper cartons to the Chicago Retail Store at prices 1¾¢ and 1½¢ per lb. above the Chicago market quotation for 92 score butter. The "price differentials" would therefore be 1¾¢ and 1½¢ per lb. Its maximum selling price would then be the "base quotation" of 46¢ for the Chicago market of 92 score butter as set forth in Table F plus 1¾¢ which is the largest "price differential". Its maximum selling price would therefore be 47¾¢ per lb.

If during October, the Wisconsin Creamery Company had sold its Grade C butter in boxes at ¼¢ and ½¢ *below* the Chicago market quotation for 92 score butter, its "price differentials" would be ¼¢ and ½¢. Its maximum selling price for Grade C butter in boxes to the Joliet Wholesale Company would then be the "base quotation" for 92 score butter of 46¢ (see Table F) *less* the smallest differential of ¼¢, giving a maximum price of 45¾¢ per lb.

If during the month of October the Wisconsin Creamery Company had quoted its price for its Grade A butter in paper cartons to the Chicago Retail Store with respect to a 90 score butter, its "price differential" would be figured with reference to the "base quotation" listed for Chicago for 90 score butter, in Table F.

Thus, if during October, it sold such butter item at 2½¢ per lb. above the Chicago market quotation for 90 score butter on that day, it would add 2½¢, the "price differential" to 45½¢, the "base quotation" listed in Table F for 90 score butter sold in Chicago.

(2) If a manufacturer or a wholesaler is unable to determine his maximum selling price under the foregoing, his maximum selling price shall be the maximum selling price of his most closely competitive seller of the same class for the particular grade and "package type" of butter to a purchaser of the same class.

(3) *Customary allowances and discounts.* Every manufacturer and wholesaler of butter shall continue his discounts, allowances, or other price differentials customarily given in connection with the sale of butter.

(b) *Sales and deliveries of butter by retail route-sellers.* (1) A "retail route-seller" is a person who customarily makes sales of butter at retail directly from a truck or wagon operated by a driver-salesman over a regular route. A "retail route-seller" shall include dairy companies operating delivery routes through driver-salesmen, but shall not include grocery stores or meat markets which deliver butter.

(2) The maximum price for which any grade and package type of butter may be sold or delivered at retail by a retail route-seller, shall be 6½¢ plus the following:

Such seller's net cost, delivered at his customary receiving point less all discounts allowed him, except the discount for prompt payment; however, no charge for local unloading or local trucking shall be included.

(c) *Deliveries or transfers of butter by printing plant divisions of retail organizations.* (1) In order that retailers, whose stores or retail routes are supplied with butter by the retailers' own butter print division, may have a

maximum selling price on the basis of which to figure their retail prices under any maximum price regulation covering retail sales of butter including paragraph (b) of this section, it is provided that:

(i) Deliveries and transfers from the butter print divisions of a retail organization shall be deemed "sales" by wholesalers, the maximum prices for which shall be determined under the provisions of this section.

(d) *Definitions*—(1) *Butter.* "Butter" means the food product commonly known as butter, and which is made exclusively from milk or cream or both, with or without the addition of common salt or coloring matter, and containing not less than 80% by weight of milk fat, all tolerance being allowed for. Such percentage of milk fat requirement shall equal that determined by the method prescribed in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, 5th Edition, 1940.

(2) *Butter item.* "Butter item" refers to the particular grade and package type of butter.

(3) *Market quotation.* "Market quotation" means the wholesale selling prices of creamery butter, as published in the daily market reports of the Agricultural Marketing Administration, United States Department of Agriculture.

(4) *Butter score.* "Butter score" means the grade of butter determined in accordance with the United States Standards for Quality of Creamery Butter issued by the United States Department of Agriculture.

(4) *Purchaser of the same class.* "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(5) *Wholesaler.* A person who sells "at wholesale" as defined in paragraph (a) (2) of § 1351.1517 is a wholesaler within the meaning of this § 1351.1520 even though he prints the butter he sells.

(b) *Exempt sales*—(1) *Sales at retail.* The provisions of this section shall not be applicable to sales of butter at retail except as provided above in paragraph (b) of this section with respect to sales and deliveries at retail by retail route-sellers. All other sales at retail, except sales of "farm butter" shall be priced under the provisions of Maximum Price Regulation No. 268.

(2) *Sales of farm butter.* The provisions of this section shall not be applicable to any sale of "farm butter". "Farm butter" means any butter produced by a farmer on his farm from milk produced solely on his farm. The price for all sales and deliveries of "farm butter" shall be determined under the provisions of Maximum Price Regulation No. 280.

(3) The sales exempted under subparagraphs (1) and (2) of this paragraph are in addition to the sales exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1351.1511 hereof.

§ 1351.1521 *Maximum prices for evaporated milk*—(a) *Sales and deliveries of evaporated milk by manufacturers.* (1) The maximum prices for sales and deliveries of evaporated milk by manufacturers thereof shall be the following prices, delivered to the buyer's customary receiving point.

| If delivered in | Carton of 48 14½ oz. cans | Carton of 48 6 oz. cans | Carton of 96 6 oz. cans | Carton of 6 8 lb. cans |
|---|---|---|---|---|
| | *Per carton* | *Per carton* | *Per carton* | *Per carton* |
| Zone 1 | $4.10 | $2.05 | $4.10 | $4.10 |
| Zone 2 | 4.20 | 2.10 | 4.20 | 4.20 |
| Zone 3 | 4.20 | 2.10 | 4.20 | 4.20 |

(i) These shall be the maximum prices to any class of purchasers and for any quantity sold. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance, or other price differential may always be given where it results in a price less than the maximum price.

The above zones are:

*Zone 1.* Virginia (except the city of Alexandria), West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Colorado, New Mexico, Wyoming; and Armstrong, Allegheny, Beaver, Butler, Fayette, Greene, Mercer, Lawrence, Washington, Bedford, Blair, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Somerset, Venango and Westmoreland Counties of Pennsylvania; and Allegany and Garrett Counties of Maryland.

*Zone 2.* District of Columbia, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, all of the counties of Pennsylvania and Maryland not included in Zone 1, and the city of Alexandria, Virginia.

*Zone 3.* Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington.

(2) If evaporated milk is delivered to the following points within Zones 1 and 2, ten cents per carton may be added to the respective prices set forth in the above table.

*Zone 1.* Deliveries to all of New Mexico except Clayton, Dawson, Raton, Artesia, Carlsbad, Roswell and Hobbs; and deliveries to Sheridan, Greybull and Worland in Wyoming.

*Zone 3.* Deliveries to all of Arizona, except Yuma; deliveries to Needle, El Portal and Alturas in California; deliveries to Montana; and deliveries to Boulder City, Ely, McGill and Las Vegas in Nevada.

(b) *Exempt sales.* The provisions of this section shall not be applicable to sales of evaporated milk at wholesale or at retail. Sales at wholesale shall be priced under the provisions of Maximum Price Regulation No. 237;[9] sales at retail shall be priced under the provisions of Maximum Price Regulation No. 238.[10]

(c) *Definitions—Evaporated milk.* "Evaporated milk" means evaporated milk as defined in "Standards of Identity of Evaporated Milk" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 2, 1940, 5 F.R. 2444.

§ 1351.1522 *Maximum prices for bulk powdered skim milk for human consumption.* (a) The maximum prices for sales and deliveries of bulk powdered skim milk for human consumption shall be as follows:

(1) By manufacturers to the United States Government or any agency thereof f. o. b. manufacturers plant, located:

| | Spray process | Roller process |
|---|---|---|
| | *Cents per lb.* | *Cents per lb.* |
| In Zone A | 14½ | 12½ |
| In Zone B | 14¾ | 12¾ |

(2) By manufacturers to wholesalers for "deliveries to wholesalers" the following prices less 5%:

| | Spray process | Roller process |
|---|---|---|
| | *Cents per lb.* | *Cents per lb.* |
| For deliveries in Zone A | 15½ | 13½ |
| For deliveries in Zone B | 15¾ | 13¾ |

(3) By manufacturers and wholesalers for deliveries to any consumer other than the United States Government or any agency thereof:

| | Spray process | Roller process |
|---|---|---|
| | *Cents per lb.* | *Cents per lb.* |
| For deliveries in Zone A | 15½ | 13½ |
| For deliveries in Zone B | 15¾ | 13¾ |

(4) By wholesalers for deliveries to the United States Government or any agency thereof:

| | Spray process | Roller process |
|---|---|---|
| | *Cents per lb.* | *Cents per lb.* |
| For deliveries in Zone A | 15½ | 13½ |
| For deliveries in Zone B | 15¾ | 13¾ |

(5) (i) Zone B shall be Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine and the District of Columbia.

(ii) Zone A shall be all states not included in Zone B.

[9] 7 F.R. 9637.

[10] 7 F.R. 8209, 8808.

(6) The above prices are for any quantity of bulk powdered skim milk, but these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance or other price differential may always be given when it results in a price less than the maximum price.

(7) These prices are for bulk powdered skim milk packed in barrels double crepe lined. They shall be reduced for any less expensive packing by the net difference in packing costs, between the double crepe lined barrels and the less expensive packing.

(8) These prices shall be increased ½¢ for all bulk powdered skim milk packed in customary 95 pound containers. These prices shall be increased 1¢ for all bulk powdered skim milk packed in customary 50 pound containers.

(b) *Definitions*—(1) *Powdered skim milk.* "Powdered skim milk," also known as "Dried skim milk" or "skim milk powder" means powdered skim milk as defined in the "Standards of Identity for Dried Skim Milk, Powdered Skim Milk, Skim Milk Powder" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 12, 1940, 5 F.R. 2543.

(2) *Bulk powdered skim milk.* "Bulk powdered skim milk" means all "powdered skim milk", other than "packaged skim milk". "Packaged" means packaged for sale at retail in a container of any sort holding 25 pounds or less regardless of where the packaging was done. Such packaged sales of powdered skim milk shall be subject to the provisions of Maximum Price Regulation No. 280.

(3) *"For deliveries."* The phrase "for deliveries" refers to deliveries at the buyer's customary receiving point. In the case of deliveries to wholesalers, it shall also include direct deliveries to the customary receiving point of any person designated by the wholesaler to receive delivery.

(c) *Reference to Maximum Price Regulations covering powdered skim milk not covered in this Maximum Price Regulation No. 289:*

(1) Packaged powdered skim milk when sold by manufacturers is covered under Maximum Price Regulation No. 280.

(2) Packaged powdered skim milk when sold by wholesalers is covered under Maximum Price Regulation No. 237.

(3) Packaged powdered skim milk when sold by retailers is covered under Maximum Price Regulation No. 238.

(4) All powdered skim milk sold for animal feed is covered by Maximum Price Regulation No. 280.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13937; Filed, December 24, 1942; 2:59 p. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[MPR 291]

### CERTAIN SYRUPS AND MOLASSES

In the judgment of the Price Administrator it is necessary to stabilize prices for syrups and molasses in order to effectuate the purposes of the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250. The present prices for syrups and molasses are governed by the General Maximum Price Regulation[1] which fixes the maximum prices as the highest prices each seller received for these commodities in March 1942. Since these products are produced seasonally, this "freeze" technique has not in all cases proved satisfactory. Consequently, it becomes necessary to issue this Maximum Price Regulation No. 291 setting specific prices which in the judgment of the Price Administrator, are fair and equitable to both producer and consumer and which effectuate the purposes of the Act.

The Price Administrator has advised and consulted, so far as practicable, with members of the industry who will be affected by this regulation. The Price Administrator has also ascertained and determined that the maximum prices established for the agricultural commodities covered by this regulation, will reflect to producers a price equal to or higher than the prices specified in 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.* The Price Administrator has consulted with the Secretary of Agriculture, and has obtained his approval for the agricultural commodities covered herein.

Therefore, under the authority vested in the Price Administrator by the Act and Executive Order cited above, and in accordance with Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration, Maximum Price Regulation No. 291 is hereby issued.

Sec.


1351.1351 Kinds of syrups and molasses covered by the regulation.
1351.1352 Prohibition against dealing in syrups and molasses above maximum prices.
1351.1353 Maximum prices for syrups and molasses.
1351.1354 Sales at less than maximum prices.
1351.1355 Exempt sales.
1351.1356 Evasion.
1351.1357 Records and reports.
1351.1358 Transfers of business or stock in trade.
1351.1359 Enforcement.
1351.1360 Petitions for amendment.
1351.1361 Adjustable pricing.
1351.1362 Export sales.
1351.1363 Geographical applicability.
1351.1364 Federal and State taxes.
1351.1365 Applicability of the General Maximum Price Regulation.
1351.1366 Definitions.
1351.1367 Maximum prices for Louisiana cane syrup.
1351.1368 Maximum prices for Georgia cane syrup.
1351.1369 Effective date.


AUTHORITY: §§ 1351.1351 to 1351.1369 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1351 *Kinds of syrups and molasses covered by the regulation*—(a) *Louisiana cane syrup.* Louisiana cane syrup is "cane syrup" produced in a mill comprised of six or more rollers with a twenty-four hour grinding capacity of 250 or more tons of cane. "Cane syrup" is the juice of sugar cane clarified and evaporated to a density of not less than 39° Baumé at 20° centigrade and contains not more than 2.5 per cent ash. It may or may not contain sulphur dioxide, used as a clarifying and bleaching agent.

(b) *Georgia cane syrup.* Georgia or "country" cane syrup is "cane syrup" produced in a mill comprised of 6 or fewer rollers, with a twenty-four hour grinding capacity of less than 250 tons of cane.

§ 1351.1352 *Prohibition against dealing in syrups and molasses above maximum prices.* (a) On and after December 24, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver syrups or molasses specified in this regulation and no person shall in the course of trade or business buy or receive such syrups or molasses at prices higher than the maximum prices set forth in this regulation.

(b) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(c) The provisions of this section shall not be applicable to sales or deliveries of syrups or molasses specified in this Maximum Price Regulation No. 291 to a purchaser, if prior to the effective date for such syrup or molasses, it has been received by a carrier, other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1351.1353 *Maximum prices for syrups and molasses.* (a) Producers' and packers' maximum prices for sales and deliveries of "Louisiana cane syrup" are listed in § 1351.1367.

(b) Producers', accumulators' and packers' maximum prices for sales and deliveries of "Georgia cane syrup" are listed in § 1351.1368.

§ 1351.1354 *Sales at less than maximum prices.* Lower prices than those referred to in § 1351.1353 may be charged, demanded, paid or offered.

§ 1351.1355 *Exempt sales.* The following sales are exempt from this

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

[1] 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, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454.

[2] 7 F.R. 8961.

Maximum Price Regulation No. 291 in addition to those exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1351.1365 hereof.

(a) Sales of Louisiana and Georgia cane syrup at wholesale and retail. Maximum prices for sales of Georgia and Louisiana cane syrup at wholesale and retail are established in Maximum Price Regulation Nos. 237[3] and 238[4] respectively.

§ 1351.1356 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 291 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 syrups or molasses, 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 otherwise. Specifically, the provisions of §§ 1351.1367 and 1351.1368 shall not be evaded by a producer selling syrups and molasses in tank cars, tank trucks or barrel lots at prices provided for packers by temporarily storing and repacking syrups and molasses which he would ordinarily have delivered at producers' prices after production.

§ 1351.1357 *Records and reports.* (a) Every seller who makes sales of syrups and molasses after the effective date of this Maximum Price Regulation No. 291 shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales made showing the quantity sold, terms of sale, price received, and name and address of the purchaser, as well as all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

(b) Every person making sales of syrups and molasses pursuant to this Maximum Price Regulation No. 291 shall submit such reports to the Office of Price Administration and keep such other records as the Office of Price Administration may from time to time require.

§ 1351.1358 *Transfers of business or stock in trade.* If the business or stock in trade of a seller of syrups and molasses are sold or otherwise transferred on or before the effective date of this regulation for each kind of syrup or molasses specified in § 1351.1351, and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall 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 Maximum Price Regulation No. 291.

§ 1351.1359 *Enforcement.* Any person who violates a provision of this Maximum Price Regulation No. 291 is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by Emergency Price Control Act of 1942, as amended.

§ 1351.1360 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 291 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[5] issued by the Office of Price Administration.

§ 1351.1361 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to the level of, and not in excess of, the maximum price in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extensive 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.

§ 1351.1362 *Export sales.* The maximum prices at which a person may export syrups and molasses shall be determined in accordance with the Revised Maximum Export Regulation[6] issued by the Office of Price Administration.

§ 1351.1363 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 291 shall be applicable to the 48 states of the United States and the District of Columbia.

§ 1351.1364 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of syrups or molasses 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 syrups or molasses 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 regulation for each kind of syrup and molasses.* (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 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. 291.

(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. 291.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for each kind of syrup and molasses.* 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.

§ 1351.1365 *Applicability of the General Maximum Price Regulation.* (a) This Maximum Price Regulation No. 291 supersedes the provisions of the General Maximum Price Regulation with respect to the sales of syrups and molasses for which maximum prices are established by this regulation: *Provided,* That the following sections of the General Maximum Price Regulation and the amendments thereto, and Revised Supplementary Regulation 4[7] shall be applicable to every person making sales and deliveries covered by this Maximum Price Regulation No. 291.

1. 1499.14 (Sales slips and receipts.)
2. 1499.15 (Registration.)
3. 1499.16 (Licensing.)
4. 1499.29 (a) (5) (Developmental contracts.)
5. 1499.29 (a) (6) (Secret contracts.)
6. 1499.29 (a) (7) (Emergency purchases.)
7. 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Department's sales stores.)

§ 1351.1366 *Definitions.* (a) When used in this Maximum Price Regulation No. 291, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successor, or representatives of any of the foregoing, and includes the United States, or any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and the General Maximum Price Regulation shall apply to other terms used herein.

§ 1351.1367 *Maximum prices for Louisiana cane syrup*—(a) *Producers'*

[3] 7 F.R. 8205, 8427, 8808, 9183, 9973, 10013, 10715.

[4] 7 F.R. 8209, 8808, 9184, 10013, 10227, 10714.

[5] 7 F.R. 8961.

[6] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[7] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 7175, 7538, 8021, 9827, 10022, 10110, 10531.

*maximum prices for Louisiana cane syrup.* (1) "Producer of Louisiana cane syrup" means any person who manufactures "Louisiana cane syrup" as defined in § 1351.1351 hereof. Producers' maximum prices for Louisiana cane syrup to all classes of purchasers shall be:

$.35 per gallon, net, f. o. b. producers' mill or factory in tank cars or tank trucks supplied by the buyer.

$.35½ per gallon, net, f. o. b. producers' mill or factory in barrels or half-barrels supplied by the buyer.

(2) The term "barrel" used in this section means a wooden container for liquids having a capacity of approximately 55 gallons. The term "half-barrel" used in this section means a wooden container for liquids having a capacity of approximately 33 gallons.

(b) *Packers' maximum prices for Louisiana cane syrup.* "Packer of Louisiana cane syrup" means any person who customarily stores and repacks or reloads "Louisiana cane syrup" with or without processing, mixing or blending.

(1) (i) Packers' maximum prices at the factory for bulk sales of Louisiana cane syrup in tank cars, barrels, or other large containers, to all classes of purchasers, shall be:

$.40 per gallon in tank cars furnished by the seller.

$.54 per gallon in barrels furnished by the seller.

$.58 per gallon in half-barrels furnished by the seller.

$.62 per gallon in 10-gallon cans furnished by the seller.

$.64 per gallon in 5-gallon cans furnished by the seller.

*Provided,* That the syrup sold has been stored by the packer and repacked or reloaded by him into the above cars, barrels or cans.

(ii) All discounts and other allowances including those for prompt payment shall be continued.

(2) Packers' maximum prices at the factory for Louisiana cane syrup packaged in cases for the wholesale and chain store trade in less than carload lots shall be:

$3.25 per case of 6 No. 10 cans.
$3.50 per case of 12 No. 5 cans.
$3.75 per case of 24 No. 2½ cans.
$4.25 per case of 48 No. 1½ cans.
$3.25 per case of 36 No. 1½ cans.
$2.18 per case of 24 No. 1½ cans.

If the packer has established differentials for any other class of purchaser or for larger quantity purchases, he shall continue such differentials. All discounts and other allowances including those for prompt payment shall also be continued.

(3) The prices set forth in this paragraph (b) shall also apply to Louisiana cane syrup which has been enriched by the addition of cane sugar syrup.

(c) *Packers' maximum delivered prices for Louisiana cane syrup.* Packers' maximum delivered prices for Louisiana cane syrup shall be the prices listed in the preceding paragraph (b), plus the lowest available freight rate from New Orleans, Louisiana, to point of destination. In no case shall the purchaser be required to pay more than the packers' factory price plus the lowest available freight rate from New Orleans to point of destination.

(d) *Maximum prices for the producer-packer.* "Producer-packer of Louisiana cane syrup" means any producer who also customarily performs the function of a packer, i. e. he stores and repacks cane syrup with or without processing, mixing or blending. A producer-packer when performing the functions of a producer shall determine his maximum price under paragraph (a) of this section and when performing the functions of a packer under the provisions of paragraphs (b) and (c).

(e) *Prohibition against addition of credit or commission charges.* The maximum prices established by this section shall not be increased (1) by any charges for the extension of credit; or (2) by commissions or any other charges.

§ 1351.1368 *Maximum prices for Georgia cane syrup*—(a) *Producers' maximum prices for Georgia cane syrup.* (1) "Producer of Georgia cane syrup" means any person who manufactures "Georgia cane syrup". Producers' maximum prices for Georgia cane syrup to all classes of purchasers shall be:

60¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for highest grade A–1 syrup.

57¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 2nd grade, No. 1 syrup.

50¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3rd grade, No. 2 syrup.

(2) Highest grade A–1 Georgia syrup is that Georgia syrup which has (i) good body, (ii) good flavor, (iii) good color, and (iv) is free from dregs. If one of these qualities is lacking, it is 2nd grade or No. 1 syrup. If two of these qualities are lacking, it is 3rd grade, or No. 2 syrup.

(3) The term "barrel" used in this section means a wooden container for liquids having a capacity of approximately 35 gallons.

(4) A Georgia gallon at 39° Baumé at 20° centigrade weighs 10.847 pounds. A standard U. S. gallon of Georgia cane syrup at 39° Baumé at 20° centigrade is equal to 1.05 Georgia gallons of Georgia cane syrup.

(b) *Accumulator's maximum prices for Georgia cane syrup.* "Accumulator of Georgia cane syrup" means any person who collects the barrels of cane syrup manufactured by Georgia cane syrup producers for resale in original packages.

Accumulator's maximum prices for Georgia cane syrup to all classes of purchasers shall be:

61¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for highest grade A–1 syrup.

58¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for 2nd grade, No. 1 syrup.

51¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3rd grade, No. 2 syrup.

(c) *Packers' maximum prices for Georgia cane syrup.* "Packer of Georgia cane syrup" means any person who customarily stores and repacks or reloads "Georgia cane syrup" with or without processing, mixing or blending.

(1) Packers' maximum prices for Georgia cane syrup delivered to all places in the "Southern Zone" shall be as follows:

$4.70 per case of 6 No. 10 cans.
$4.95 per case of 12 No. 5 cans.
$5.20 per case of 24 No. 2½ cans.
$5.70 per case of 48 No. 1½ cans.
$2.90 per case of 24 No. 1½ cans.

The "Southern Zone" includes the states of Georgia, Alabama, Florida, North Carolina, South Carolina, Louisiana, Mississippi, Arkansas, and Texas.

(2) Packers' maximum prices for Georgia cane syrup delivered in all places outside the "Southern Zone" shall be the following, f. o. b. Cairo, Georgia prices, plus the lowest available freight rates to point of destination.

$4.45 per case of 6 No. 10 cans.
$4.70 per case of 12 No. 5 cans.
$4.95 per case of 24 No. 2½ cans.
$5.45 per case of 48 No. 1½ cans.
$2.77 per case of 24 No. 1½ cans.

All of the above prices in this paragraph (c) shall be for carload lots to the wholesale and chain store trade. If the packer has established any differentials for other classes of purchasers or for smaller or larger quantity sales, he shall continue such differentials. All discounts and other allowances including those for prompt payment shall also be continued.

(d) *Producer-packers' maximum prices for Georgia cane syrup.* "Producer-packer of Georgia cane syrup" means any producer who also customarily performs the function of a packer, i. e. he stores and repacks cane syrup with or without processing, mixing or blending. A producer-packer when performing the function of a producer shall determine his maximum price under paragraph (a) of this section and when performing the functions of a packer, under the provisions of paragraph (c).

(e) *Prohibition against addition of credit or commission charges.* The maximum prices established by this section shall not be increased (1) by any charges for the extension of credit; or (2) by commissions or any other charges.

§ 1351.1369 *Effective date.* This Maximum Price Regulation No. 291 (§§ 1351.1351 to 1351.1369, inclusive) shall become effective December 24, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

Approved:

CLAUDE R. WICKARD,
*Secretary of Agriculture.*

[F. R. Doc. 42–13939; Filed, December 24, 1942; 4:24 p. m.]

## PART 1394—RATIONING FOR FUEL AND FUEL PRODUCTS

[Ration Order 11, Amendment 1 to Supplement 1 [1]]

### FUEL OIL RATIONING REGULATIONS

Section 1394.9101 is amended to read as set forth below:

§ 1394.9101 *Designation of unit value in gallons of fuel oil.* (a) The units represented by coupons on Class 1 and Class 2 coupon sheets shall have the following values for the transfer of fuel oil to a consumer and shall retain such value thereafter.

(1) The value of one unit represented by coupons numbered "1" and "2" on Class 1 coupon sheets, and the value of ten units represented by coupons numbered "1" and "2" on Class 2 coupon sheets are hereby fixed as ten (10) gallons, and one hundred (100) gallons, of fuel oil respectively.

(2) The value of one unit represented by coupons numbered "3" on Class 1 coupon sheets and the value of ten units represented by coupons numbered "3" on Class 2 coupon sheets are hereby fixed as ten (10) gallons and one hundred (100) gallons, of fuel oil, respectively, in the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida (east of the Apalachicola River).

(3) The value of one unit represented by coupons numbered "3" in Class 1 coupon sheets and the value of ten units represented by coupons numbered "3" on Class 2 coupon sheets are hereby fixed as eleven (11) gallons, and one hundred ten (110) gallons, of fuel oil, respectively, in the states of North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio and Kentucky.

(b) *Effective dates.* (1) Supplement No. 1 (§ 1394.9101) shall become effective on October 29, 1942.

(2) Amendment No. 1 (§ 1394.9101) to Supplement No. 1 shall become effective on December 24, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, 7 F.R. 8418; E.O. No. 9125, 7 F.R. 2719)

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–13938; Filed, December 24, 1942; 3:04 p. m.]

[1] 7 F.R. 8708.

## PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14 [1] of GMPR,[2] Amendment 82]

### ACCOMMODATION SALES AT RETAIL

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.*

A new subparagraph (51 )is added to § 1499.73 (a) 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:

* * * * *

(51) *Accommodation sales at retail.* (i) The maximum price for an accommodation sale at retail of any commodity by a seller who, in March 1942, had the fixed practice of making such accommodation sales, shall be the seller's maximum price for such commodity determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation or the actual cost of the commodity, whichever is higher.

(ii) As used in this subparagraph:

(*a*) "Accommodation sale" means a sale made entirely without profit, solely for the benefit or convenience of the purchaser—for example, a sale by an employer to his employees, or by a school to its students—and not for the purpose of promoting trade. It does not include sales by cooperative, non-profit or other organizations which make sales, initially above cost, but later give refunds, bonuses, dividends, or other allowances to purchasers.

(*b*) If the seller manufactures or produces the commodity, "cost" means the actual cost of manufacturing or producing the commodity, determined in the same manner as the seller normally determines his actual costs. If the seller does not manufacture or produce the commodity, "cost" means invoice cost, plus any transportation charges paid by the seller, less any discounts allowed to the seller, in connection with his purchase of the commodity. But in no case shall "cost" exceed the seller's lowest maximum price for such commodity for sales other than accommodation sales.

(b) *Effective dates.* * * *

(83) Amendment No. 82 (§ 1499.73 (a) (51)) to Supplementary Regulation No. 14 shall become effective December 29, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–13926; Filed, December 24, 1942; 2:58 p. m.]

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

[1] 7 F.R., 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 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, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9787, 9900, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 9901.

[2] 7 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, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9616, 9615, 9732, 10155, 10454.

## PART 1499—COMMODITIES AND SERVICES

[Order 8 Under § 1499.3 (c) of GMPR]

### LYON METAL PRODUCTS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.808 *Establishment of a formula for determining the maximum prices for wooden lockers, cabinets, shoprobes and shelving sold by Lyon Metal Products, Inc.* (a) Lyon Metal Products, Inc. of Aurora, Illinois, may sell, offer to sell, or deliver the wooden lockers, cabinets, shoprobes and shelving manufactured by Kroehler Manufacturing Company, Naperville, Illinois, or McCray Refrigerator Company, Kendalville, Indiana, for which a maximum price has been approved by the Office of Price Administration for sales to Lyon Metal Products, Inc., at prices no higher than those determined by applying a 40% markup to the sum of the following items of direct cost:

(1) Kroehler Manufacturing Company's or McCray Refrigerator Company's maximum price for wood parts purchased by the applicant;

(2) Cost of fittings purchased by the applicant;

(3) Direct labor and material costs of fittings manufactured by the applicant;

The prices so determined do not include installation charges.

(b) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 8 (§ 1499.808) shall become effective December 24, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13927; Filed, December 24, 1942; 3:00 p. m.]

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PART 1499—COMMODITIES AND SERVICES

[Order 1 Under Supp. Reg. 15 of GMPR]

PAN-CHEMICAL COMPANY

General Maximum Price Regulation—Order No. 1 under § 1499.75 (a) (4) of Supplementary Regulation No. 15.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1601 *Adjustment of maximum prices for celestite sold by the Pan-Chemical Company.* (a) On and after October 8, 1942, the Pan-Chemical Company, 205 First National Bank Building, Pomona, California, may sell and deliver, and any person may buy and receive in the course of trade or business from the Pan-Chemical Company, celestite having a minimum content of 90% strontium sulphate and a maximum content of 4½% calcium sulphate at a price not in excess of $18.67 per short ton, f. o. b. Westmorland, California.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1601) 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. 1 (§ 1499.1601) shall become effective December 26, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13928; Filed, December 24, 1942; 2:58 p. m.]

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PART 1499—COMMODITIES AND SERVICES

[Order 2 Under Supp. Reg. 15 of GMPR]

YANCY CYANITE COMPANY

General Maximum Price Regulation—Order No. 2 under § 1499.75 (a) (4) of Supplementary Regulation No. 15.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1602 *Adjustment of maximum prices for glass-grade kyanite sold by the Yancey Cyanite Company.* (a) On and after December 26, 1942, the Yancey Cyanite Company, Asheville, North Carolina, may sell and deliver, and any person may buy and receive in the course of trade or business from the Yancey Cyanite Company, glass-grade kyanite packed in bags at a price not in excess of $40. a ton f. o. b. the seller's railroad shipping point.

(b) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 2 (§ 1499.1602) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 2 (§ 1499.1602) shall become effective December 26, 1942.

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

Issued this 24th day of December, 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13929; Filed December 24, 1942; 2:59 p. m.]

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PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 15[1] of GMPR[2], Amendment 3]

ADJUSTMENT OF MAXIMUM PRICES OF CERTAIN METALS, MINERALS AND PRODUCTS

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.*

Section 1499.75 is amended by adding subparagraph (a) (4) to read as set forth below.

§ 1499.75 *Adjustment of maximum prices.* (a) * * *

(4) *Certain metals, minerals and products.* The following adjustment provisions (subdivisions (i) and (ii)) permit the granting of relief to producers of certain commodities (listed in subdivision (iv)) who are unable to maintain or expand their production under their existing maximum prices whenever, under (i), there is a general shortage in the essential supply of the commodity, or, under (ii), the loss of the seller's production would result in higher prices to consumers. The extent of relief to be granted under each provision is set forth therein.

(i) Whenever it appears that a shortage exists or threatens to exist in the essential supply of a commodity listed in subdivision (iv), and that a producer of such commodity is unable to maintain or expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, adjust his maximum price or prices by an amount necessary to insure the maintenance or expansion of such production upon a reasonable operating margin. In determining such margin, consideration will be given to such factors as:

(*a*) Revenue from sales of such commodity and from all other sources, and

(*b*) Production, mining, development, milling, processing, and transportation costs, administrative and sales expenses, depreciation and depletion charges, taxes (excluding Federal and State income taxes), and capital investment.

(ii) Whenever it appears that the loss of a seller's production of any commodity listed in subdivision (iv) would force his customers to resort to higher priced sources of supply and that the seller is unable to maintain his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1[3] or on its own motion, adjust his maximum price or prices by an amount adequate to cover his operating costs: *Provided, however,* That in no instance will the seller's maximum price be increased to a price in excess of the general level of prices prevailing for alternative sources of the supply of the commodity. The term "operating costs" shall include the cost of labor, maintenance, supplies, power, taxes, insurance, workmen's compensation, royalties, and other direct expenses, depreciation and depletion (wherever practicable as determined by the Bureau of Internal Revenue in the computation of the Federal income tax), and reasonable costs of selling and administration.

(iii) Before filing an application for adjustment under the provisions of subdivision (i) or (ii), it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

(iv) Commodities subject to the provisions of this Amendment No. 3 to Supplementary Regulation No. 15 of the General Maximum Price Regulation include nonferrous metals, ferro-alloying metals, and nonmetallic minerals, their ores, concentrates, and products, for which a shortage exists in the essential supply, and for which no other price regulation is in effect at the time an application for adjustment is filed hereunder. Such commodities include, but are not limited to, the nonferrous metals, ferro-alloying metals, and nonmetallic minerals, their ores, concentrates, and products, of which the available supply is listed as inadequate for war and essential civilian uses in the Material Substitution and Supply List, issued by the Conservation Division of the War Production Board, that is in effect at the time an application for adjustment is filed hereunder.

(v) This amendment No. 3 may be revoked or amended by the Price Administrator at any time.

(b) *Effective dates.* * * *

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

[1] 7 F.R. 8959.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6087, 6216, 6615, 6794, 7093, 7322, 7454, 7755, 7913, 8431, 8881, 9084, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[3] 7 F.R. 8961.

(4) Amendment No. 3 (§ 1499.75 (a) (4)) to Supplementary Regulation No. 15 to the General Maximum Price Regulation shall become effective December 26, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13930; Filed, December 24, 1942; 2:57 p. m.]

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PART 1305—ADMINISTRATION

[Supplementary Order 11,[1] Amendment 1]

LICENSING DISTRIBUTORS OF CHEMICALS AND DRUGS

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 1305.15 (a) is amended, by the addition of a sentence, and a new § 1305.15 (j) is added, all to read as set forth below:

§ 1305.15 *Provisions licensing distributors of chemicals and drugs*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any chemicals and drugs as to which his license to sell is suspended.

* * * * *

(j) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1305.15 (a) and 1305.15 (j)) to Supplementary Order No. 11, shall become effective December 31, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13978; Filed, December 26, 1942; 2:57 p. m.]

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PART 1305—ADMINISTRATION

[Supplementary Order 14,[2] Amendment 1]

LICENSING SELLERS OF MEAT AND MEAT 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.*

Section 1305.18 (a) is amended, by the addition of a sentence, and a new paragraph (j) is added to such section, all to read as set forth below:

§ 1305.18 *Provisions licensing sellers of meat and meat products*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any meat or meat products as to which his license to sell is suspended.

* * * * *

(j) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1305.18 (a) and 1305.18 (j)) to Supplementary Order No. 14, shall become effective December 31, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13979; Filed, December 26, 1942; 2:59 p. m.]

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PART 1305—ADMINISTRATION

[Supplementary Order 17,[1] Amendment 1]

LICENSING SELLERS OF IRON AND STEEL 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.*

Section 1305.21 (a) is amended by the addition of a sentence, and a new paragraph (i) is added to such section; all to read as set forth below:

§ 1305.21 *Provisions licensing certain persons selling iron and steel products*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any iron and steel products as to which his license to sell is suspended.

* * * * *

(i) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1305.21 (a) and 1305.21 (i)) to Supplementary Order No. 17, shall become effective December 31, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13980; Filed, December 26, 1942; 2:57 p. m.]

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PART 1305—ADMINISTRATION

[Supplementary Order 18,[2] Amendment 1]

LICENSING SELLERS OF LUMBER, LUMBER PRODUCTS OR BUILDING MATERIALS

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 1305.22 (a) is amended by the addition of a sentence, and a new paragraph (i) is added to such section; all to read as set forth below:

§ 1305.22 *Provisions licensing persons selling lumber, lumber products, and building materials*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any lumber, lumber products, or building materials as to which his license to sell is suspended.

* * * * *

(i) *Effective dates of amendment.* (1) Amendment No. 1 (§§ 1305.22 (a) and 1305.22 (i)) to Supplementary Order No. 18, shall become effective December 31, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13981; Filed, December 26, 1942; 2:59 p. m.]

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PART 1305—ADMINISTRATION

[Supplementary Order 19,[1] Amendment 2]

LICENSING DISTRIBUTORS OF PAPER AND PAPER 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.*

Section 1305.23 (a) is amended by the addition of a sentence, to read as set forth below:

§ 1305.23 *Provisions licensing distributors of paper and paper product.*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any paper, paper products or materials as to which his license to sell is suspended.

* * * * *

§ 1305.23 (j) *Effective dates of amendments.* * * *

(2) Amendment No. 2 [§ 1305.23 (a)] to Supplementary Order No. 19 shall become effective December 31, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13982; Filed, December 26, 1942; 2:57 p. m.]

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PART 1305—ADMINISTRATION

[Supplementary Order 20,[2] Amendment 1]

LICENSING DEALERS SELLING SECOND-HAND MACHINE TOOLS OR EXTRAS, OR SECOND-HAND MACHINES OR PARTS

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.*

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

[1] 7 F.R. 6167.
[2] 7 F.R. 7033.

[1] 7 F.R. 7239.
[2] 7 F.R. 7240.

[1] 7 F.R. 7434, 8996.
[2] 7 F.R. 7490.

Section 1305.24 (a) is amended by the addition of a sentence, and a new § 1305.24 (j) is added, all to read as set forth below:

§ 1305.24 *Provisions licensing dealers selling second-hand machine tools or extras, or second-hand machines or parts*— (a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any second-hand machine tools or extras, or second-hand machines or parts as to which his license to sell is suspended.

* * * * *

§ 1305.24 (j) *Effective dates of amendments.* (1) Amendment No. 1 [§§ 1305.24 (a) and 1305.24 (j)] to Supplementary Order No. 20, shall become effective December 31, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–13983; Filed, December 26, 1942; 2:58 p. m.]

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## PART 1340—FUEL

[MPR 120,[1] Amendment 31]

### BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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 § 1340.226 (b), subparagraph (1) is amended and a new subdivision (i) is added to paragraph (3), as set forth below:

§ 1340.226 *Appendix O: Maximum prices for bituminous coal produced in District No. 15.* * * *

(b) * * *

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

| Production group No. | Price and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | * | 6 | * | 8 | 9 | 10 | * | * | 14 | * |
| * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| 9 | 485 | 485 | 485 | 425 | * | 385 | * | 245 | 310 | 185 | * | * | 125 | * |
| * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |

* * * * *

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

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581.

(3) *Maximum prices in cents per net ton for railroad fuel.* * * *

(i) *Special price instructions.* (a) Maximum prices for the coals produced in Production Group No. 9 when sold for railroad fuel shall be the applicable effective minimum prices as of August 22, 1942, plus a sum not exceeding 45 cents per net ton.

§ 1340.211a *Effective dates of amendments.* * * *

(ff) Amendment No. 31 to Maximum Price Regulation No. 120 (§ 1340.226) shall become effective December 31, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–14004; Filed, December 26, 1942; 2:58 p. m.]

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## PART 1340—FUEL

[MPR 137,[1] Amendment 14]

### PETROLEUM PRODUCTS SOLD AT RETAIL

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 1340.86 (c) is amended and paragraph (d) is added to such section; in § 1340.90 (a) subparagraph (16) is amended and in § 1340.91, paragraph (c) is amended, as set forth below:

§ 1340.86 *Statement and posting of maximum prices of motor fuels sold at retail establishments.* * * *

(c) Any person subject to the provisions of this section may mark or post maximum prices for commodities for which maximum prices are established by this regulation, either in accordance with the provisions of this section or with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.

(d) (1) Any seller who takes advantage of § 1340.91 (f) and after October 4, 1942, increases the price charged for a particular grade of motor fuel above the level that he would otherwise be permitted to charge shall file with the appropriate War Price and Rationing Board of the Office of Price Administration within five days after making such adjustment, an affidavit setting forth the following with respect to such grade:

(i) the seller's maximum price as determined by § 1340.91 (a), (b) and/or (c) and his delivered cost at the time the adjustment is made;

(ii) The exact extent of the margin enjoyed by him during the major portion of the period October 1–15, 1941;

(iii) The prices charged by him for the particular grade of motor fuel at that retail establishment during the major portion of the period October 1–15, 1941;

(iv) The delivered cost of the particular grade of motor fuel on which the margin enjoyed during the major portion of the period, October 1–15, 1941, was calculated.

(2) Any seller who makes an initial increase after October 4, 1942, in the price charged for a particular grade of motor fuel under § 1340.91 (f), and reports that increase under (1) above, may hereafter have a further adjustment in price, either by being required to lower the price or by raising the price upon being granted permission for an increase. In the case of either such adjustment the seller shall file with the appropriate War Price and Rationing Board of the Office of Price Administration, within five days after such adjustment is required or made, a statement setting forth his delivered cost at the time the adjustment in his selling price is made, and his new maximum price.

(3) Any seller who increases his price upon the basis of § 1340.91 (c) for a particular grade of motor fuel shall at the time he makes his initial increase file a statement setting forth his maximum price for that grade prior to the increase and his delivered cost at the time the adjustment is made. The statement shall be filed with the appropriate War Price and Rationing Board of the Office of Price Administration within five days after the seller makes such increase. If the seller increases his price upon more than one grade, the seller may file either separate statements or one combined statement.

(4) Any seller who increases or decreases his price under § 1340.91 (c), after reporting an initial increase under (3) above, shall file with the appropriate War Price and Rationing Board within five days thereafter a statement setting forth his delivered cost at the time the increase or decrease is made, and his new maximum price.

§ 1340.90 *Definitions.* (a) * * *

(16) "Delivered cost" for the purposes of paragraphs (c) and (f) of § 1340.91 of this Maximum Price Regulation No. 137 shall consist of one of the following:

(i) In the case of tank wagon buyers, the net price charged to such buyer.

(ii) In the case of tank car or transport truck buyers who buy on a delivered basis, (*a*) the net laid-down cost at the point of buyer's central storage, and (*b*) the actual cost of transportation from the buyer's point of central storage to the buyer's retail establishment.

(iii) In the case of tank car or transport truck buyers who buy f. o. b. a shipping point, (*a*) the net f. o. b. shipping point price, (*b*) the actual cost of transportation to the point of buyer's central storage, and (*c*) the actual cost of transportation from the point of buyer's central storage to the buyer's retail establishment.

(iv) In the case of a retail establishment operated by a supplier who is a

[1] 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938, 8948, 9335.

refiner, the net tank wagon price charged by the supplier to undivided dealers in the tank wagon circuit in which the particular retail establishment is located.

* * * * *

§ 1340.91 *Appendix A: Maximum prices for petroleum products sold at retail establishments.* * * *

(c) A seller of motor fuel at a retail establishment may, at any time, choose his maximum price for any particular grade in either one of two ways:

(1) He may accept the maximum price as determined under the other provisions of § 1340.91.

(2) He may fix a maximum price at the particular retail establishment which will permit him a margin of 3 cents a gallon. His "margin" shall be computed as defined in § 1340.90 (a) (15).

A maximum price fixed upon the basis of a 3 cent margin will change automatically as the seller's margin is affected by changes in the delivered cost. When the delivered cost goes up thus reducing a seller's margin below 3 cents a gallon, then the maximum price will go up by the amount the margin is reduced below 3 cents. When the delivered cost goes down, then the maximum price will go down by the amount the margin exceeds 3 cents a gallon, except that the seller does not have to reduce his maximum price below that provided for in other provisions of this § 1340.91. For the purposes of this provision, the margin is deemed to change not at the time the delivered cost changes, but only after the seller has sold an amount equal to that volume on hand at the time the change in the delivered cost occurs. Any seller who increases or decreases his price upon the basis of this 3-cent margin provision shall file a statement as provided in § 1340.86 (a) (3) and (4).

*Illustration:* A service station operator's maximum price on December 1 was 19 cents a gallon. On that date he received at his station a delivery by tank wagon of 500 gallons at a delivered cost of 16.5 cents a gallon. He had on hand 500 gallons. Prior thereto his delivered cost had been 15.5. After he has sold 500 gallons at a price no higher than 19 cents a gallon he may increase his price to 19.5 cents a gallon.

Assuming that he increases his price to 19 cents a gallon, the tank wagon price may later be reduced. Suppose that he has 400 gallons on hand on December 28, and that the tank wagon price is then reduced to 16.2 cents a gallon. After he sells 400 gallons, he is required to reduce his price to 19.2 cents a gallon or less.

* * * * *

§ 1340.93a *Effective dates of amendments.* * * *

(o) Amendment No. 14 (§§ 1340.86 (c) and (d); 1340.90 (a) (16); 1340.91 (c)) to Maximum Price Regulation No. 137 shall become effective December 1, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-14005; Filed, December 26, 1942; 2:55 p. m.]

No. 253——15

## PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[MPR 265,[1] Amendment 2]

SALES BY CANNERS OF SALMON

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 1364.560 (a) (3) is amended and (a) (13), (14), (15), (16), and (17) are added, and the table in § 1364.562 (a) is amended to read as set forth below:

§ 1364.560 *Definitions.* (a) * * *

(3) "Salmon" means any canned fish of the genus *Oncorhynchus* or of the species *Salmo gairdneri.*

* * * * *

(13) One pound "oval" means a can 406 x 607 x 108 C. R.

(14) One-half pound "oval" means a can 309 x 515 x 103 C. R.

(15) One-half pound "flat" means a can 307 x 200.25 C. R.

(16) One-quarter pound "flat" means a can 301 x 106 C. R.

(17) "C. R." is the abbreviation for Columbia River * * *.

§ 1364.562 *Appendix A: Maximum canner's prices for salmon.* (a) * * *

| Variety | Style of container | Price per case |
|---|---|---|
| Chinook | ½ lb. flats | $12.00 |
| Red | 1 lb. talls | 15.00 |
| Red | 1 lb. flats | 15.00 |
| Red | ½ lb. flats | 10.00 |
| Coho | 1 lb. talls | 11.60 |
| Coho | 1 lb. flats | 12.30 |
| Coho | ½ lb. flats | 8.00 |
| Pink | 1 lb. talls | 8.00 |
| Pink | 1 lb. flats | 8.00 |
| Pink | ½ lb. flats | 5.60 |
| Chum | 1 lb. talls | 7.60 |
| Chum | ½ lb. flats | 5.40 |
| Alaska Sockeye | 1 lb. talls | 15.00 |
| Alaska Sockeye | 1 lb. flats | 16.00 |
| Alaska Sockeye | ½ lb. flats | 11.00 |
| Puget Sound Sockeye | 1 lb. talls | 18.00 |
| Puget Sound Sockeye | 1 lb. flats | 19.00 |
| Puget Sound Sockeye | ½ lb. flats | 11.40 |
| | *Columbia River* | |
| Chinook, Fancy | 1 lb. talls | 19.00 |
| Chinook, Fancy | 1 lb. flats | 20.60 |
| Chinook, Fancy | 1 lb. ovals C. R. | 24.00 |
| Chinook, Fancy | ½ lb. flats C. R. | 13.00 |
| Chinook, Fancy | ½ lb. ovals C. R. | 16.00 |
| Chinook, Fancy | ¼ lb. flats C. R. | 6.60 |
| Chinook, Choice | 1 lb. talls | 16.00 |
| Chinook, Choice | 1 lb. flats | 17.60 |
| Chinook, Choice | ½ lb. flats C. R. | 10.00 |
| Chinook, Choice | ¼ lb. flats C. R. | 5.20 |
| Chinook, Standard | 1 lb. talls | 13.00 |
| Chinook, Standard | 1 lb. flats | 14.00 |
| Chinook, Standard | ½ lb. flats C. R. | 8.00 |
| Chinook, Standard | ¼ lb. flats C. R. | 4.80 |
| Chinook, Unclassified | 1 lb. talls | 10.00 |
| Chinook, Unclassified | 1 lb. flats | 11.00 |
| Chinook, Unclassified | ½ lb. flats C. R. | 6.40 |
| Silverside | 1 lb. talls | 11.80 |
| Silverside | 1 lb. flats | 14.00 |
| Silverside | ½ lb. flats C. R. | 8.00 |
| Silverside | ¼ lb. flats C. R. | 5.20 |
| Steelheads | 1 lb. talls | 16.00 |
| Steelheads | 1 lb. flats | 17.60 |
| Steelheads | ½ lb. flats C. R. | 10.00 |
| Steelheads | ½ lb. ovals C. R. | 12.00 |
| Steelheads | ¼ lb. flats C. R. | 5.20 |
| Bluebacks | ½ lb. flats C. R. | 13.40 |
| Bluebacks | ¼ lb. flats C. R. | 6.80 |
| Chums | 1 lb. talls | 7.60 |
| Chums | 1 lb. flats | 9.00 |
| Chums | ½ lb. flats C. R. | 5.00 |

* * * * *

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

[1] 7 F.R. 9229, 10379.

§ 1364.561a *Effective dates of amendments.* * * *

(b) This Amendment No. 2 (§§ 1364.560 and 1364.562) to Maximum Price Regulation No. 265 shall become effective December 29, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-14006; Filed, December 26, 1942; 2:53 p. m.]

## PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 7]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Paragraphs (a), (b) and (c) of § 1394.7808 are amended; and a new paragraph (g) to § 1394.8352 is added; as set forth below:

*Transport Rations*

§ 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 certificate and no notice that the application has been denied; or who has received a certificate of war necessity, transport ration or temporary transport ration insufficient to satisfy his requirements through January 31, 1943, may apply (between November 23, 1942, and January 31, 1943, inclusive) for a temporary transport ration pursuant to the provisions of paragraph (b) of this section. If application is made on the ground that the certificate allows insufficient gallonage, the applicant shall present the certificate to the board with his application, if it is possible for the applicant to do so.

(b) An application for a temporary transport ration may be made, in duplicate, to any board during the period from November 23, 1942 to January 31, 1943, 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 January 31, 1943, inclusive, and set forth the following:

(1) If no certificate and no notice of denial of a certificate has been received, the applicant shall specify the address of the district 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

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706.

no ration pursuant to § 1394.7805 has been issued, and that he has received no notice that his application for a certificate of war necessity has been denied.

(2) If the certificate issued allows insufficient gasoline for the applicant's needs through January 31, 1943, the applicant shall state that he has appealed or will appeal for revision of such allowance to the District Office of the Office of Defense Transportation, and that he has received no notice that his appeal has been decided.

(c) If the board believes that the applicant has received no certificate and no notice of denial of a certificate, or if the board finds that the statement of gallonage allowed in the certificate is insufficient for the applicant's needs through January 31, 1943, and that the Office of Defense Transportation has not decided any appeal from the allowance of gallonage, the board shall determine the number of gallons of gasoline required for the operation of such motor vehicle through January 31, 1943. The board shall then issue "T–1 or T–2" books containing coupons in sufficient number (together with any already issued) to provide the gallonage needed to January 31, 1943, inclusive. Such books shall expire at 12:01 A. M. on April 1, 1943.

* * * * *

*Effective Dates*

§ 1394.8352 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1394.7808 (a), (b) and (c)) to Ration Order No. 5C shall become effective December 31, 1942.

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

Issued this 26th day of December, 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–14007; Filed, December 26, 1942; 2:56 p. m.]

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PART 1499—COMMODITIES AND SERVICES

[Order 9 Under § 1499.3 (c) of GMPR]

LOCKE STOVE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.809 *Approval of maximum prices for sales by distributors and retailers of models 120–Victory and 120B–Victory coal stoves manufactured by Locke Stove Company, Kansas City, Missouri.* (a) Distributors may sell and deliver the models 120–Victory and 120B–Victory coal heating stoves manufactured by Locke Stove Company, Kansas City, Missouri, at a price no higher than $29.87 delivered to retailers in the central and eastern states as designated below. For sales by distributors to retailers in states other than the central and eastern states, distributors may sell and deliver such models to retailers at a price no higher than $31.87, delivered.

(b) Retailers may sell and deliver the models 120–Victory and 120B–Victory coal heating stoves manufactured by Locke Stove Company, Kansas City, Missouri, to consumers at a price no higher than $47.95 in the New England States and Rocky Mountain-Pacific Coast States—(Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon and California.) For sales in any other state (Designated as the central and eastern states) retailers may sell and deliver such models to consumers at a price no higher than $45.95.

(c) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 9 (§ 1499.809) shall become effective on the 28th day of December 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–14008; Filed, December 26, 1942; 2:55 p. m.]

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PART 1499—COMMODITIES AND SERVICES

[MPR 165[1] as Amended, Amendment 15]

SERVICES

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

Sections 1499.111 and 1499.113 are amended, all to read as set forth below:

§ 1499.111 *Licensing*—(a) *License required.* A license as a condition of selling is hereby required of every person now or hereafter selling any service for which a maximum price is established by this Maximum Price Regulation No. 165, as now or hereafter amended, or by any other price regulation, now or hereafter issued or amended, of the Office of Price Administration making applicable by reference the provisions of this § 1499.111. No person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any service as to which his license to sell is suspended.

(b) *License granted.* Every person now or hereafter selling any service for which a maximum price is established by this Maximum Price Regulation No. 165, as now or hereafter amended, or by any other price regulation of the Office of Price Administration, now or hereafter issued or amended, making applicable by reference the provisions of this § 1499.111, is hereby granted a license as a condition of selling such service. The provisions of this regulation, and of every price regulation of the Office of Price Administration, to which this Section is now or may hereafter become applicable, shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on July 1, 1942, the effective date of this regulation, or when any person becomes subject to the maximum price provisions of this or any other such price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, continue in force so long as and to the extent that this or any other such price regulation, or any amendment or supplement thereto, remains in effect.

(c) *Licensing section of the General Maximum Price Regulation superseded.* This section supersedes the provisions of § 1499.16 of the General Maximum Price Regulation insofar as said section may be applicable to persons selling any service for which a maximum price is established by this regulation, or by any other price regulation of the Office of Price Administration making applicable by reference the provisions of this § 1499.111.

§ 1499.113 *Enforcement.* Persons violating any provisions of this regulation 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.

§ 1499.121a *Effective dates of amendments.* * * *

(o) Amendment No. 15 (§§ 1499.111 and 1499.113) to Maximum Price Regulation No. 165, as amended, shall become effective December 31, 1942.

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

Issued this 26th day of December, 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–14009; Filed, December 26, 1942; 2:58 p. m.]

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PART 1499—COMMODITIES AND SERVICES

[Order 192 Under § 1499.3(b) of GMPR]

REVLON PRODUCTS CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1428 *Approval of maximum prices for sales of "Keep 'Em Shining"*—(a) *Sales by Revlon Products Corporation*—(1) *Maximum prices.* The maximum prices for sales by Revlon Products Corporation of "Keep 'Em Shining" to jobbers and to retailers are established as set forth below:

| | To jobbers | To retailers |
|---|---|---|
| "Keep 'Em Shining" one-ounce bottle | $.225 each | $.36 each |

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

[1] F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10557.

(2) *Discounts, allowances, and price differentials.* Revlon Products Corporation shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of "Keep 'Em Shining" 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 the Revlon Plastic Case Lipstick.

(b) *Sales by jobbers*—(1) *Maximum prices.* The maximum price for sales by jobbers of "Keep 'Em Shining" is established as set forth below:

| | *Each* |
|---|---|
| "Keep 'Em Shining" one-ounce bottle | $0.36 |

When used in this order the term "jobber" means any barber and beauty supply jobber or other person who buys "Keep 'Em Shining" and resells it, without substantially changing its form, to retailers.

(2) *Discounts, allowances, and price differentials.* Any jobber making sales of "Keep 'Em Shining" shall apply to the maximum price 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 jobber of the Revlon Plastic Case Lipstick, or on his sales of the lipstick most nearly comparable to the Revlon Plastic Case Lipstick if the jobber did not sell the Revlon Plastic Case Lipstick in March, 1942.

(c) *Sales by retailers*—(1) *Maximum prices.* The maximum price for sales by any retailer of "Keep 'Em Shining" is established as set forth below:

| | *Each* |
|---|---|
| "Keep 'Em Shining" one-ounce bottle | $0.60 |

When used in this order the term "retailer" means any beauty shop, drug store, department store, or other person who buys "Keep 'Em Shining" and resells it directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retailer making sales of "Keep 'Em Shining" shall apply to the maximum price 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 retailer of the Revelon Plastic Case Lipstick, or the lipstick most nearly comparable to the Revelon Plastic Case Lipstick if the retailer did not sell the Revelon Plastic Case Lipstick in March, 1942.

(d) *Marking package with retail ceiling price.* Revelon Products Corporation shall mark each package of "Keep 'Em Shining" sold by it with words "Ceiling Price 60¢." These words shall be printed or stamped in a color contrasting with the label in letters of sufficient size to be clearly legible to the consumer on the package in which "Keep 'Em Shining" is sold by the retailer to the consumer. No retailer shall make sales of "Keep 'Em Shining" unless the package in which the product is sold is marked with the ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—(1) *By Revelon Products Corporation to direct-buying retailers.* Revelon Products Corporation shall supply to each retailer before or at the time of its first delivery of "Keep 'Em Shining" to such retailer a written statement as follows:

The OPA has authorized us to charge 36 cents each for "Keep 'Em Shining" subject to all customary discounts and allowances. Your ceiling price is authorized to be 60 cents each for "Keep 'Em Shining." OPA requires that you keep this notice for examination.

(2) *By Revlon Products Corporation to jobbers and to retailers via jobbers.* Revlon Products Corporation shall supply to each jobber before or at the time of its first delivery of "Keep 'Em Shining," and in addition shall include with each shipping unit of such product for a period of three months, a written notification. If such notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

The OPA has authorized us to charge 22½ cents each for "Keep 'Em Shining" subject to all customary discounts and allowances. Jobbers are authorized to establish a ceiling price of 36 cents each for this item subject to all customary discounts and allowances. Retailers are authorized to establish a ceiling price of 60 cents each for this item. A copy of this notice is included in every customary shipping unit. If the initial sale to a retailer is a split-case sale, the jobber is required to provide such retailer with a copy of this notice. OPA requires that you keep this notice for examination.

(f) *Definitions.* When used in this order the term:

(1) "Keep 'Em Shining" means a one fluid ounce bottle, with a plastic cap and an applicator brush attached to the cap, of clear enamel distributed by Revlon Products Corporation for application as a protective coating to metal insignia and buttons.

(2) As used in this order, "Revlon Plastic Case Lipstick" means a cream cosmetic lipstick mass enclosed in a plastic cylinder having a device for extruding the cream cosmetic lipstick mass distributed by Revlon Products Corporation, designed to sell for 60 cents at retail.

(g) This Order No. 192 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 192 (§ 1499.1428) shall become effective on December 31, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

F. R. Doc. 42–14002; Filed, December 26, 1942; 2:58 p. m.]

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PART 1499—COMMODITIES AND SERVICES

[Order 7 Under Supp. Reg. 15 of GMPR]

ROGERSON COLD STORAGE

Order No. 7 Under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3–1383.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1307 *Adjustment of maximum prices for warehouse services sold by Rogerson Cold Storage.* (a) Rogerson Cold Storage of Le Roy, New York, may sell and supply, and any person may buy and receive from Rogerson Cold Storage, the following services at charges not higher than those set forth below:

(1) Handling and cold storage of carrots and onions in bushel baskets, boxes or crates . . . 20¢ per season, for the season commencing with the receipt of the commodity in the fall and ending on the following March 31st.

(2) Handling and cold storage of apples in bushel baskets, boxes or crates . . . 22¢ per season, for the season as defined in subparagraph (1) above, for quantities of 1,000 bushels or less.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 7 (§ 1499.1307) 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. 7 (§ 1499.1307) shall become effective December 28, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–14003; Filed, December 26, 1942; 3:00 p. m.]

PART 1340—FUEL

[MPR 120, Amendment 32]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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.*

The periods at the end of subparagraphs (4) of paragraphs (b) in §§ 1340.214 and 1340.219 are changed to semicolons, and the following clause is added to each subparagraph:

§ 1340.214 *Appendix C: Maximum prices for bituminous coal produced in District No. 3.* * * *

(b) * * *

(4) *Maximum prices in cents per net ton for railroad fuel.* * * *; *Provided, however,* That the maximum prices for shipments of railroad locomotive fuel to off-line railroads shall be the same as the maximum prices for the particular mine for shipment to on-line railroads (without adjustments on account of price exceptions, freight differentials, and substitution provisions).

* * * * *

§ 1340.219 *Appendix H: Maximum prices for bituminous coal produced in District No. 8.* * * *

(b) * * *

(4) *Maximum prices in cents per net ton for railroad fuel.* * * *; *Provided, however,* That the maximum prices for shipments of railroad locomotive fuel to off-line railroads shall be the same as the maximum prices for the particular mine for shipment to on-line railroads (without adjustments on account of price exceptions, freight differentials, and substitution provisions).

* * * * *

§ 1340.211a *Effective dates of amendments.* * * *

(gg) Amendment No. 32 (§§ 1340.214 (b) (4) and 1340.219 (b) (4)) of Maximum Price Regulation No. 120 shall become effective December 26, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-14015; Filed, December 26, 1942; 4:46 p. m.]

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PART 1418—TERRITORIES AND POSSESSIONS

ALASKA

[MPR 194[1], Amendment 9]

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

Paragraph (c) (2) of § 1418.56 is amended to read as set forth below:

§ 1418.56 *Records and reports.* * * *

(c) *Lists to be filed.* * * *

(2) Every person within the Territory of Alaska offering to sell or deliver to a buyer in the Territory of Alaska commodities, not included among the cost-of-living items set forth in § 1499.25, Appendix B, of the General Maximum Price Regulation, and which are not actually produced or manufactured in the Territory of Alaska, shall file with the Territorial Office of the Office of Price Administration, Juneau, Alaska, not later than January 15, 1943, if such information has not heretofore been filed with the Office of Price Administration, Juneau, Alaska, a statement setting forth: A list of all such commodities offered for sale by such person and the selling price thereof. Upon application by a seller, the Territorial Director of the Office of Price Administration, Juneau, Alaska, may grant such extensions in the time for filing as the Territorial Director deems necessary and proper.

* * * * *

§ 1418.66 *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1418.56 (c) (2)) to Maximum Price Regulation No. 194 shall become effective December 26, 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-14017; Filed, December 26, 1942; 4:46 p. m.]

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PART 1418—TERRITORIES AND POSSESSIONS

[MPR 228,[1] Amendment 1]

SPECIFIC MAXIMUM PRICES IN 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.*

Subparagraph (4) of § 1418.363 (a) is amended and § 1418.362a is added as set forth below:

§ 1418.363 *Tables of maximum prices.* (a) *Table I: Maximum retail prices for turkeys.* * * *

(4) Retailers who sell turkeys individually packaged by wholesalers and shipped into Alaska in individual cartons may add 20¢ to the maximum price of each turkey.

§ 1418.362a *Effective dates of amendments.* (a) This Amendment No. 1 (§§ 1418.362a and 1418.363 (a) (4)) to Maximum Price Regulation No. 288 shall become effective this 26th day of December 1942.

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

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-14016; Filed, December 26, 1942; 4:46 p. m.]

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Chapter XIII—Petroleum Administration for War

PART 1545—PETROLEUM SUPPLY

[Amendment 1 to Petroleum Administrative Order 1]

Section 1545.1 *Petroleum Administrative Order 1* [7 F.R. 10791] is hereby amended by changing paragraph (d) (1) (ii) to read as follows:

(d) *Permitted deliveries.* * * *

(ii) The quantity of any such withdrawal or delivery by any supplier does not, when added to all preceding deliveries and withdrawals by such supplier during the quota period exceed any quota specified on Schedule A for such supplier;

withdrawals or deliveries of any motor fuel or fuel oil from any refinery or bulk terminal for delivery to another supplier pursuant to (*a*) the provisions of Directive 59 of the Petroleum Coordinator for War, 7 F. R. 7759, and any amendments or modifications thereof, (*b*) repayments of loans, or (*c*) exchanges, shall not be deducted from the quota of the delivering supplier but such deliveries, if not otherwise exempt from quota restrictions under the provisions of this Order, shall be deemed to have been withdrawn from a bulk terminal or refinery by the receiving supplier;

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of December 1942.

R. K. DAVIES,
*Deputy Petroleum Administrator for War.*

[F. R. Doc. 42-13894; Filed, December 24, 1942; 12:22 p. m.]

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## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

MACHINE GUN STRAFING RANGE AND BOMBING TARGET AREA IN VICINITY OF ST. AUGUSTINE, FLA.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Atlantic Ocean, in two areas in the vicinity of St. Augustine, Florida, comprising a machine gun strafing range and a bombing target area for United States Navy aircraft.

§ 204.82a *Waters of Atlantic Ocean; U. S. Navy, aerial machine gun strafing range and bombing target area, in vicinity of St. Augustine, Florida*—(a) *The danger zones*—(1) *The machine gun*

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

[1] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195, 10231, 10790.

*strafing range.*[1] A target cluster 150 feet by 300 feet composed of 6 rafts, 7 feet square, placed on two lines and spaced 150 feet apart, will be located with its center at north latitude 30°01′ and west longitude 81°17′. The restricted area is rectangular, 4 nautical miles in a north and south direction and 5½ nautical miles in an east and west direction. The westerly and easterly sides will be ½ nautical mile west and 5 nautical miles east of the center of the target cluster; the northerly and southerly sides will be 2 nautical miles north and 2 nautical miles south of the center of the target cluster.

(2) *The bombing target area.* This area is circular, with a radius of one nautical mile, the center being located at north latitude 29°52′ and west longitude 81°12′. A target 11 feet square, 10 feet high at the 4 corners, and 15.5 feet high at its center point, will be located at the center of the circular area.

(b) *The regulations.* (1) The danger areas are open to navigation except when target practice is being conducted, when no vessel or other craft shall enter or remain within these areas except as provided in paragraph (b) (4).

(2) Since aerial target practice will take place in these areas at frequent and irregular intervals throughout the year, regardless of season, advance notice shall be given of the date on which the first of such activities will begin. At intervals of not more than three months thereafter, notice will be sent out that target practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) Prior to conduct of each target practice the area will be patrolled by naval aircraft which will warn navigation to leave the area by "zooming" a safe distance to the side. Upon receiving this signal any watercraft within the danger zone shall leave it and no craft shall enter this area until practice has ceased.

(4) These regulations shall not deny access or egress from harbors contiguous to these danger zones by regular cargo-carrying vessels, nor shall they deny traverse of portions of the danger areas by regular cargo-carrying vessels proceeding on established steamer lanes. In case of the presence of any such vessel in the danger areas, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(5) No marking of these areas is proposed. It is considered that the targets erected as described for each area will constitute sufficient marking for identification of the danger zones.

(6) These regulations shall be enforced by the Commandant, United States Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

(Sec. 7, River and Harbor Act, August 8, 1917, 40 Stat. 266, 33 U.S.C. 1) [Regs. October 15, 1942, (CE 800.2121 (Atlantic Ocean, Fla.)—SPEON)]

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

[F. R. Doc. 42-13960; Filed, December 26, 1942; 11:12 a. m.]

[1] Chart filed with the Division of the Federal Register.

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

### PART 25—MEDICAL

HOSPITALIZATION AND DOMICILIARY CARE

Revision of § 25.6050.

§ 25.6050 *Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.* For the purposes of § 35.10, paragraph XIX, defining "Veterans Administration facilities", the following provisions will govern in authorizing admissions to facilities other than those under the direct and exclusive jurisdiction of the Veterans Administration:

* * * * *

(b) (1) Private facilities will not be used for hospitalization of beneficiaries except when facilities under direct and exclusive jurisdiction of the Veterans Administration or other Federal hospitals are not feasibly available, or when the physical or mental condition of beneficiaries will not allow of their transfer from a private, State, or municipal hospital to a Federal hospital. Except for treatment of an emergent condition arising from a service-connected disorder, hospitalization of a male beneficiary will not be authorized in any private, State, or municipal hospital, whether under or not under contract. In such medically emergent cases, authorization of admission to a private, State or municipal hospital may be given, subject to the conditions stipulated in paragraph (2) hereof: and, when so given, will be authority for payment of vouchers covering the cost of such hospitalization.

(2) The chief medical officer or his designate, of the regional office or facility with regional office having jurisdiction of the territory in which the concerned private, State, or municipal hospital, contract or non-contract, is located, when informed of the emergent condition of the entitled beneficiary in time to authorize the hospital admission, or when requested to issue authorization to cover a hospital admission already effected, will at once notify the superintendent of such hospital as follows:

(i) That payment cannot be made by the Veterans Administration for any hospital service or supplies furnished prior to the date that authorization for admission had been issued, and that such authorization cannot be retroactively dated when issued; except that authorization may be made retroactive to include a period not exceeding twenty-four hours beginning with the hour that admission to the hospital is authorized by the Veterans Administration.

(ii) That—if the hospital concerned is under contract with the Veterans Administration—all services and supplies furnished the beneficiary must be charged for and paid only at rates in accordance with the terms of the contract.

(iii) That—if the hospital concerned is not under contract—all services and supplies can be paid for only at rates in accordance with the schedule of fees, Veterans Administration.

(iv) That, when possible, prior authority will be requested by the hospital for the furnishing of services or supplies other than those included in a contract, or other than those comprehending ordinary items.

(v) But when the procurement of such prior authority is not possible, or when the emergent condition of the beneficiary is too urgent for delay, the hospital may furnish such necessary services or supplies, with the understanding that charges therefor will be subject to determination as to their reasonable necessity by the chief medical officer or his designate. (See also §§25.6140 to 25.6148.) (December 28, 1942.) (48 Stat. 9; 38 U.S.C. 706)

No change in (c), (d), (e), (f), (g), (h) and (i).

FRANK T. HINES,
*Administrator.*

[F. R. Doc. 42-13961; Filed, December 26, 1942; 11:24 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

### PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR EXPRESS COMPANIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of December, A. D. 1942.

In the matter of Annual Reports from Express Companies, and the corresponding section of the Code of Federal Regulations, the following order was entered:

*It is ordered,* That the order of this Commission dated February 3, 1941, In the Matter of Annual Reports from Express Companies be, and it is hereby, vacated and set aside effective January 1, 1943, and the following order shall become effective:

§ 120.31 *Form prescribed for express companies.* (a) All express companies within the scope of section 20, Part I of the Interstate Commerce Act be, and they hereby are, required to file annual reports for the year ending Decembr 31, 1942, and for each succeeding year until further order, in accordance with Annual Report Form H (Express),[1] which is hereby approved and made a part of this order.

[1] Filed as part of the original document.

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386; sec. 7, 34 Stat. 593; 35 Stat. 649; sec. 14, 36 Stat. 556; secs. 434–435, 41 Stat. 493; sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)–(10))

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42–13907; Filed, December 24, 1942; 2:55 p. m.]

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Subchapter C—Carriers by Water

## PART 325—PRESERVATION AND DESTRUCTION OF RECORDS

### DESTRUCTION OF CERTAIN RECORDS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of December 1942.

The matter of the regulations to govern the destruction of records of carriers by water to be prescribed for and kept by carriers by water being under consideration by the Division, pursuant to the authority of section 313 of Part III of the Interstate Commerce Act, and upon consideration of the matters and things involved, and the Division having found that the regulations to govern the destruction of records of carriers by water, issue of 1943, hereto attached and made a part hereof, are necessar for purposes of administration of the provisions of Part III of the Act; *It is ordered:*

Sec.


325.0 Regulations prescribed.
325.1 Authority to destroy certain records.
325.2 Preservation of other records; special permission to destroy.
325.3 Officer having supervision of destruction.
325.4 Written authority of officer having supervision of destruction.
325.5 Certificates of destruction.
325.6 Committee for destruction of certain records.
325.7 Joint bureaus and agencies.
325.8 Nonoperating companies.
325.9 Method of destruction.
325.10 Accidental destruction of accounts, records, and memoranda.
325.11 Duplicate accounts, records, and memoranda.
325.12 List of accounts, records, and memoranda, and periods of retention.


AUTHORITY: §§ 325.0 to 325.12, inclusive, issued under Sec. 313 (g), 54 Stat. 945, 49 U.S.C. 913.

§ 325.0 *Regulations prescribed.* (a) Every carrier by water subject to the provisions of part III of the Interstate Commerce Act, and every trustee, executor, administrator, or assignee of any such carrier by water, are hereby required to comply with the regulations to govern the destruction of records of carriers by water, issue of 1943, in the destruction and retention of their operating, accounting and financial papers, records, books, blanks, tickets, stubs, and documents of carriers by water.

(b) *Effective date and supersedure.* The issue of 1943, regulations to govern the destruction of records of carriers by water, shall become effective on January 1, 1943, and the order and regulations issued and prescribed June 17, 1913, shall thereupon be canceled and superseded.

*And it is further ordered,* That a copy of this order and the regulations to govern the destruction of records of carriers by water herein prescribed shall be served upon every carrier by water subject to Part III of the Act and every trustee, executor, administrator, or assignee of any such carrier by water, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

*Special Note*

The following extracts from sections 317 and 313 of part III of the Interstate Commerce Act are here quoted for convenient reference thereto by carriers:

SECTION 317 (d). Any water carrier or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall willfully falsify, destroy, mutilate, or alter any report, account, record, memorandum, book, correspondence, or other document, required under this part to be kept, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions as required under this part, or shall willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine or not more than $5,000. As used in this subsection, the word "keep" shall be construed to mean made, prepared, or compiled, as well as retained.

SECTION 313 (g). The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of water carriers or lessors as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

The regulations set forth in this order pertain only to the accounts, records, and memoranda named or described herein. All accounts, records, and memoranda not indicated in the regulations remain under the prohibition of destruction contained in section 317 (d) of the Act.

It is not intended that these regulations shall be interpreted as requiring that the records herein named shall be installed, when such records are not already kept by a carrier. The following Regulations to Govern the Destruction of Records of Carriers by Water subject to part III of the Interstate Commerce Act are in lieu of Part 110, Subpart F and Part 116 of Title 49, Code of Federal Regulations.

*Regulations to Govern the Destruction of Records of Carriers By Water*

§ 325.1 *Authority to destroy certain records.* Each and every carrier by water subject to part III of the Interstate Commerce Act and each and every trustee, executor, administrator or assignee of any such carrier, is permitted to destroy the accounts, records, and memoranda named or described in these regulations, after preserving the same for the periods of time respectively specified and upon complying with the requirements of the regulations.

§ 325.2 *Preservation of other records; special permission to destroy.* All accounts, records, and memoranda of such carriers, other than those the destruction of which is permitted in these regulations, shall remain under the prohibition of destruction contained in section 317 (d) of part III of the Interstate Commerce Act. However, in case any such carrier desires to destroy any accounts, records, or memoranda other than those hereinafter named it may petition the Commission to that effect, exhibiting a full and detailed description of the accounts, records, or memoranda in question, clearly explaining their character, their use, and their purpose; it being understood that any order entered by the Commission on any such petition shall, unless otherwise provided, be limited in its force and effect to the particular carrier presenting such petition.

§ 325.3 *Officer having supervision of destruction.* (a) An officer, or, where necessities require, two officers, shall be appointed by the board of directors to have supervision of the destruction of accounts, records, and memoranda. Carriers operated as sole proprietorships or partnerships shall appoint one or two persons to have supervision over the destruction of accounts, records, and memoranda. Such officer or officers or other persons may be given (1) general supervision of the destruction of all accounts, records, and memoranda the destruction of which is permitted by these regulations, or (2) authority over the destruction of such of these accounts, records, and memoranda as may be specified by the board of directors, the sole proprietor, or partners. Pending action by the board of directors, an appointment by an executive committee or by a similarly authorized committee of the board of directors, shall have the same effect as if made by the board of directors.

(b) If the property of a carrier is in the hands of a trustee, executor, administrator, or assignee, the officer or officers to have supervision of the destruction of accounts, records, and memoranda shall be designated by the trustee, executor, administrator, or assignee.

(c) In designating an officer to have general supervision of the destruction of

accounts, records, and memoranda it would be preferable to designate by title only, rather than by name and title, and thus obviate the necessity of filing a new resolution each time a successor in the office is appointed.

§ 325.4 *Written authority of officer having supervision of destruction.* (a) When any accounts, records, or memoranda are to be destroyed, an officer having supervision of the destruction of accounts, records, or memoranda (as designated in compliance with § 325.3 (a) and § 325.3 (b)) shall issue a written authority naming the person or persons by whom the accounts, records, or memoranda are to be destroyed (except as provided in § 325.11).

(b) The written authority (1) may be confined to certain accounts, records, and memoranda which have been retained for the periods of time specified in these regulations and which the carrier then desires to destroy, in which case it shall indicate:

(i) A list of the accounts, records, or memoranda to be destroyed, expressed either in form numbers or by descriptive titles; and

(ii) The period or periods covered by the accounts, records, or memoranda the destruction of which is authorized; or (2) may be of continuing effect, applying to any or all of the accounts, records, and memoranda named herein as the periods of retention of such accounts, records, or memoranda attain the limits specified herein.

(c) Such written authority, or a certified copy thereof, shall be filed in the office of the issuing officer as a permanent part of the carrier's records. It is not required that copies of the written authorities be filed with the Commission.

§ 325.5 *Certificates of destruction.* (a) The person or persons upon whom devolves the duty of the direct supervision of the destruction of the accounts, records, or memoranda under the authority referred to in § 325.4 (a) and § 325.4 (b) shall make certificate (except as provided in § 325.5 (d) and § 325.11) setting forth that the accounts, records, or memoranda listed in the said authority have been destroyed and that no other accounts, records, or memoranda than those so listed have been destroyed therewith.

(b) If an authority as referred to in § 325.4 (b) is given, a certificate of destruction shall be made listing either by form numbers or descriptive titles the accounts, records, and memoranda destroyed, naming the period or periods covered by the accounts, records, or memoranda, and stating that no other accounts, records, or memoranda than those so listed have been destroyed therewith. Either (1) a separate certificate shall be made each time any accounts, records, or memoranda are destroyed, or (2) cumulative certificates shall be made, with entries each time any accounts, records, or memoranda are destroyed.

(c) Certificates of destruction shall be forwarded promptly to the officer having supervision of the destruction of accounts, records, and memoranda who issued the written authority and shall be retained in his office as a permanent part of the carrier's records. In case cumulative certificates are made they shall be forwarded to such officer periodically, but at least once every six months. It is not required that copies of the certificates of destruction be filed with the Commission.

(d) Certificates of destruction need not be made for accounts, records, and memoranda, the destruction of which, in the list in § 325.12 hereof, is made optional with the carrier, but a written authority, either for specific records or of continuing effect (except as provided in § 325.11), shall be issued by the officer having supervision of the destruction of such accounts, records, and memoranda.

§ 325.6 *Committee for destruction of certain records.* At the option of the carrier the board of directors may from time to time name a committee to destroy canceled stock certificates, bonds, or other records covered by item 5 of § 325.12 in lieu of delegating the authority for the destruction to an officer, as provided in § 325.3 (a). Certificates of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons appointed by the officer having supervision of the destruction of records or by this committee, and such certificates shall be permanently retained by the carrier. When documents represent debt secured by mortgage, the certificates of destruction shall also be authenticated by representatives of the trustees acting in conjunction with this committee or shall have the trustees' acceptance thereon.

§ 325.7 *Joint bureaus and agencies.* These regulations apply also to the destruction of accounts, records, and memoranda of traffic associations, demurrage bureaus, and other joint agencies maintained by or on behalf of carriers by water. The manager, chairman, or other officer in charge of the association, bureau, etc., may be delegated by the designated officer of each of the carriers to have supervision of the destruction of accounts, records, and memoranda of the association, etc., and in that event he shall issue all authorities for such destruction, and certificates of destruction shall be filed with him. Otherwise a written authority shall be secured from the proper officer of the member carriers concerned each time any of the accounts, records, or memoranda are to be destroyed, and a certificate of destruction shall be filed with each such officer.

§ 325.8 *Nonoperating companies.* A company owning or controlling water line property which it does not operate but which it leases to others for operating purposes shall observe these regulations in case it desires to destroy any of its corporate or financial accounts, records, or memoranda.

§ 325.9 *Method of destruction.* (a) The precise method of the destruction of accounts, records, or memoranda is not prescribed. The Commission is not concerned with the method of destruction, whether by fire, sale or otherwise, so long as the destruction is authorized and a certificate of destruction is filed as required by these regulations.

(b) If the accounts, records, and memoranda are not actually destroyed by the carrier, but are disposed of by sale or otherwise, the certificate of destruction shall so state. Attention is called to section 317 (f) of part III of the Interstate Commerce Act, which provides that a carrier shall not divulge to any person information concerning the business of a shipper or consignee which may be used to the detriment of such shipper or consignee. Responsibility for possible infringement of this provision of the law by disposing of its records by other than actual destruction would rest with the carrier.

§ 325.10 *Accidental destruction of accounts, records, and memoranda.* If any accounts, records, or memoranda are destroyed accidentally by fire, flood, or other casualty a statement shall be prepared listing so far as may be possible the records destroyed and detailing the circumstances in connection with the fire or other casualty. This statement shall be authenticated by an officer or some responsible employee of the carrier and shall be filed with the officer having supervision of the destruction of accounts, records, and memoranda. A copy of the statement shall be filed promptly with the Commission.

§ 325.11 *Duplicate accounts, records, and memoranda.* Provision is made in item 64 of § 325.12 for the optional destruction of duplicate copies of accounts, records, and memoranda when such copies are not specifically provided for elsewhere in these regulations and when they contain no information not shown on the originals. In destroying such copies carriers may dispense with the written authorities and the certificates of destruction. The originals (or one true copy) shall be retained for the respective periods named for such records in the regulations.

§ 325.12 *List of accounts, records, and memoranda, and periods of retention.* The following list[1] is indicative of accounts, records, and memoranda of carriers by water specifically referred to by the regulation embodied in § 325.1. The classification of the accounts, records, and memoranda enumerated below under the various headings is merely for convenient reference and is more or less arbitrary. The regulations are intended to apply to the items as named or described, regardless of the classification and regardless of where filed. Of the accounts, records, and memoranda which are to be retained permanently only the more important are indicated in the list, such specific mention being made so that they may not be confused with any accounts, records, or memoranda for which permission to destroy is given herein.

[F. R. Doc. 42-13906; Filed, December 24, 1942; 2:55 p. m.]

[1] Filed as part of the original document.

## Chapter II—Office of Defense Transportation

[General Order ODT 27]

### PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART Q—INTERCITY COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

Sec.
501.160 Definitions.
501.161 Applicability.
501.162 General Order ODT 11 superseded in Puerto Rico.
501.163 Elimination of waste.
501.164 Operating requirements.
501.165 Special and general permits.
501.166 Submission of plans.
501.167 Records and reports.
501.168 Suspension of provisions.
501.169 Communications.
501.170 Effective date.

AUTHORITY: §§ 501.160 to 501.170, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.160 *Definitions.* As used in this order (§§ 501.160 to 501.170, inclusive), or in any order, permit, or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico, or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Intercity service" means all transportation of passengers, except (1) operations performed wholly within any urban zone and an area extending 8 air kilometers from the boundaries thereof, or between contiguous urban zones, and (2) round-trip schedules the principal traffic of which consists of the movement of workers en route between their homes and their places of employment, or the movement of persons between military or naval establishments and nearby urban zones;

(c) "Intercity passenger vehicle" means any rubber-tired vehicle propelled or drawn by mechanical power when used upon the streets or highways (but not on rails) in the transportation of passengers in intercity service;

(d) "Common carrier" means any person that holds itself out to the general public to engage in transportation of passengers by intercity passenger vehicle for compensation;

(e) "Seat kilometers" means the number of kilometers operated by an intercity passenger vehicle in intercity service (including kilometers operated without revenue passengers by extra vehicles in connection with regular schedules) multiplied by the seating capacity of the vehicle;

(f) "Passenger kilometers" means the number of kilometers traveled by revenue passengers in intercity passenger vehicles operated in scheduled intercity service, including extra vehicles;

(g) "Round-trip schedule" means the regular operation of an intercity passenger vehicle (including any extra vehicle or vehicles operated in connection therewith) at a stated time over a fixed route, from the starting point where passengers are first permitted to board the vehicle to the point served most distant therefrom, and return to the starting point;

(h) "Limited schedule" means a schedule which does not serve by regular stop or flag stop at least 90 per cent of the urban zones authorized to be served by the carrier on that route.

§ 501.161 *Applicability.* This order shall be applicable only within the Island of Puerto Rico.

§ 501.162 *General Order ODT 11 superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 11[1] in the Island of Puerto Rico.

§ 501.163 *Elimination of waste.* On and after the effective date of this order, every common carrier in the operation of intercity passenger vehicles shall:

(a) Eliminate waste in operations and duplication of parallel services, and curtail schedules and services to the extent necessary to carry out the purposes of this order;

(b) Conserve and properly maintain tires, vehicle equipment and other facilities necessary in conducting the business of such common carrier.

§ 501.164 *Operating requirements.* On and after the effective date of this order, no common carrier in the operation of intercity passenger vehicles shall:

(a) Operate a limited schedule in intercity service;

(b) Operate a round-trip schedule in intercity service where it is reasonable to believe, in the light of experience and prospective travel, that during any calendar month the number of passenger kilometers on such schedule will be less than 40 per cent of the number of seat kilometers;

(c) Extend or inaugurate intercity service, without the prior approval of the Office of Defense Transportation, over a route not being served by the carrier on the effective date of this order;

(d) Operate intercity service for the primary purpose of supplying transportation to or from a golf course, athletic field, race track, theatre, dancing pavilion or other place conducted primarily for purposes of amusement or entertainment;

(e) Operate any intercity passenger vehicle without distinctly marking such vehicle to indicate that it is engaged in intercity service;

(f) Operate any intercity passenger vehicle for any purpose, including social or recreational purposes, personal to the driver or operator.

§ 501.165 *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardships.

§ 501.166. *Submission of plans.* (a) Wherever two or more common carriers by intercity passenger vehicles engage in competitive intercity service over the same or closely parallel routes, they or their representatives shall meet for the purpose of formulating a plan of joint action to the end that maximum utilization of equipment and facilities may be effected during the period of the emergency, by one or more of the following methods:

(1) Pooling or joint use of equipment or other facilities;

(2) Pooling or division of traffic, service, or revenues;

(3) Alternation or staggering of schedules between any two or more points;

(4) Mutual honoring of one another's tickets at the option of the passenger;

(5) Suspension, lease, exchange, or joint use of operating rights.

(b) Within 30 days after the effective date of this order, such carriers shall jointly submit to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, any plan of joint action so formulated, or a statement setting forth the reasons why no plan of joint action has been agreed upon: *Provided, however,* That nothing in this order shall be construed to authorize carriers to engage in joint action by any of the methods described in this § 501.166 unless directed so to do by specific order of the Office of Defense Transportation.

§ 501.167 *Records and reports.* Every common carrier engaged in the operation of any intercity passenger vehicle shall prepare and maintain a record showing for each round-trip schedule in intercity service the number of passenger kilometers and seat kilometers, and the percentage of passenger kilometers to seat kilometers, for each calendar month. Within 30 days after the end of each calendar month, each such common carrier shall report to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, a brief description of each such schedule where such percentage was less than 40 per cent, and a statement that such schedule has been withdrawn or the reasons why it has been continued. Every such common carrier shall prepare and maintain such other records, and make such reports, as the Office of Defense Transportation may hereafter require for the purpose of this order, and shall keep all records required hereunder available and open for inspection by authorized representatives of the Office of Defense Transportation at all reasonable times.

§ 501.168 *Suspension of provisions.* The provisions of this order or any part

[1] 7 F.R. 4389.

thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.169 *Communications.* Communications concerning this order should refer to "General Order ODT 27", and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.170 *Effective date.* This General Order ODT 27 shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
*Director of Defense Transportation.*

[F. R. Doc. 42-13955; Filed December 26, 1942; 10:55 a. m.]

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[General Order ODT 28]

## PART 501—CONSERVATION OF MOTOR EQUIPMENT

### SUBPART R—LIMITATION ON SPEED OF MOTOR VEHICLES IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.
501.180 Definitions.
501.181 Applicability.
501.182 Limitation on speed.
501.183 Exemptions.
501.184 Communications.
501.185 Effective date.

AUTHORITY: §§ 501.180 to 501.185, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.180 *Definitions.* As used in this order, (§§ 501.180 to 501.185, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular government of Puerto Rico or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Motor vehicle" means any rubber-tired vehicle or machine propelled or drawn by mechanical power and used or capable of being used upon the highways in the transportation of a person or persons or property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

§ 501.181 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.



§ 501.182 *Limitation on speed.* No person shall drive or operate, or cause, permit, suffer, or allow to be driven or operated, any motor vehicle within the Island of Puerto Rico at a rate of speed which is (a) in excess of the applicable speed limit duly prescribed by competent public authority, or (b) in excess of 48 kilometers per hour, whichever rate of speed is the lesser.

§ 501.183 *Exemptions.* The provisions of this order shall not apply to:

(a) Any motor vehicle driven or operated by or under the direction of the armed forces of the United States or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended;

(b) Any motor vehicle when driven or operated in an emergency for the protection or preservation of life, health, or for public safety: *Provided, however,* That this paragraph (b) shall not be so construed as to authorize any such motor vehicle to be driven or operated at a rate of speed in excess of that which is reasonable under conditions prevailing at such time.

§ 501.184 *Communications.* Communications concerning this order should refer to "General Order ODT 28" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.185 *Effective date.* This General Order ODT 28 shall become effective January 15, 1943.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
*Director of Defense Transportation.*

[F. R. Doc. 42-13956; Filed, December 26, 1942; 10:55 a. m.]

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[General Order ODT 29]

## PART 501—CONSERVATION OF MOTOR EQUIPMENT

### SUBPART S—TAXICABS AND TAXI SERVICE IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.
501.190 Definitions.
501.191 Applicability.
501.192 General Order ODT 20 superseded in Puerto Rico.
501.193 Certain operations prohibited.
501.194 Operating regulations.
501.195 Loading requirements.
501.196 Special and general permits.
501.197 Suspension of provisions.
501.198 Records and reports.
501.199 Exemptions.
501.200 Communications.
501.201 Effective date.

AUTHORITY: §§ 501.190 to 501.201, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.190 *Definitions.* As used in this order, (§§ 501.190 to 501.201, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico, or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Taxicab" means any rubber-tired vehicle (1) propelled or drawn by mechanical power, (2) used in the call-on-demand transportation of passengers for compensation to or from points chosen or designated by the passengers, and (3) not operated on a fixed schedule, between fixed termini, or over specific routes;

(c) "Taxi service" means the transportation of passengers by taxicab.

§ 501.191 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.192 *General Order ODT 20 superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 20, as amended,[1] in the Island of Puerto Rico.

§ 501.193 *Certain operations prohibited.* No person shall engage in taxi service unless, on the effective date of this order, there was in force with respect to such person a license, permit, or other grant of authority issued by the Insular Government of Puerto Rico, or governmental subdivision thereof, authorizing such person to engage in such taxi service.

§ 501.195 *Loading requirements.* No person shall drive or operate a taxicab:

(a) For any purpose, including social or recreational purposes, personal to the driver or operator;

(b) For the purpose of making commercial deliveries of property;

(c) More than 8 kilometers beyond the limits of the urban zone or contiguous urban zones in which the trip originated;

(d) For the purpose of securing passengers while cruising;

(e) On any trip that exceeds 20 kilometers from point of origin to point of destination;

(f) Without distinctly marking every such taxicab to indicate that it is a taxicab.

§ 501.195. *Loading requirements.* No person shall drive or operate a taxicab in any urban zone who does not participate in any group riding plan for taxicabs that is lawfully in effect within such urban zone and in which it is practicable for him to participate.

§ 501.196 *Special and general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardships.

[1] 7 F.R. 6906, 7694.

§ 501.197 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.198 *Records and reports.* Every person engaged in taxi service shall keep a daily record of the number of kilometers and hours each taxicab used in such service is operated, the number of passengers carried, and the gallons of fuel transferred to its fuel tank, and shall keep such other records and make such reports as may be required by the Office of Defense Transportation. Such records shall be kept available for inspection by authorized representatives of the Office of Defense Transportation at all times.

§ 501.199 *Exemptions.* The provisions of this order shall not apply:

(a) To a person transporting by automobile passengers to and from funerals or interments;

(b) To the transportation of passengers incidental to emergencies arising from an accident, sickness, death, public calamity, or military necessity; *Provided, however,* That with respect to all such transportation the person driving or operating the taxicab shall within 48 hours make a report in writing to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, explaining in full the emergency necessitating the transportation.

§ 501.200 *Communications.* Communications concerning this order should refer to "General Order ODT 29" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.201 *Effective date.* This General Order ODT 29 shall become effective January 15, 1943.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
*Director of Defense Transportation.*

[F. R. Doc. 42-13977; Filed, December 26, 1942; 2:27 p. m.]

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[General Order ODT 30]

## PART 501—CONSERVATION OF MOTOR EQUIPMENT

### SUBPART T—COMMON CARRIERS OF PROPERTY IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.

501.210 Definitions.
501.211 Applicability.
501.212 General Order ODT 3, Revised, superseded in Puerto Rico.
501.213 Elimination of waste.
501.214 Loading and operating requirements.
501.215 Exemptions.
501.216 Special or general permits.
501.217 Suspension of provisions.
501.218 Submission of plans for joint action.
501.219 Interchange of traffic; holding shipments; billing and rates applicable.
501.220 Records and reports.
501.221 Carrier liability.
501.222 Division of revenues.
501.223 Communications.
501.224 Effective date.

AUTHORITY: §§ 501.210 to 501.224, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3340, 6097.

§ 501.210 *Definitions.* As used in this order, (§§ 501.210 to 501.224, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico, or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Property" means anything, except passengers, capable of being transported by motor truck;

(c) "Common carrier" or "carrier" means any person that holds itself out to engage in the transportation of property for the general public in over-the-road service by motor truck for compensation, regardless of the designation of such person under any Federal or Insular statute;

(d) "Motor truck" or "truck" means either (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, (5) or any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property;

(e) "Gross weight" means the aggregate weight of a motor truck and its lading;

(f) "Rated load carrying ability" as applied to a truck means the weight which the tires mounted on the load bearing wheels of such truck are capable of carrying as determined in the manner set forth in Appendix No. 1 of this order;

(g) "Capacity load" or "loaded to capacity" as applied to a truck means either (1) the quantity of property, by weight, which may be carried in said truck, determined by deducting the weight of said truck from its rated load carrying ability, or (2) the maximum quantity of property, by volume, which may be stowed by efficient methods and safely transported in the load bearing space of the truck, whichever quantity is the lesser in weight;

(h) "Over-the-road service" means all operations of a motor truck except operations (1) wholly within any urban zone and an area extending 24 air kilometers from the boundaries thereof, or (2) wholly within and between contiguous urban zones; or (3) not more than 24 kilometers in length;

(i) "Highway" means any road, highway, street, or way in the Island of Puerto Rico;

(j) "Circuitous route" means any highway route or routes or combination thereof, the mileage of which exceeds the mileage of the most direct highway route by 10 percent or more; and highway mileage of such route shall be as shown in the current edition of Mapa Itinerario de las Carreteras Insulares de Puerto Rico, approved by Comisionado del Interior of Puerto Rico;

(k) "Special equipment" means any low-bed motor truck, or any motor truck the primary carrying capacity of which is occupied by mounted machinery.

§ 501.211 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.212 *General Order ODT 3, Revised, superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 3, Revised, as amended,[1] in the Island of Puerto Rico.

§ 501.213 *Elimination of waste.* Every common carrier shall:

(a) Eliminate wasteful operation and duplication of parallel services, and curtail schedules and services to the extent necessary to carry out the purposes of this order;

(b) Conserve and properly maintain tires, motor trucks, and other facilities necessary in conducting the business of such common carrier;

(c) Lease or rent motor trucks whenever practicable and to the extent necessary to carry out the purposes of this order.

§ 501.214 *Loading and operating requirements.* (a) No common carrier shall operate any motor truck in over-the-road service unless it is loaded to capacity, except as follows:

(1) A motor truck, while outbound from the origin point of a trip to the point most distant therefrom to which the truck is operated on such trip, and also while inbound, may be operated on a portion of the route or routes traveled while empty or partially laden, if, during the course of the outbound or inbound movement, the truck is laden with a capacity load while operated over a considerable portion or segment of the route or routes traveled in over-the-road service, and if the carrier uses due diligence as hereinafter provided in maintaining a capacity load upon the truck at all times while en route.

(2) No carrier shall be deemed to have used due diligence as provided in subparagraph (1) of this paragraph (a) in loading or maintaining a capacity load upon a truck unless, consistent with any prior commitments involving the use of said truck en route, the carrier and its representatives, including the representative in immediate control and possession of the truck, shall have endeavored

[1] 7 F.R. 5445, 6689, 7694.

in good faith, prior to its departure from any point with less than a capacity load, to obtain sufficient freight for loading the truck with a capacity load at such point, and, failing in this, shall have endeavored in good faith to secure as much freight as possible for loading on said truck at such point, by making appropriate inquiry at and registering at the local office of the Office of Defense Transportation at or near such point, and, if there be no such office at or near such point, by making appropriate inquiry of other carriers at their office or terminals, or both, located at such point. Nor will due diligence be deemed to have been used unless, consistent with prior commitments involving the use of the truck en route, the carrier and his said representative or representatives shall have accepted for shipment and transported to the load capacity of the truck all freight found to have been available by such inquiry, for transportation to the point of destination of the motor truck or to any point intermediate to or beyond such destination point, nor unless, when a truck has been discharged of all lading at any point on a trip and upon such inquiry no freight is found available for transportation on said truck pursuant to the provisions of said subparagraph (1), the carrier shall have endeavored in good faith to lease or rent such truck, consistent with prior commitments involving the use of the truck en route, to another person for transportation of property.

(3) Nothing in this order contained shall be construed to require the loading of a motor truck to such an extent that the gross weight of the truck will exceed the actual safe capacity of any bridge or other structure en route, as determined by Insular or local authorities, or will exceed the maximum gross weight limitations prescribed by the applicable Insular law, proclamation, or regulation, Federal statute, or Executive Order, whichever is currently controlling, but such truck shall be loaded as nearly to the extent required by this order as may be consistent with such applicable limitations.

(4) A motor truck which has been so disabled en route that a capacity load cannot be transported or carried thereon may be operated in over-the-road service empty or partially laden to the nearest point where the common carrier operating said truck maintains, provides, or can obtain repair services.

(b) No common carrier shall:

(1) Operate in over-the-road service any motor truck, the gross weight of which exceeds its rated load-carrying ability; or

(2) Accept or receive any property for transportation over any circuitous route, except when no adequate common carrier service over a direct route is available, or except when the direct route is unsafe or unusable or is more destructive to tires or motor trucks.

(c) The provisions of this order shall not be so construed or applied as to require any common carrier to perform any transportation service, the performance of which by it is not authorized or sanctioned by law or to render any such service beyond its transportation capacity.

§ 501.215 *Exemptions.* (a) The provisions of paragraph (a) of § 501.214 of this order shall not apply to or include the following:

(1) Any motor truck while actually transporting exclusively any explosives, materials and accessories, such as ammunition, black powder, low explosives, liquid nitroglycerine, fireworks, smokeless powder, cordeau detonant, fuzes, igniters, primers or other like explosives, materials and accessories, or blasting agents and blasting accessories necessary for the use of any of said explosives;

(2) Any motor truck while operated under direction of the armed forces of the United States or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended;

(3) Any motor truck when engaged exclusively in the transportation of repair or service men and their supplies or equipment;

(4) Any motor truck operated exclusively in connection with the construction and maintenance of essential telegraph, telephone, organized radio communications, electric light and power, gas, and water supply utilities, and pipelines, railroads, street railways and public highways;

(5) Any motor truck operated in emergencies exclusively for the purpose of making deliveries of medicines or other supplies or equipment necessary for the protection or preservation of life, health or public safety;

(6) Any motor truck operated exclusively for the purpose of collecting and disposing of sewage or garbage or rendering other sanitation services, pursuant to governmental order, regulation or contract;

(7) Any special equipment.

(b) The provisions of § 501.213, paragraph (a) and subparagraph (2) of paragraph (b) of § 501.214, and §§ 501.219 and 501.222 of this order shall not apply to:

(1) Any motor truck, the primary carrying capacity of which is occupied by a mounted tank or tanks;

(2) Any motor truck controlled and operated by any person or persons principally engaged in farming, when used in the transportation of agricultural commodities and products thereof, from a farm or farms, or in the transportation of farm supplies to a farm or farms.

§ 501.216 *Special or general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardship.

§ 501.217 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.218 *Submission of plans for joint action.* Whenever joint action between two or more common carriers is contemplated in order to accomplish any of the purposes of this order, such common carriers may formulate and submit to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, for consideration, a plan or plans designed to accomplish such purposes by one or more of the methods described below:

(a) Alternate or stagger motor truck schedules between two or more points;

(b) Reciprocally exchange shipments of property between two or more points;

(c) Pool traffic, revenues, or both, between two or more points;

(d) Jointly load for transportation or operate a motor truck or trucks between two or more points;

(e) Divert traffic, operate joint terminals or joint pick-up or delivery vehicles;

(f) Establish arrangements with other carriers for the interchange of equipment;

(g) Appoint one of their own number or any other person or carrier to act as its or their individual, common or joint agent, to concentrate, receive, load, forward, carry, unload, distribute, and deliver property; receive, account for, and distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's business as common carriers of property upon just and reasonable terms and conditions: *Provided, however,* That this order shall not be construed to authorize any common carrier or carriers to operate in any of the methods described in this § 501.218 unless directed so to do by the Office of Defense Transportation.

§ 501.219 *Interchange of traffic; holding shipments; billing and rates applicable.* (a) Every common carrier whether by rail, motor, water, or otherwise, shall accept and receive from any common carrier as defined herein and transport all shipments of every kind. Such shipments shall be handled and transported in the same expeditious and efficient manner as shipments of a like nature received from any other source.

(b) No common carrier shall hold, carry over, store, or warehouse any shipment at any one station, except the final destination of the shipment, for longer than 24 hours, or at two or more such stations for an aggregate period of more than 48 hours, except where there is no other common carrier by rail, motor, water, or otherwise, capable of transporting the shipment consistent with the provisions of this order.

(c) Whenever a shipment is interchanged or diverted pursuant to the provisions of this § 501.219 the shipment shall be accepted and received by the carrier with which interchange is made, or to which diverted, at the connecting or diverting carrier's station or at the consignor's door, as the case may be, and such carrier shall load, transport, forward, or deliver, as the case may be, such shipment on the bill of lading and billing and at the rates, rules and regulations of the carrier issuing the bill of lading, which rates, rules and regula-

tions shall be those which would have applied if the shipment had not been interchanged or diverted pursuant to the provisions of this § 501.219: *Provided*, That if the Insular Government of Puerto Rico, or any agency thereof, in respect of transportation in Puerto Rico, has prescribed or shall prescribe regulations governing the method of determining the rates, rules and regulations to apply on shipments interchanged or diverted pursuant to the provisions of this order, such regulations shall apply.

(d) Whenever the bill of lading carrier has in effect a one-factor local rate and is also a party to a one-factor joint rate for the transportation of a shipment from its origin to its destination, the carrier to whom such shipment is diverted, if a party to such one-factor joint rate, shall be compensated by the bill of lading carrier upon the basis of the one-factor joint rate from point of origin to destination.

§ 501.220 *Records and reports.* Every common carrier shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may hereafter require for the purpose of this order, and keep such records available for inspection at all reasonable times by authorized representatives of the Office of Defense Transportation.

§ 501.221 *Carrier liability.* Common carrier responsibility to the owner of any property being transported, and among the carriers participating in such transportation, shall be as provided by law for initial, terminating, intermediate, or delivering carriers.

§ 501.222 *Division of revenues.* Every common carrier by rail, motor, water, or otherwise, shall establish just, reasonable and equitable divisions of revenues derived from transportation performed pursuant to this order. Unless the division of revenues from any interchanges or division of shipments made pursuant to the provisions of this order shall have been agreed upon by the interested carriers, or shall have been prescribed by the proper Insular authority, such revenues shall be divided as the Office of Defense Transportation shall order.

§ 501.223 *Communications.* Communications concerning this order should refer to "General Order ODT 30" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.224 *Effective date.* This General Order ODT 30 shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
*Director of Defense Transportation.*

APPENDIX 1

Under the terms of § 501.210 (f) of this order, the rated load carrying ability of the tires mounted on the running wheels of a motor truck shall be determined by multiplying the number of tires mounted on the running wheels of such motor truck, of the size and description actually used, by the number of pounds appearing opposite the description of such tires in this Appendix.

*Example:* A motor truck uses 10 running tires, size 9.00-20, ten ply. The rated load carrying ability of each such tire, in pounds per tire, as shown in this Appendix is 3450. Multiply 10 (number of tires) by 3450 (rated load carrying ability of each tire). The result is 34,500 pounds, which is the "rated load carrying ability" of the motor truck as defined in § 501.210 (f).

TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

| Description of tires | | Rated load carrying ability in pounds per tire |
|---|---|---|
| Size | Number of plies | |
| 5.00-16 | 4 | 730 |
| 5.00-16 | 6 | 835 |
| 5.50-16 | 4 | 840 |
| 5.50-16 | 6 | 955 |
| 6.00-16 | 4 | 990 |
| 6.00-16 | 6 | 1,130 |
| 6.00-17 | 6 | 1,250 |
| 6.00-20 | 6 | 1,400 |
| 6.00-20/30 x 5 | 8 | 1,700 |
| 6.00-24/34 x 5 | 8 | 1,950 |
| 6.25-16 | 4 | 1,065 |
| 6.25-16 | 6 | 1,210 |
| 6.50-16 | 4 | 1,135 |
| 6.50-16 | 6 | 1,290 |
| 6.50-17 | 6 | 1,500 |
| 6.50-18 | 6 | 1,575 |
| 6.50-20 | 6 | 1,700 |
| 6.50-20/32 x 6 | 8 | 1,950 |
| Light truck 15" | 6 | 1,500 |
| Light truck 15" | 8 | 1,700 |
| 7.00-15 | 6 | 1,415 |
| 7.00-15 | 8 | 1,575 |
| 7.00-16 | 6 | 1,485 |
| 7.00-16 | 8 | 1,650 |
| 7.00-17 | 6 | 1,550 |
| 7.00-17 | 8 | 1,725 |
| 7.00-18 | 8 | 1,800 |
| 7.00-20 | 8 | 1,950 |
| 7.00-20/32 x 6 | 10 | 2,250 |
| 7.00-24/36 x 6 | 10 | 2,575 |
| 7.50-15 | 6 | 1,595 |
| 7.50-15 | 8 | 1,825 |
| 7.50-15 | 10 | 2,225 |
| 7.50-16 | 6 | 1,660 |
| 7.50-16 | 8 | 1,850 |
| 7.50-17 | 8 | 2,000 |
| 7.50-18 | 8 | 2,100 |
| 7.50-18/32 x 7 | 10 | 2,500 |
| 7.50-20 | 8 | 2,250 |
| 7.50-20/34 x 7 | 10 | 2,700 |
| 7.50-24 | 8 | 2,550 |
| 7.50-24/38 x 7 | 10 | 3,100 |
| 8.25-15 | 10 | 2,275 |
| 8.25-15 | 12 | 2,600 |
| 8.25-16 | 6 | 1,770 |
| 8.25-16 | 8 | 2,000 |
| 8.25-18 | 10 | 2,550 |
| 8.25-18 | 12 | 2,925 |
| 8.25-20 | 10 | 2,750 |
| 8.25-20 | 12 | 3,150 |
| 8.25-22 | 10 | 2,950 |
| 8.25-24 | 10 | 3,125 |
| 8.25-24 | 12 | 3,600 |
| 9.00-15 | 10 | 2,875 |
| 9.00-15 | 12 | 3,200 |
| 9.00-18 | 10 | 3,225 |
| 9.00-18 | 12 | 3,600 |
| 9.00-20 | 10 | 3,450 |
| 9.00-20/36 x 8 | 12 | 3,850 |
| 9.00-22 | 10 | 3,675 |
| 9.00-24 | 10 | 3,925 |
| 9.00-24/40 x 8 | 12 | 4,375 |
| 10.00-15 (9.75-15) | 12 | 3,375 |
| 10.00-18 (9.75-18) | 12 | 3,775 |
| 10.00-20 (9.75-20) | 12 | 4,000 |
| 10.00-20/38 x 9 | 14 | 4,350 |
| 10.00-22 (9.75-22) | 12 | 4,275 |
| 10.00-24 (9.75-24) | 12 | 4,550 |
| 10.00-24/42 x 9 | 14 | 4,925 |
| 11.00-18 (10.50-18) | 12 | 4,200 |
| 11.00-20 (10.50-20) | 12 | 4,500 |
| 11.00-20 (10.50-20) | 14 | 4,850 |
| 11.00-22 (10.50-22) | 12 | 4,750 |
| 11.00-24 (10.50-24) | 12 | 5,000 |
| 11.00-24 (10.50-24) | 14 | 5,400 |
| 12.00-18 (11.25-18) | 14 | 5,125 |
| 12.00-20 (11.25-20) | 14 | 5,475 |
| 12.00-20/40 x 10 | 16 | 5,875 |
| 12.00-22 | 14 | 5,800 |
| 12.00-24 (11.25-24) | 14 | 6,150 |
| 12.00-24/44 x 10 | 16 | 6,600 |
| 13.00-20 (12.75-20) | 16 | 6,750 |

TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS—Continued

| Description of tires | | Rated load carrying ability in pounds per tire |
|---|---|---|
| Size | Number of plies | |
| 13.00-24 (12.75-24) | 16 | 7,575 |
| 14.00-20 (13.50-20) | 16 | 8,200 |
| 14.00-20 (13.50-20) | 18 | 8,700 |
| 14.00-24 (13.50-20) | 16 | 9,150 |
| 14.00-24 (13.50-24) | 18 | 9,700 |
| #10 | 6 | 1,100 |
| #11 | 6 | 1,100 |
| #12 | 6 | 1,200 |
| #13 | 6 | 1,300 |
| #14 | 6 | 1,400 |
| #15 | 6 | 1,500 |
| #16 | 6 | 1,600 |
| #17 | 8 | 1,700 |
| #18 | 8 | 1,800 |
| #19 | 8 | 1,900 |
| #20 | 10 | 2,000 |
| #22 | 10 | 2,200 |
| #28 | 10 | 2,800 |
| #34 | 10 | 3,400 |
| #40 | 12 | 4,000 |
| #42 | 12 | 4,200 |
| #44 | 12 | 4,400 |
| #48 | 12 | 4,800 |
| #50 | 12 | 5,000 |
| #52 | 12 | 5,200 |

PASSENGER TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

| | | |
|---|---|---|
| 440/450-21 | 4 | 800 |
| 440/450-21 | 6 | 900 |
| 475/500-19 | 4 | 895 |
| 475/500-19 | 6 | 1,005 |
| 475/500-20 | 4 | 925 |
| 475/500-20 | 6 | 1,035 |
| 500-16 | 4 | 710 |
| 550-16 | 4 | 810 |
| 550-16 | 6 | 900 |
| 525/550-17 | 4 | 955 |
| 525/550-17 | 6 | 1,075 |
| 525/550-18 | 4 | 1,000 |
| 525/550-18 | 6 | 1,125 |
| 525/550-19 | 4 | 1,040 |
| 525/550-19 | 6 | 1,170 |
| 600-16 | 4 | 915 |
| 600-16 | 6 | 1,065 |
| 600-17 | 4 | 1,025 |
| 600-17 | 6 | 1,155 |
| 600-18 | 4 | 1,070 |
| 600-18 | 6 | 1,205 |
| 600-19 | 4 | 1,115 |
| 600-19 | 6 | 1,255 |
| 600-20 | 4 | 1,190 |
| 600-20 | 6 | 1,350 |
| 625-16 | 4 | 985 |
| 625-16 | 6 | 1,140 |
| 625/650-16 | 4 | 1,050 |
| 625/650-16 | 6 | 1,215 |
| 650-16 | 4 | 1,050 |
| 650-16 | 6 | 1,215 |
| 650-17 | 4 | 1,175 |
| 650-17 | 6 | 1,320 |
| 650-18 | 4 | 1,225 |
| 650-18 | 6 | 1,375 |
| 650-19 | 4 | 1,270 |
| 650-19 | 6 | 1,430 |
| 650-20 | 4 | 1,320 |
| 650-20 | 6 | 1,500 |
| 700-15 | 4 | 1,095 |
| 700-15 | 6 | 1,330 |
| 700-16 | 4 | 1,145 |
| 700-16 | 6 | 1,395 |
| 700-17 | 4 | 1,300 |
| 700-17 | 6 | 1,465 |
| 700-18 | 4 | 1,355 |
| 700-18 | 6 | 1,525 |
| 700-19 | 4 | 1,405 |
| 700-19 | 6 | 1,585 |
| 700-20 | 4 | 1,500 |
| 700-20 | 6 | 1,700 |
| 750-15 | 4 | 1,180 |
| 750-15 | 6 | 1,500 |
| 750-16 | 4 | 1,235 |
| 750-16 | 6 | 1,560 |
| 750-17 | 4 | 1,460 |
| 750-17 | 6 | 1,645 |
| 750-18 | 4 | 1,520 |
| 750-18 | 6 | 1,710 |
| 750-19 | 4 | 1,580 |
| 750-19 | 6 | 1,775 |
| 750-20 | 4 | 1,700 |
| 750-20 | 6 | 1,900 |
| 825-15 | 4 | 1,260 |
| 825-15 | 6 | 1,625 |
| 825-16 | 4 | 1,320 |
| 825-16 | 6 | 1,700 |
| 900-15 | 6 | 1,800 |
| 900-16 | 6 | 1,875 |

[F. R. Doc. 42-18957; Filed, December 26, 1942; 10:55 a. m.]

[General Order ODT 31]

## PART 501—CONSERVATION OF MOTOR EQUIPMENT

### SUBPART U—MOTOR CARRIERS OF PROPERTY IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

Sec.


501.235 Definitions.
501.236 Applicability.
501.237 General Order ODT 17 superseded in Puerto Rico.
501.238 Elimination of waste.
501.239 Special deliveries, call backs, number of deliveries.
501.240 Loading and operating requirements.
501.241 Exemptions.
501.242 Special or general permits.
501.243 Suspension of provisions.
501.244 Submission of plans for joint action.
501.245 Records and reports.
501.246 Communications.
501.247 Effective date.


AUTHORITY: §§ 501.235 to 501.247, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.235 *Definitions.* As used in this order, (§§ 501.235 to 501.247, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico, or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Property" means anything, except passengers, capable of being transported by motor truck;

(c) "Motor carrier" or "carrier" means any person, other than a person that holds itself out to the general public to engage in the transportation of property for compensation, that engages in the transportation of property by motor truck in over-the-road service, and includes contract carriers by motor truck and private carriers by motor truck;

(d) "Motor truck" or "truck" means either (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, (5) or any other rubber-tired vehicle propelled or drawn by mechanical power or animals when used in the transportation of property, other than a vehicle engaged primarily in the transportation of passengers;

(e) "Operating unit" means that portion of the motor truck operations conducted by any motor carrier from any given terminal, base of operation, or urban zone, and the total operating units of any motor carrier shall include all operations conducted by such motor carrier;

(f) "Gross weight" means the aggregate weight of a motor truck and its lading;

(g) "Rated load carrying ability" as applied to a truck means the weight which the tires mounted on the load bearing wheels of such truck are capable of carrying as determined in the manner set forth in Appendix 1 of this order;

(h) "Capacity load" or "loaded to capacity" as applied to a truck means either (1) the quantity of property, by weight, which may be carried in said truck, as determined by deducting the weight of said truck from its rated load carrying ability, or (2) the maximum quantity of property, by volume, which may be stowed by efficient methods and safely transported in the load bearing space of the truck, whichever quantity is the lesser in weight;

(i) "Delivery" means the operation of a motor truck by a motor carrier from any one point to any other point for the purpose of enabling such motor carrier to relinquish possession of property after transportation, or to take possession of property for transportation, or both, and includes an offer or attempt so to relinquish or take possession of such property;

(j) "Special delivery" means a delivery other than one made in the course of a normal delivery service;

(k) "Call back" means any call made by a motor truck of a motor carrier at any given premises, other than for the purpose of making a delivery or for the purpose of repairing, servicing or maintaining such a truck;

(l) "Over-the-road service" means all operations of a motor truck except operations (1) wholly within any urban zone and an area extending 24 air kilometers from the boundaries thereof, or (2) wholly within and between contiguous urban zones; or (3) not more than 24 kilometers in length;

(m) "Special equipment" means any low-bed motor truck, or any motor truck the primary carrying capacity of which is occupied by mounted machinery.

§ 501.236 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.237 *General Order ODT 17 superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 17, as amended,[1] in the Island of Puerto Rico.

§ 501.238 *Elimination of waste.* Every motor carrier shall:

(a) Eliminate wasteful operation and duplication of parallel services, and curtail schedules and services to the extent necessary to carry out the purposes of this order;

(b) Conserve and properly maintain tires, motor trucks, and other transportation facilities necessary in conducting the business of such carrier;

(c) Lease or rent its motor trucks whenever practicable and to the extent necessary to carry out the purposes of this order.

[1] 7 F.R. 5678, 5839, 7694, 9623.

§ 501.239 *Special deliveries, call backs, number of deliveries.* Except as provided in § 501.241 of this order, no person shall cause to be made by motor truck, and no motor carrier when operating a motor truck shall make:

(a) Any special delivery except to hospitals;

(b) Any call backs;

(c) More than one delivery from any one point of origin to any one point of destination during any calendar day except:

(1) When the property to be delivered exceeds the capacity load of the motor truck engaged in the delivery thereof, in which event each delivery, except the final delivery, shall be a capacity load delivery; or

(2) One additional delivery when the property to be delivered requires the use of a motor truck, other than the type used in making the first delivery, specially adapted for and used exclusively in the transportation of such property; or

(3) One additional delivery when made for the purpose of picking up empty containers, if such additional delivery is made without increasing the mileage of any motor truck; or

(4) One additional delivery on the day next preceding a national holiday when such holiday falls on a Saturday, or on the Saturday next preceding a national holiday when such holiday falls on a Monday, provided such motor carrier does not make any delivery on such holiday.

§ 501.240 *Loading and operating requirements.* (a) No motor carrier shall operate any motor truck unless it is loaded to capacity, except as follows:

(1) A motor truck, while outbound from the origin point of a trip to the point most distant therefrom to which the truck is operated on such trip, and also while inbound, may be operated on a portion of the route or routes travelled while empty or partially laden, if, during the course of the outbound or inbound movement, the truck is laden with a capacity load while operated over a considerable portion or segment of the route or routes travelled in over-the-road service, and if the carrier uses due diligence in maintaining a capacity load upon the truck at all times while en route.

(2) Each motor carrier and its representatives, including the representative in immediate control and possession of the truck, shall endeavor in good faith, prior to the departure of the truck from any point when empty, to lease or rent such truck, consistent with any prior commitments involved in its use en route, to another person for the transportation of property. In endeavoring to lease or rent such truck, each such carrier and its representative or representatives shall inquire at and register with the local office of the Office of Defense Transportation located at or near such point, and if there be no such office at or near such point, shall make appropriate inquiries of other carriers at their offices or terminals, or both, located at such point.

(3) Nothing in this order contained shall be construed to require the loading of a motor truck to such an extent that the gross weight of the truck will exceed the actual safe capacity of any bridge or other structure en route, as determined by Insular authorities, or will exceed the maximum gross weight limitations prescribed by the applicable Insular law, proclamation, or regulation, Federal statute, or Executive Order, whichever is currently controlling, but such truck shall be loaded as nearly to the extent required by this order as may be consistent with such applicable limitations.

(4) A motor truck which has been so disabled en route that a capacity load cannot be transported or carried thereon may be operated in over-the-road service empty or partially laden to the nearest point where the carrier operating said truck maintains, provides, or can obtain repair services.

(b) No motor carrier shall operate in over-the-road service any motor truck, the gross weight of which exceeds its rated load-carrying ability.

(c) The provisions of this order shall not be so construed or applied as to require any motor carrier to perform any transportation service, the performance of which by it is not authorized or sanctioned by law or to render any such service beyond its transportation capacity.

§ 501.241 *Exemptions.* (a) The provisions of paragraphs (a) and (c) of § 501.239, and paragraph (a) of § 501.240 of this order shall not apply to or include the following:

(1) Any motor truck while actually transporting exclusively any explosives, materials and accessories, such as ammunition, black powder, low explosives, liquid nitroglycerine, fireworks, smokeless powder, cordeau detonant, fuzes, igniters, primers or other like explosives, materials and accessories, or blasting agents and blasting accessories necessary for the use of any of said explosives;

(2) Any motor truck when engaged exclusively in the transportation of repair or service men and their supplies or equipment;

(3) Any motor truck operated exclusively for the purpose of collecting and disposing of sewage or garbage or rendering other sanitation services, pursuant to Government order, regulation, or contract;

(4) Any motor truck operated exclusively in connection with the construction and maintenance of essential telegraph, telephone, organized radio communications, electric light and power, gas and water supply utilities, and pipe lines, railroads, street railways, and public highways;

(5) Any motor truck while operated under the direction of the armed forces of the United States, or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended;

(6) Any motor truck operated in emergencies exclusively for the purpose of making deliveries of medicines or other supplies or equipment necessary for the protection or preservation of life, health, or for public safety;

(7) Any motor truck operated exclusively for the purpose of making deliveries of telegraph, radio, and cable communications or the United States mail;

(8) Any special equipment.

(b) The provisions of §§ 501.238 and 501.239 and of paragraph (a) of § 501.240 of this order shall not apply to or include the following:

(1) Any motor truck, the primary carrying capacity of which is occupied by a mounted tank or tanks;

(2) Any motor truck controlled and operated by any person or persons principally engaged in farming, when used in the transportation of agricultural commodities and products thereof, from a farm or farms, or in the transportation of farm supplies to a farm or farms;

(3) Any motor truck engaged in the transportation of property wholly within the boundaries of any industrial or manufacturing plant, or between units of such plant separated only by a public highway, when such transportation is an integral part of the business of such industrial or manufacturing plant.

(c) The provisions of this order shall not apply to or include any motor truck controlled or operated by the armed forces of the United States, or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended.

§ 501.242 *Special or general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardships.

§ 501.243 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.244 *Submission of plans for joint action.* (a) Whenever joint action between two or more motor carriers, other than private carriers by motor truck, is contemplated in order to accomplish any of the purposes of this order, such carriers may formulate and submit to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, for consideration a plan or plans designed to accomplish such purposes. No action shall be taken in furtherance of such plan or plans except in compliance with a specific order or orders issued by the Office of Defense Transportation.

(b) All joint and collective action taken by private carriers by motor truck to accomplish any of the purposes of this order shall be in conformity with the terms and provisions of the joint statement issued by the Office of Defense Transportation and the Department of Justice, dated March 12, 1942, a copy of which statement is set forth in Appendix 2 of this order. In accordance with such statement, proposed plans for pooled or cooperative deliveries, for curtailing services, or for entering into other arrangements involving joint action may, if desired, be submitted to the Office of Defense Transportation (through its Regional Director at San Juan, Puerto Rico) for consideration and approval, but action taken in furtherance of such plans shall not require the prior approval of the Office of Defense Transportation by order or otherwise. In order, however, that the Office of Defense Transportation may be informed concerning plans which have been or hereafter are placed in operation, a copy of each such plan shall be filed with the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.245 *Records and reports.* Every motor carrier shall prepare and maintain records showing for each calendar month the mileage of each motor truck operated by such carrier, and shall prepare and maintain such logs and other records, and make such reports, as the Office of Defense Transportation may hereafter require for the purpose of this order. All such records shall be kept available and open for inspection at all reasonable times by authorized representatives of the Office of Defense Transportation.

§ 501.246 *Communications.* Communications concerning this order should refer to "General Order ODT 31" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.247 *Effective date.* This General Order ODT 31 shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
*Director of Defense Transportation.*

APPENDIX 1

Under the terms of § 501.235 (h) of this order, the rated load carrying ability of the tires mounted on the running wheels of a motor truck shall be determined by multiplying the number of tires mounted on the running wheels of such motor truck, of the size and description actually used, by the number of pounds appearing opposite the description of such tires in this Appendix.

*Example:* A motor truck uses 10 running tires, size 9.00–20, ten ply. The rated load carrying ability of each such tire, in pounds per tire, as shown in this Appendix is 3450. Multiply 10 (number of tires) by 3450 (rated load carrying ability of each tire). The result is 34,500 pounds, which is the "rated load carrying ability" of the motor truck as defined in § 501.235 (h).

TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

| Description of tires | | Rated load carrying ability in pounds per tire |
|---|---|---|
| Size | Number of plies | |
| 5.00-16 | 4 | 730 |
| 5.00-16 | 6 | 835 |
| 5.50-16 | 4 | 840 |
| 5.50-16 | 6 | 955 |
| 6.00-16 | 4 | 990 |
| 6.00-16 | 6 | 1,130 |
| 6.00-17 | 6 | 1,250 |
| 6.00-20 | 6 | 1,400 |
| 6.00-20/30 x 5 | 8 | 1,700 |
| 6.00-24/34 x 5 | 8 | 1,950 |

TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS—Continued

| Description of tires | | Rated load carrying ability in pounds per tire |
|---|---|---|
| Size | Number of plies | |
| 6.25-16 | 4 | 1,065 |
| 6.25-16 | 6 | 1,210 |
| 6.50-16 | 4 | 1,135 |
| 6.50-16 | 6 | 1,290 |
| 6.50-17 | 6 | 1,590 |
| 6.50-18 | 6 | 1,575 |
| 6.50-20 | 6 | 1,700 |
| 6.50-20/32 x 6 | 8 | 1,950 |
| Light truck 15" | 6 | 1,500 |
| Light truck 15" | 8 | 1,700 |
| 7.00-15 | 6 | 1,415 |
| 7.00-15 | 8 | 1,575 |
| 7.00-16 | 6 | 1,485 |
| 7.00-16 | 8 | 1,650 |
| 7.00-17 | 6 | 1,560 |
| 7.00-17 | 8 | 1,725 |
| 7.00-18 | 8 | 1,800 |
| 7.00-20 | 8 | 1,950 |
| 7.00-20/32 x 6 | 10 | 2,250 |
| 7.00-24/36 x 6 | 10 | 2,575 |
| 7.50-15 | 6 | 1,595 |
| 7.50-15 | 8 | 1,825 |
| 7.50-15 | 10 | 2,225 |
| 7.50-16 | 6 | 1,660 |
| 7.50-16 | 8 | 1,850 |
| 7.50-17 | 8 | 2,000 |
| 7.50-18 | 8 | 2,100 |
| 7.50-18/32 x 7 | 10 | 2,500 |
| 7.50-20 | 8 | 2,250 |
| 7.50-20/34 x 7 | 10 | 2,700 |
| 7.50-24 | 8 | 2,550 |
| 7.50-24/38 x 7 | 10 | 3,100 |
| 8.25-15 | 10 | 2,275 |
| 8.25-15 | 12 | 2,600 |
| 8.25-16 | 6 | 1,770 |
| 8.25-16 | 8 | 2,000 |
| 8.25-18 | 10 | 2,550 |
| 8.25-18 | 12 | 2,925 |
| 8.25-20 | 10 | 2,750 |
| 8.25-20 | 12 | 3,150 |
| 8.25-22 | 10 | 2,950 |
| 8.25-24 | 10 | 3,125 |
| 8.25-24 | 12 | 3,600 |
| 9.00-15 | 10 | 2,875 |
| 9.00-15 | 12 | 3,200 |
| 9.00-18 | 10 | 3,225 |
| 9.00-18 | 12 | 3,600 |
| 9.00-20 | 10 | 3,450 |
| 9.00-20/36 x 8 | 12 | 3,850 |
| 9.00-22 | 10 | 3,675 |
| 9.00-24 | 10 | 3,925 |
| 9.00-24/40 x 8 | 12 | 4,375 |
| 10.00-15 (9.75-15) | 12 | 3,375 |
| 10.00-18 (9.75-18) | 12 | 3,775 |
| 10.00-20 (9.75-20) | 12 | 4,000 |
| 10.00-20/38 x 9 | 14 | 4,350 |
| 10.00-22 (9.75-22) | 12 | 4,275 |
| 10.00-24 (9.75-24) | 12 | 4,550 |
| 10.00-24/42 x 9 | 14 | 4,925 |
| 11.00-18 (10.50-18) | 12 | 4,200 |
| 11.00-20 (10.50-20) | 12 | 4,500 |
| 11.00-20 (10.50-20) | 14 | 4,850 |
| 11.00-22 (10.50-22) | 12 | 4,750 |
| 11.00-24 (10.50-24) | 12 | 5,000 |
| 11.00-24 (10.50-24) | 14 | 5,400 |
| 12.00-18 (11.25-18) | 14 | 5,125 |
| 12.00-20 (11.25-20) | 14 | 5,475 |
| 12.00-20/40 x 10 | 16 | 5,875 |
| 12.00-22 | 14 | 5,800 |
| 12.00-24 (11.25-24) | 14 | 6,150 |
| 12.00-24/44 x 10 | 16 | 6,600 |
| 13.00-20 (12.75-20) | 16 | 6,750 |
| 13.00-24 (12.75-24) | 16 | 7,575 |
| 14.00-20 (13.50-20) | 16 | 8,200 |
| 14.00-20 (13.50-20) | 18 | 8,700 |
| 14.00-24 (13.50-20) | 16 | 9,150 |
| 14.00-24 (13.50-24) | 18 | 9,700 |
| #10 | 6 | 1,100 |
| #11 | 6 | 1,100 |
| #12 | 6 | 1,200 |
| #13 | 6 | 1,300 |
| #14 | 6 | 1,400 |
| #15 | 6 | 1,500 |
| #16 | 6 | 1,600 |
| #17 | 8 | 1,700 |
| #18 | 8 | 1,800 |
| #19 | 8 | 1,900 |
| #20 | 10 | 2,000 |
| #22 | 10 | 2,200 |
| #28 | 10 | 2,800 |
| #34 | 10 | 3,400 |
| #40 | 12 | 4,000 |
| #42 | 12 | 4,200 |
| #44 | 12 | 4,400 |
| #48 | 12 | 4,800 |
| #50 | 12 | 5,000 |
| #52 | 12 | 5,200 |

PASSENGER TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

| Description of tires | | Rated load carrying ability in pounds per tire |
|---|---|---|
| Size | Number of plies | |
| 440/450-21 | 4 | 800 |
| 440/450-21 | 6 | 900 |
| 475/500-19 | 4 | 895 |
| 475/500-19 | 6 | 1,005 |
| 475/500-20 | 4 | 925 |
| 475/500-20 | 6 | 1,035 |
| 500-16 | 4 | 710 |
| 550-16 | 4 | 810 |
| 550-16 | 6 | 900 |
| 525/550-17 | 4 | 955 |
| 525/550-17 | 6 | 1,075 |
| 525/550-18 | 4 | 1,000 |
| 525/550-18 | 6 | 1,125 |
| 525/550-19 | 4 | 1,040 |
| 525/550-19 | 6 | 1,170 |
| 600-16 | 4 | 915 |
| 600-16 | 6 | 1,065 |
| 600-17 | 4 | 1,025 |
| 600-17 | 6 | 1,155 |
| 600-18 | 4 | 1,070 |
| 600-18 | 6 | 1,205 |
| 600-19 | 4 | 1,115 |
| 600-19 | 6 | 1,255 |
| 600-20 | 4 | 1,190 |
| 600-20 | 6 | 1,350 |
| 625-16 | 4 | 985 |
| 625-16 | 6 | 1,140 |
| 625/650-16 | 4 | 1,050 |
| 625/650-16 | 6 | 1,215 |
| 650-16 | 4 | 1,050 |
| 650-16 | 6 | 1,215 |
| 650-17 | 4 | 1,175 |
| 650-17 | 6 | 1,320 |
| 650-18 | 4 | 1,225 |
| 650-18 | 6 | 1,375 |
| 650-19 | 4 | 1,270 |
| 650-19 | 6 | 1,430 |
| 650-20 | 4 | 1,320 |
| 650-20 | 6 | 1,500 |
| 700-15 | 4 | 1,095 |
| 700-15 | 6 | 1,330 |
| 700-16 | 4 | 1,145 |
| 700-16 | 6 | 1,395 |
| 700-17 | 4 | 1,300 |
| 700-17 | 6 | 1,465 |
| 700-18 | 4 | 1,355 |
| 700-18 | 6 | 1,525 |
| 700-19 | 4 | 1,405 |
| 700-19 | 6 | 1,585 |
| 700-20 | 4 | 1,500 |
| 700-20 | 6 | 1,700 |
| 750-15 | 4 | 1,180 |
| 750-15 | 6 | 1,500 |
| 750-16 | 4 | 1,235 |
| 750-16 | 6 | 1,560 |
| 750-17 | 4 | 1,460 |
| 750-17 | 6 | 1,645 |
| 750-18 | 4 | 1,520 |
| 750-18 | 6 | 1,710 |
| 750-19 | 4 | 1,580 |
| 750-19 | 6 | 1,775 |
| 750-20 | 4 | 1,700 |
| 750-20 | 6 | 1,900 |
| 825-15 | 4 | 1,260 |
| 825-15 | 6 | 1,625 |
| 825-16 | 4 | 1,320 |
| 825-16 | 6 | 1,700 |
| 900-15 | 6 | 1,800 |
| 900-16 | 6 | 1,875 |

## APPENDIX 2

### JOINT STATEMENT BY OFFICE OF DEFENSE TRANSPORTATION AND DEPARTMENT OF JUSTICE RELATIVE TO LOCAL DELIVERY SERVICE BY MOTOR VEHICLE

The Office of Defense Transportation and the Department of Justice are currently receiving many requests from business enterprises concerning ways of conserving rubber and other vital materials in making local deliveries. Inquiries addressed to the Office of Defense Transportation ask for help and advice. The Department of Justice is receiving inquiries as to the bearing of the anti-trust laws upon voluntary collective action to conserve these materials, and likewise complaints from consumers and competitors who believe that some program proposed or already in use violates these laws.

The Office of Defense Transportation and the Department of Justice are united in a desire to expedite such conservation programs and to assure their development along lines which will avoid abuse.

The Office of Defense Transportation will give advice and assistance in the development of such programs. The Department of Justice will facilitate this development by reviewing such programs in advance when they are submitted to it by the Office of Defense Transportation and by indicating in advance its approval of programs which appear to be lawful under the anti-trust laws. It will likewise be available to prosecute any cases in which such programs are abused or perverted contrary to their original intent.

The two agencies will act in close cooperation in order that the readjustment of delivery systems may be as rapid and as free from abuse as possible.

### PROCEDURE FOR SUBMISSION OF PROPOSED PLANS TO THE OFFICE OF DEFENSE TRANSPORTATION

It is of paramount importance that rubber, motor vehicle equipment, and other vital materials used in the rendition of local delivery service be conserved to the greatest extent possible at the earliest possible date. Therefore, the Office of Defense Transportation recommends that the procedure outlined below be followed in establishing plans or programs which have as their sole purpose the conservation of such materials:

1. In the development of such programs the fullest possible consultation should be had with all interested or affected parties including consumer groups (insofar as they are organized).

2. In the event a joint voluntary plan of action has been adopted by any group (which plan of action in all instances should be reduced to writing and signed by all persons party thereto) and such persons desire that such plan shall be cleared by the Office of Defense Transportation and the Department of Justice, prior to the effectiveness thereof, such clearance may be procured in the following manner:

a. The plan so adopted should be immediately forwarded to Mr. John L. Rogers, Director, Division of Motor Transport, Office of Defense Transportation, Room 4211, Interstate Commerce Commission Building, Washington, D. C.

b. The plan so submitted will be reviewed by the Director and any questions which it raises under the anti-trust laws will be discussed with the Department of Justice. If the Director approves the plan and the Department of Justice sees no legal obstacle to carrying it out, it will be cleared and the persons party thereto so advised. If the plan contains provisions which the Director does not approve or which appear to violate the anti-trust laws, such persons will be advised in order that the plan may be improved and reconsidered.

3. In the event that any group desires to establish a plan for the conservation of rubber, motor vehicle equipment, or other vital materials in connection with local delivery service but are unable to agree upon the terms and provisions of such a plan, they may, if they so desire, submit such matter to the Office of Defense Transportation for such consideration and action as it shall determine to be necessary or advisable in the premises.

The Office of Defense Transportation is presently engaged in establishing regional field offices in certain of the principal cities throughout the country. As soon as such offices have been established any such conservation plan may be submitted to the Office of Defense Transportation either through

such field offices or directly to the Office of the Director of its Motor Transport Division in Washington. Until such time as such field offices have been established all such plans should be submitted directly to the Director of the Division of Motor Transport.

The Office of Defense Transportation is hopeful that all parties interested in local delivery service by motor vehicle will recognize the seriousness of the existing situation as it affects such local delivery service and that they will take prompt and effective steps in consonance of the foregoing statement in order to alleviate such situation.

APPLICABILITY OF THE ANTI-TRUST LAWS

*Views of the Department of Justice*

To aid business enterprises in working out ways to meet the shortage of facilities for the operation of local delivery systems, the Office of Defense Transportation has established a procedure for clearance of plans for the conservation of materials necessary in local delivery services.

Any action taken in accordance with a plan approved by the Office of Defense Transportation cannot be prosecuted under the anti-trust laws. It is not a conspiracy so long as it follows a plan approved or requested by the appropriate Government agency. The emergency requires that the decision of the Office of Defense Transportation that this procedure is in the interest of efficient transportation during the period of national emergency be taken as final.

Inasmuch as action to combine the operation of local delivery services must be taken quickly and often before consultation with the Office of Defense Transportation, the following statement as to the application of the anti-trust laws in such situations may be taken as a guide prior to official request or approval.

Even without specific approval, programs established during the emergency for the sole purpose of conserving rubber and other scarce materials used in local delivery services are obviously not violations of the anti-trust laws. Such violations would arise only if such programs included unreasonable restraints of trade not logically related to conservation, such as price fixing, elimination of independent businessmen, or perpetuation of inefficient systems of distribution. Certain safeguards which will make it easier to avoid unreasonable restraints of trade are set forth below in statements concerning the two most common methods used to conserve tires.

(1) *Pooling of delivery service.* This method involves joint use of the same truck to deliver goods sold by competitors each of whom formerly made separate arrangements for delivery. It eliminates duplicate mileage of delivery trucks down the same street in residential areas.

The mere establishment of a jointly used facility by a group of rival businessmen does not necessarily violate the anti-trust laws. Jointly maintained inspection departments, statistical bureaus, and similar agencies have long been operated in many industries; and in some cities large department stores have maintained a joint system of package delivery for many years. The Department of Justice sees no reason to regard joint systems of delivery during the emergency as violations of the anti-trust laws if they are established for the sole purpose of conserving rubber and are so organized that they do not in fact accomplish additional purposes of restraining trade, however:

(a) Competitors should not be excluded from the market or handicapped in their access to it by discrimination in the use of joint systems of delivery. Under ordinary circumstances, any competitor is free to set up his own delivery system or to hire the service of a commercial trucking company. The present emergency has destroyed or severely limited these alternatives. Therefore, in any situation in which the market is so small or the competitors so few that the maintenance of two or more joint delivery systems is not practicable, exclusion of any competitor from the right to use a joint system probably would amount to his exclusion from the market, and discrimination against him in service rendered or charge imposed probably would amount to joint activity to handicap him in the market. Such exclusions or handicaps probably would be in violation of the anti-trust laws.

(b) Joint delivery should not be made the excuse for joint selling activities. The merger of delivery service does not require the merger of the facilities which produce or sell the goods, the setting up of joint sales agents, nor the adoption of a single brand name to replace the separate brands formerly sold by business rivals. To extend a program of joint action in these directions is to raise issues under the anti-trust laws which are irrelevant to the central need to conserve rubber. Trades which have been accustomed to use the deliveryman as salesman and collection agent may be under especial temptation to delegate to the drivers of jointly operated trucks the functions of jointly representing concerns in selling as well as delivery. However, other arrangements for sales promotion can be worked out which involve less risk of conspiracy to raise prices; and if such joint selling schemes are adopted and unreasonable restraints upon commerce ensue, the restraints cannot be regarded as a reasonable result of the rubber shortage.

(2) *Diminishing the frequency of delivery service.* Such a program is often practicable only when jointly undertaken, because any competitor who made deliveries more frequently than his competitors would enjoy a substantial advantage which would enable him to divert trade to himself. Where such a restriction of delivery service contains no other feature than a plan to conserve rubber during the emergency by reducing tire mileage, the Department of Justice does not regard it as an unreasonable restraint of trade within the meaning of the anti-trust laws. Care should be taken, however, to avoid making this program a basis for the accomplishment of restraints not logically involved in it.

(a) Specifically, no immunity under the anti-trust laws would be afforded a group which adopted a schedule for delivery deliberately selected to handicap certain competitors by avoiding the times or dates at which these competitors would find it easiest to make deliveries.

(b) Neither would immunity be afforded a group which adopted a delivery schedule deliberately intended to handicap one group of consumers for the benefit of another. The Department would be concerned about the possibilities of abuse in plans which involved discrimination as to delivery service among groups of customers upon the basis of their wealth, past volume of purchases, or similar considerations irrelevant to the question of conserving rubber.

In the development of such programs, the fullest possible consultation with all interested competitors and with consumer groups, insofar as they are organized, in a sincere effort to take account of their needs is a persuasive indication of good faith.

(3) In any program for the conservation of tires, or other scarce materials, whatever the means which may be used, those involved should avoid an effort to use the power they attain by joint action as a basis for an organized attack upon persons who do not participate in the program. The Department would be concerned about the possibilities of abuse in plans which involved any of the following administrative characteristics:

(a) Collective attack upon other groups of retailers who, in good faith, are using different devices to conserve rubber and other scarce materials. It is clear that the reduction in delivery mileage may be achieved by various means, and that the effect to achieve it by joint action should not become an excuse for private groups to coerce their competitors into using only a single method of accomplishing this result or to deny consumers the right to favor whatever method may prove to be most convenient.

(b) Procedures to secure compliance with the conservation program which result in the coercion of a business man by his competitors or in the imposition of penalties upon him by his competitors.

[F.R. Doc. 42-13958; Filed, December 26, 1942; 10:56 a. m.]

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[General Order ODT 32]

## PART 501—CONSERVATION OF MOTOR EQUIPMENT

### SUBPART V—LOCAL DELIVERY CARRIERS IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.


501.258 Definitions.
501.259 Applicability.
501.260 General Order ODT 6 superseded in Puerto Rico.
501.261 Special deliveries, call backs, number of deliveries.
501.262 Special or general permits.
501.263 Suspension of provisions.
501.264 Loading and operating requirements.
501.265 Proposed plans for joint action.
501.266 Records and reports.
501.267 Exemptions.
501.268 Communications.
501.269 Effective date.


AUTHORITY: §§ 501.258 to 501.269, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.258 *Definitions.* As used in this order (§§ 501.258 to 501.269, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Vehicle" means any rubber-tired vehicle propelled or drawn by mechanical power or by animals;

(c) "Local carrier" includes every person engaged in the transportation of property by vehicle for compensation, or in the furtherance of or incidental to any commercial enterprise, (1) wholly within any urban zone and an area extending 24 air kilometers from the boundaries thereof; or (2) wholly within and

between contiguous urban zones, or (3) in making hauls not exceeding 24 kilometers in length;

(d) "Special delivery" means a delivery by vehicle made at the special instance or request of a particular person other than as a part of a regular scheduled delivery service;

(e) "Call backs" mean every call by a vehicle of a local carrier at the premises of any one person subsequent to the first call on any given day, and includes calls made for the sole purpose of picking up property for return to the consignor, or for making collections;

(f) "Gross weight" means the aggregate weight of a vehicle and its lading;

(g) "Rated load carrying ability" as applied to a vehicle means the weight which the tires mounted on the load-bearing wheels of such vehicle are capable of carrying as determined in the manner set forth in Appendix 1 of this order.

§ 501.259 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.260 *General Order ODT 6 superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 6, as amended,[1] in the Island of Puerto Rico.

§ 501.261 *Special deliveries, call backs, number of deliveries.* No person shall cause to be made, and no local carrier shall make:

(a) Any special deliveries except to hospitals, the armed forces of the United States, or the armed forces of Puerto Rico organized pursuant to Section 61 of the National Defense Act, as amended, and except deliveries of medicines and other supplies necessary for the protection in emergencies of the public health, life, and safety;

(b) Any call backs;

(c) More than one delivery between any one point of origin and any one point of destination, in any one calendar day, except:

(1) Special deliveries authorized by paragraph (a) of this § 501.261: *Provided, however,* That when one day's shipment or shipments to any one person exceed the capacity of a single vehicle, deliveries of such shipment or shipments shall be considered as one delivery;

(2) One delivery (in addition to the delivery authorized by the provisions of paragraph (c) of this § 501.261) of any commodity, the transportation of which requires the use of special equipment, in a vehicle specially constructed and adapted for and used exclusively in the transportation and delivery of such commodity.

§ 501.262 *Special or general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardships.

[1] 7 F.R. 3008, 3532, 4184.

§ 501.263 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.264 *Loading and operating requirements.* No local carrier shall operate any vehicle the gross weight of which exceeds its rated load carrying ability.

§ 501.265 *Proposed plans for joint action.* All joint and collective action taken by local carriers in compliance with this order shall be in conformity with the terms and provisions of the joint statement issued by the Office of Defense Transportation and the Department of Justice dated March 12, 1942, a copy of which statement is set forth in Appendix 2 of this order. In accordance with such statement, proposed plans for pooled or cooperative deliveries, for curtailing services, or for entering into other arrangements involving joint action by local carriers may, if desired, be submitted to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, for consideration and approval. In order, however, that the Office of Defense Transportation may be informed concerning plans which have been or are hereafter placed in operation without such prior submission for consideration and approval, a copy of each such plan shall be filed with said Regional Director.

§ 501.266 *Records and reports.* (a) Every local carrier subject to the provisions of § 501.261 of this order shall prepare and maintain records as to mileage performed and steps taken to comply with the requirements of that section.

(b) Every local carrier subject to this order shall prepare and maintain such records and make such reports as the Office of Defense Transportation may require.

(c) All records required by this § 501.266 shall be kept available for inspection by authorized representatives of the Office of Defense Transportation.

§ 501.267 *Exemptions.* (a) The provisions of this order shall not apply to vehicles controlled or operated by the armed forces of the United States, or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended.

(b) The provisions of § 501.261 of this order shall not apply:

(1) To vehicles operated exclusively in connection with the construction and maintenance of essential telegraph, telephone, organized radio communications, electric light and power, gas, water supply, sewage disposal, garbage disposal, and sanitation services;

(2) To a vehicle controlled and operated by any person or persons principally engaged in farming when used in the transportation of agricultural commodities and products thereof from a farm or farms, or in the transportation of farm supplies to a farm or farms;

(3) To that portion of the business of any local carrier rendered in performing pick-up and delivery service for line-haul motor, rail, express, air and water carriers, or for freight forwarders;

(4) To any motor truck while actually transporting exclusively any explosives, materials and accessories, such as ammunition, black powder, low explosives, liquid nitroglycerine, fireworks, smokeless powder, cordeau detonant, fuzes, igniters, primers or other like explosives, materials and accessories, or blasting agents and blasting accessories necessary for the use of any of said explosives;

(5) To vehicles operated exclusively for the purpose of providing pick-up and delivery of telegraphic, radio, and cable communications, and the United States mail.

§ 501.268 *Communications.* Communications concerning this order should refer to "General Order ODT 32" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.269 *Effective date.* This General Order ODT 32 shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
*Director of Defense Transportation.*

APPENDIX 1

Under the terms of § 501.258 (g) of this order, the rated load carrying ability of the tires mounted on the running wheels of a vehicle shall be determined by multiplying the number of tires mounted on the running wheels of such vehicle, of the size and description actually used, by the number of pounds appearing opposite the description of such tires in this Appendix.

*Example:* A vehicle uses 10 running tires, size 9.00–20, ten ply. The rated load carrying ability of each such tire, in pounds per tire, as shown in this Appendix is 3450. Multiply 10 (number of tires) by 3450 (rated load carrying ability of each tire). The result is 34,500 pounds, which is the "rated load carrying ability" of the vehicle as defined in § 501.258 (g).

TRUCK TYPE TIRES USED IN LOCAL CARRIER OPERATIONS

| Description of tires | | Rated load carrying ability in pounds per tire |
|---|---|---|
| Size | Number of plies | |
| 5.00-16 | 4 | 730 |
| 5.00-16 | 6 | 835 |
| 5.50-16 | 4 | 840 |
| 5.50-16 | 6 | 955 |
| 6.00-16 | 4 | 990 |
| 6.00-16 | 6 | 1,130 |
| 6.00-17 | 6 | 1,250 |
| 6.00-20 | 6 | 1,400 |
| 6.00-20/30 x 5 | 8 | 1,700 |
| 6.00-24/34 x 5 | 8 | 1,950 |
| 6.25-16 | 4 | 1,065 |
| 6.25-16 | 6 | 1,210 |
| 6.50-16 | 4 | 1,135 |
| 6.50-16 | 6 | 1,290 |
| 6.50-17 | 6 | 1,500 |
| 6.50-18 | 6 | 1,575 |
| 6.50-20 | 6 | 1,700 |
| 6.50-20/32 x 6 | 8 | 1,950 |
| Light truck 15" | 6 | 1,500 |
| Light truck 15" | 8 | 1,700 |
| 7.00-15 | 6 | 1,415 |
| 7.00-15 | 8 | 1,575 |
| 7.00-16 | 6 | 1,485 |

TRUCK TYPE TIRES USED IN LOCAL CARRIER OPERATIONS—Continued

| Description of tires | | Rated load carrying ability in pounds per tire |
|---|---|---|
| Size | Number of plies | |
| 7.00-16 | 8 | 1,650 |
| 7.00-17 | 6 | 1,550 |
| 7.00-17 | 8 | 1,725 |
| 7.00-18 | 8 | 1,800 |
| 7.00-20 | 8 | 1,930 |
| 7.00-20/32 x 6 | 10 | 2,250 |
| 7.00-24/36 x 6 | 10 | 2,575 |
| 7.50-15 | 6 | 1,595 |
| 7.50-15 | 8 | 1,825 |
| 7.50-15 | 10 | 2,225 |
| 7.50-16 | 6 | 1,660 |
| 7.50-16 | 8 | 1,850 |
| 7.50-17 | 8 | 2,000 |
| 7.50-18 | 8 | 2,100 |
| 7.50-18/32 x 7 | 10 | 2,500 |
| 7.50-20 | 8 | 2,250 |
| 7.50-20/34 x 7 | 10 | 2,700 |
| 7.50-24 | 8 | 2,550 |
| 7.50-24/38 x 7 | 10 | 3,100 |
| 8.25-15 | 10 | 2,275 |
| 8.25-15 | 12 | 2,600 |
| 8.25-16 | 6 | 1,770 |
| 8.25-16 | 8 | 2,000 |
| 8.25-18 | 10 | 2,550 |
| 8.25-18 | 12 | 2,925 |
| 8.25-20 | 10 | 2,750 |
| 8.25-20 | 12 | 3,150 |
| 8.25-22 | 10 | 2,950 |
| 8.25-24 | 10 | 3,125 |
| 8.25-24 | 12 | 3,600 |
| 9.00-15 | 10 | 2,875 |
| 9.00-15 | 12 | 3,200 |
| 9.00-18 | 10 | 3,225 |
| 9.00-18 | 12 | 3,600 |
| 9.00-20 | 10 | 3,450 |
| 9.00-20/36 x 8 | 12 | 3,850 |
| 9.00-22 | 10 | 3,675 |
| 9.00-24 | 10 | 3,925 |
| 9.00-24/40 x 8 | 12 | 4,375 |
| 10.00-15 (9.75-15) | 12 | 3,375 |
| 10.00-18 (9.75-18) | 12 | 3,775 |
| 10.00-20 (9.75-20) | 12 | 4,000 |
| 10.00-20/38 x 9 | 14 | 4,350 |
| 10.00-22 (9.75-22) | 12 | 4,275 |
| 10.00-24 (9.75-24) | 12 | 4,550 |
| 10.00-24/42 x 9 | 14 | 4,925 |
| 11.00-18 (10.50-18) | 12 | 4,200 |
| 11.00-20 (10.50-20) | 12 | 4,500 |
| 11.00-20 (10.50-20) | 14 | 4,850 |
| 11.00-22 (10.50-22) | 12 | 4,750 |
| 11.00-24 (10.50-24) | 12 | 5,000 |
| 11.00-24 (10.50-24) | 14 | 5,400 |
| 12.00-18 (11.25-18) | 14 | 5,125 |
| 12.00-20 (11.25-20) | 14 | 5,475 |
| 12.00-20/40 x 10 | 16 | 5,875 |
| 12.00-22 | 14 | 5,800 |
| 12.00-24 (11.25-24) | 14 | 6,150 |
| 12.00-24/44 x 10 | 16 | 6,600 |
| 13.00-20 (12.75-20) | 16 | 6,750 |
| 13.00-24 (12.75-24) | 16 | 7,575 |
| 14.00-20 (13.50-20) | 16 | 8,200 |
| 14.00-20 (13.50-20) | 18 | 8,700 |
| 14.00-24 (13.50-20) | 16 | 9,150 |
| 14.00-24 (13.50-24) | 18 | 9,700 |
| #10 | 6 | 1,100 |
| #11 | 6 | 1,100 |
| #12 | 6 | 1,200 |
| #13 | 6 | 1,300 |
| #14 | 6 | 1,400 |
| #15 | 6 | 1,500 |
| #16 | 6 | 1,600 |
| #17 | 8 | 1,700 |
| #18 | 8 | 1,800 |
| #19 | 8 | 1,900 |
| #20 | 10 | 2,000 |
| #22 | 10 | 2,200 |
| #28 | 10 | 2,800 |
| #34 | 10 | 3,400 |
| #40 | 12 | 4,000 |
| #42 | 12 | 4,200 |
| #44 | 12 | 4,400 |
| #48 | 12 | 4,800 |
| #50 | 12 | 5,000 |
| #52 | 12 | 5,200 |

PASSENGER TYPE TIRES USED IN LOCAL CARRIER OPERATIONS

| | | |
|---|---|---|
| 440/450-21 | 4 | 800 |
| 440/450-21 | 6 | 900 |
| 475/500-19 | 4 | 895 |
| 475/500-19 | 6 | 1,005 |
| 475/500-20 | 4 | 925 |
| 475/500-20 | 6 | 1,035 |
| 500-16 | 4 | 710 |
| 550-16 | 4 | 810 |
| 550-16 | 6 | 900 |
| 525/550-17 | 4 | 955 |
| 525/500-17 | 6 | 1,075 |
| 525/550-18 | 4 | 1,000 |

PASSENGER TYPE TIRES USED IN LOCAL CARRIER OPERATIONS—Continued

| Description of tires | | Rated load carrying ability in pounds per tire |
|---|---|---|
| Size | Number of plies | |
| 525/550-18 | 6 | 1,125 |
| 525/550-19 | 4 | 1,040 |
| 525/550-19 | 6 | 1,170 |
| 600-16 | 4 | 915 |
| 600-16 | 6 | 1,065 |
| 600-17 | 4 | 1,025 |
| 600-17 | 6 | 1,155 |
| 600-18 | 4 | 1,070 |
| 600-18 | 6 | 1,205 |
| 600-19 | 4 | 1,115 |
| 600-19 | 6 | 1,255 |
| 600-20 | 4 | 1,190 |
| 600-20 | 6 | 1,350 |
| 625-16 | 4 | 985 |
| 625-16 | 6 | 1,140 |
| 625/650-16 | 4 | 1,050 |
| 625/650-16 | 6 | 1,215 |
| 650-16 | 4 | 1,050 |
| 650-16 | 6 | 1,215 |
| 650-17 | 4 | 1,175 |
| 650-17 | 6 | 1,320 |
| 650-18 | 4 | 1,225 |
| 650-18 | 6 | 1,375 |
| 650-19 | 4 | 1,270 |
| 650-19 | 6 | 1,430 |
| 650-20 | 4 | 1,320 |
| 650-20 | 6 | 1,500 |
| 700-15 | 4 | 1,095 |
| 700-15 | 6 | 1,330 |
| 700-16 | 4 | 1,145 |
| 700-16 | 6 | 1,395 |
| 700-17 | 4 | 1,300 |
| 700-17 | 6 | 1,465 |
| 700-18 | 4 | 1,355 |
| 700-18 | 6 | 1,525 |
| 700-19 | 4 | 1,405 |
| 700-19 | 6 | 1,585 |
| 700-20 | 4 | 1,500 |
| 700-20 | 6 | 1,700 |
| 750-15 | 4 | 1,180 |
| 750-15 | 6 | 1,500 |
| 750-16 | 4 | 1,235 |
| 750-16 | 6 | 1,560 |
| 750-17 | 4 | 1,460 |
| 750-17 | 6 | 1,645 |
| 750-18 | 4 | 1,520 |
| 750-18 | 6 | 1,710 |
| 750-19 | 4 | 1,580 |
| 750-19 | 6 | 1,775 |
| 750-20 | 4 | 1,700 |
| 750-20 | 6 | 1,900 |
| 825-15 | 4 | 1,260 |
| 825-15 | 6 | 1,625 |
| 825-16 | 4 | 1,320 |
| 825-16 | 6 | 1,700 |
| 900-15 | 6 | 1,800 |
| 900-16 | 6 | 1,875 |

## APPENDIX 2

### JOINT STATEMENT BY OFFICE OF DEFENSE TRANSPORTATION AND DEPARTMENT OF JUSTICE RELATIVE TO LOCAL DELIVERY SERVICE BY MOTOR VEHICLE

The Office of Defense Transportation and the Department of Justice are currently receiving many requests from business enterprises concerning ways of conserving rubber and other vital materials in making local deliveries. Inquiries addressed to the Office of Defense Transportation ask for help and advice. The Department of Justice is receiving inquiries as to the bearing of the anti-trust laws upon voluntary collective action to conserve these materials, and likewise complaints from consumers and competitors who believe that some program proposed or already in use violates these laws.

The Office of Defense Transportation and the Department of Justice are united in a desire to expedite such conservation programs and to assure their development along lines which will avoid abuse.

The Office of Defense Transportation will give advice and assistance in the development of such programs. The Department of Justice will facilitate this development by reviewing such programs in advance when they are submitted to it by the Office of Defense Transportation and by indicating in advance its approval of programs which appear to be lawful under the anti-trust laws. It will likewise be available to prosecute any cases in which such programs are abused or perverted contrary to their original intent.

The two agencies will act in close cooperation in order that the readjustment of delivery systems may be as rapid and as free from abuse as possible.

#### PROCEDURE FOR SUBMISSION OF PROPOSED PLANS TO THE OFFICE OF DEFENSE TRANSPORTATION

It is of paramount importance that rubber, motor vehicle equipment, and other vital materials used in the rendition of local delivery service be conserved to the greatest extent possible at the earliest possible date. Therefore, the Office of Defense Transportation recommends that the procedure outlined below be followed in establishing plans or programs which have as their sole purpose the conservation of such materials:

1. In the development of such programs the fullest possible consultation should be had with all interested or affected parties including consumer groups (insofar as they are organized).

2. In the event a joint voluntary plan of action has been adopted by any group (which plan of action in all instances should be reduced to writing and signed by all persons party thereto) and such persons desire that such plan shall be cleared by the Office of Defense Transportation and the Department of Justice, prior to the effectiveness thereof, such clearance may be procured in the following manner:

a. The plan so adopted should be immediately forwarded to Mr. John L. Rogers, Director, Division of Motor Transport, Office of Defense Transportation, Room 4211, Interstate Commerce Commission Building, Washington, D. C.

b. The plan so submitted will be reviewed by the Director and any questions which it raises under the anti-trust laws will be discussed with the Department of Justice. If the Director approves the plan and the Department of Justice sees no legal obstacle to carrying it out, it will be cleared and the persons party thereto so advised. If the plan contains provisions which the Director does not approve or which appear to violate the anti-trust laws, such persons will be advised in order that the plan may be improved and reconsidered.

3. In the event that any group desires to establish a plan for the conservation of rubber, motor vehicle equipment, or other vital materials in connection with local delivery service but are unable to agree upon the terms and provisions of such a plan, they may, if they so desire, submit such matter to the Office of Defense Transportation for such consideration and action as it shall determine to be necessary or advisable in the premises.

The Office of Defense Transportation is presently engaged in establishing regional field offices in certain of the principal cities throughout the country. As soon as such offices have been established any such conservation plan may be submitted to the Office of Defense Transportation either through such field offices or directly to the Office of the Director of its Motor Transport Division in Washington. Until such time as such field offices have been established all such plans should be submitted directly to the Director of the Division of Motor Transport.

The Office of Defense Transportation is hopeful that all parties interested in local delivery service by motor vehicle will recognize the seriousness of the existing situation as it affects such local delivery service and that they will take prompt and effective steps in consonance of the foregoing statement in order to alleviate such situation.

APPLICABILITY OF THE ANTITRUST LAWS

*Views of the Department of Justice*

To aid business enterprises in working out ways to meet the shortage of facilities for the operation of local delivery systems, the Office of Defense Transportation has established a procedure for clearance of plans for the conservation of materials necessary in local delivery services.

Any action taken in accordance with a plan approved by the Office of Defense Transportation cannot be prosecuted under the anti-trust laws. It is not a conspiracy so long as it follows a plan approved or requested by the appropriate Government agency. The emergency requires that the decision of the Office of Defense Transportation that this procedure is in the interest of efficient transportation during the period of national emergency be taken as final.

Inasmuch as action to combine the operation of local delivery services must be taken quickly and often before consultation with the Office of Defense Transportation, the following statement as to the application of the anti-trust laws in such situations may be taken as a guide prior to official request or approval.

Even without specific approval, programs established during the emergency for the sole purpose of conserving rubber and other scarce materials used in local delivery services are obviously not violations of the anti-trust laws. Such violations would arise only if such programs included unreasonable restraints of trade not logically related to conservation, such as price fixing, elimination of independent businessmen, or perpetuation of inefficient systems of distribution. Certain safeguards which will make it easier to avoid unreasonable restraints of trade are set forth below in statements concerning the two most common methods used to conserve tires.

(1) *Pooling of delivery service.* This method involves joint use of the same truck to deliver goods sold by competitors each of whom formerly made separate arrangements for delivery. It eliminates duplicate mileage of delivery trucks down the same street in residential areas.

The mere establishment of a jointly used facility by a group of rival businessmen does not necessarily violate the anti-trust laws. Jointly maintained inspection departments, statistical bureaus, and similar agencies have long been operated in many industries; and in some cities large department stores have maintained a joint system of package delivery for many years. The Department of Justice sees no reason to regard joint systems of delivery during the emergency as violations of the anti-trust laws if they are established for the sole purpose of conserving rubber and are so organized that they do not in fact accomplish additional purposes of restraining trade, however:

(a) Competitors should not be excluded from the market or handicapped in their access to it by discrimination in the use of joint systems of delivery. Under ordinary circumstances, any competitor is free to set up his own delivery system or to hire the service of a commercial trucking company. The present emergency has destroyed or severely limited these alternatives. Therefore, in any situation in which the market is so small or the competitors so few that the maintenance of two or more joint delivery systems is not practicable, exclusion of any competitor from the right to use a joint system probably would amount to his exclusion from the market, and discrimination against him in service rendered or charge imposed probably would amount to joint activity to handicap him in the market. Such exclusions or handicaps probably would be in violation of the anti-trust laws.

(b) Joint delivery should not be made the excuse for joint selling activities. The merger of delivery service does not require the merger of the facilities which produce or sell the goods, the setting up of joint sales agents, nor the adoption of a single brand name to replace the separate brands formerly sold by business rivals. To extend a program of joint action in these directions is to raise issues under the anti-trust laws which are irrelevant to the central need to conserve rubber. Trades which have been accustomed to use the deliveryman as salesman and collection agent may be under especial temptation to delegate to the drivers of jointly operated trucks the functions of jointly representing concerns in selling as well as delivery. However, other arrangements for sales promotion can be worked out which involve less risk of conspiracy to raise prices; and if such joint selling schemes are adopted and unreasonable restraints upon commerce ensue, the restraints cannot be regarded as a reasonable result of the rubber shortage.

(2) *Diminishing the frequency of delivery service.* Such a program is often practicable only when jointly undertaken, because any competitor who made deliveries more frequently than his competitors would enjoy a substantial advantage which would enable him to divert trade to himself. Where such a restriction of delivery service contains no other feature than a plan to conserve rubber during the emergency by reducing tire mileage, the Department of Justice does not regard it as an unreasonable restraint of trade within the meaning of the anti-trust laws. Care should be taken, however, to avoid making this program a basis for the accomplishment of restraints not logically involved in it.

(a) Specifically, no immunity under the anti-trust laws would be afforded a group which adopted a schedule for delivery deliberately selected to handicap certain competitors by avoiding the times or dates at which these competitors would find it easiest to make deliveries.

(b) Neither would immunity be afforded a group which adopted a delivery schedule deliberately intended to handicap one group of consumers for the benefit of another. The Department would be concerned about the possibilities of abuse in plans which involved discrimination as to delivery service among groups of customers upon the basis of their wealth, past volume of purchases, or similar considerations irrelevant to the question of conserving rubber.

In the development of such programs, the fullest possible consultation with all interested competitors and with consumer groups, insofar as they are organized, in a sincere effort to take account of their needs is a persuasive indication of good faith.

(3) In any program for the conservation of tires, or other scarce materials, whatever the means which may be used, those involved should avoid an effort to use the power they attain by joint action as a basis for an organized attack upon persons who do not participate in the program. The Department would be concerned about the possibilities of abuse in plans which involved any of the following administrative characteristics:

(a) Collective attack upon other groups of retailers who, in good faith, are using different devices to conserve rubber and other scarce materials. It is clear that the reduction in delivery mileage may be achieved by various means, and that the effort to achieve it by joint action should not become an excuse for private groups to coerce their competitors into using only a single method of accomplishing this result or to deny consumers the right to favor whatever method may prove to be most convenient.

(b) Procedures to secure compliance with the conservation program which result in the coercion of a business man by him by his competitors or in the imposition of penalties upon him by his competitors.

[F. R. Doc. 42-13959; Filed, December 26, 1942; 10:56 a. m.]

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[General Permit ODT 16-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART F—FREIGHT SHIPMENTS VIA PORTS IN THE UNITED STATES

Pursuant to the authority conferred by paragraph (a), § 502.48 of General Order ODT 16:

It is hereby authorized, That:

§ 522.653 *Property consigned to supply officers of the United States Navy.* Notwithstanding the provisions of General Order ODT 16 [1] permits shall not be required with respect to the shipment of any property consigned to supply officers of the United States Navy at freight terminals or Navy Yards, or to supply depots controlled and operated by the United States Navy located in any port area.

This General Permit ODT 16-1 shall become effective on December 24, 1942, and shall expire on January 15, 1943.

Issued at Washington, D. C., this 24th day of December 1942.

V. V. BOATNER,
*Director of Railway Transport.*
HENRY F. MCCARTHY,
*Director of Traffic Movement.*

[F. R. Doc. 42-13962; Filed, December 26, 1942; 11:33 a. m.]

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## *Notices*

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## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. C-23]

THE GREAT NORTHERN RAILWAY CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of The Great Northern Railway Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at Giffen Mine of The Great Northern Railway Company in District No. 22 having been filed by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937;

*Now, therefore, it is 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 February 11, 1943, at 10 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 of the Division will advise as to the room where such hearing will be held.

*It is further ordered,* That Charles S. Mitchell or any other officer or officers

[1] 7 F.R. 5194.

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 said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity desiring to be admitted as a party to the proceedings herein and eligible under section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division shall file a petition for intervention not later than fifteen (15) days after the date of the issuance of this notice of and order for hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this notice of and order for hearing, the applicant or other party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

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 application, other matters incidental and related thereto, which may be raised by amendment to the application, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of The Great Northern Railway Company pursuant to the second paragraph of section 4–A of the Act for a determination of the status of the coal produced at its Giffen Mine in District No. 22. The said applicant alleges that such coal is exempt from section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: December 24, 1942.

[SEAL] DAN H. WHEELER,
*Director.*

[F. R. Doc. 42–14044; Filed, December 28, 1942; 12:02 p. m.]

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## General Land Office.

[Public Land Order 69]

### COLORADO

### ORDER WITHDRAWING PUBLIC LAND FOR USE OF THE FOREST SERVICE IN CONNECTION WITH ADMINISTRATION OF UNCOMPAHGRE NATIONAL FOREST

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141–143), and section 1 of the act of June 28, 1934, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Colorado is hereby temporarily withdrawn from settlement, location, sale, and entry, and reserved for use by the Forest Service, Department of Agriculture, as a site for powder and cap magazines and for roadway purposes, in connection with the administration of the Uncompahgre National Forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 51 N., R. 12 W.,
Sec. 27, S½NE¼SW¼, NE¼SE¼SW¼.
The area described contains 30 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of the Secretary of the Interior of April 8, 1935, establishing Grazing District No. 3, Colorado, so far as it affects the above-described lands.

ABE FORTAS,
*Acting Secretary of the Interior.*

DECEMBER 15, 1942.

[F. R. Doc. 42–14021; Filed, December 28, 1942; 10:52 a. m.]

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

### LEARNER EMPLOYMENT CERTIFICATES

### NOTICE OF ISSUANCE

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 December 28, 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*

Arkay Pants Company, 110 Chace Street, Fall River, Massachusetts; Mackinaws, boys' suits and snow suits; 10 percent (T); December 28, 1943.

Forest City Mfg. Company, 1641 Washington Ave., St. Louis, Missouri; Dresses: 10 percent (T); December 28, 1943.

Forest City Mfg. Company, 701 West Main St., Collinsville, Ill.; Dresses; 10 percent (T); December 28, 1943.

William F. Fretz and Son, Bedminster, Pennsylvania; U. S. Army Trousers, Men's civilian trousers; 10 learners (T); December 28, 1943.

William F. Fretz and Son, Pipersville, Pennsylvania; U. S. Army, Civilian trousers; 10 learners (T); December 28, 1943.

William F. Fretz and Son, Doylestown, Pennsylvania; U. S. Army and civilian trousers; 10 learners (T); December 28, 1943.

Ware Shoals Manufacturing Company, Ware Shoals, South Carolina; Men's

shirts; 10 percent (T); December 28, 1943.

West Plains Manufacturing Company, 5 East Main Street, West Plains, Missouri; Overalls, one-piece suits for U. S. Army, Pants; 10 learners (T); December 28, 1943.

Isadore Spivak and Company, Broad & Carpenter Sts., Philadelphia, Pa.; Men's work pants; 6 learners (T); December 28, 1943.

*Glove*

The Trion Company, Trion, Georgia; Work Gloves; 5 percent (T); December 28, 1943.

*Hosiery*

James Knitting Mills, 25th St., Hickory, North Carolina; Seamless hosiery; 5 learners (T); December 28, 1943.

*Textile*

Phoenix Hosiery Company, 320 East Buffalo Street, Milwaukee, Wisconsin; Yarn & thread; 5 learners (T); December 28, 1943.

Ware Shoals Mfg. Company, Ware Shoals, South Carolina; Grey goods; diapers, pillow cases, bandoleers; 3 percent (T); December 28, 1943.

Signed at New York, N. Y., this 24th day of December 1942.

MERLE D. VINCENT,
*Authorized Representative of the Administrator.*

[F. R. Doc. 42-13941; Filed, December 26, 1942; 9:52 a. m.]

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LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 28, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Art Pearl Works, 125 Van Buren Street, Newark, New Jersey; Buttons and novelties; 3 learners; four weeks; 35 cents per hour; Driller, finisher, frazer and turner; March 8, 1943.

Eaton Paper Corporation, South Church Street, Pittsfield, Massachusetts; Paper products; 20 learners; four weeks for machine operators and four weeks for hand operations; 33 cents per hour; June 28, 1943.

Flamingo Garment Manufacturing Co., Inc., 1419 S. W. 22nd Ave., Miami, Florida; Mosquito Bars for U. S. Gov't.; 8 learners; 160 hours; 25 cents per hour; machine operator; June 28, 1943.

Signed at New York, N. Y., this 24th day of December, 1942.

MERLE D. VINCENT,
*Authorized Representative of the Administrator.*

[F. R. Doc. 42-13942; Filed, December 26, 1942; 9:52 a. m.]

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EMBROIDERIES INDUSTRY

POSTPONEMENT OF ORAL ARGUMENT, ETC.

Notice of postponement of dates for oral argument before the Administrator and for submission of written briefs in the matter of the recommendation of Industry Committee No. 45 for a minimum wage rate in the embroideries industry and the prohibition, restriction or regulation of home work in such industry.

Whereas, notice was published in the FEDERAL REGISTER on December 18, 1942, stating that the Administrator of the Wage and Hour Division will receive written briefs on or before January 11, 1943, at the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at the hearing in the matter of the report and recommendation of Industry Committee No. 45 concerning minimum wage rates for the embroideries industry, and will hear oral argument upon the record of said hearing insofar as it relates to the prohibition, restriction, or regulation of home work in the embroideries industry on January 15, 1943, at 10 A. M., at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing, provided that on or before January 11, 1943, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require for his presentation, and

Whereas, it has been found necessary to postpone the final date for filing briefs and the date for oral argument in said matter,

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than twelve copies) on the matter at issue in this proceeding on or before January 19, 1943, at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at said hearing, and will hear oral argument upon the record of said hearing insofar as it relates to the prohibition, restriction or regulation of home work in the embroideries industry, on January 26, 1943, at 10 a. m., at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing: *Provided*, That on or before January 19, 1943, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at New York, New York, this 23d day of December 1942.

L. METCALFE WALLING,
*Administrator.*

[F. R. Doc. 42-13943; Filed, December 26, 1942; 9:52 a. m.]

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JEWELRY MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of the restriction of industrial home work in the jewelry manufacturing industry—Proposed amendment to Title 29, Chapter V, Code of Federal Regulation, Part 607 and § 607.100 with respect to clients of State vocational rehabilitation agencies and sheltered workshops.

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor by Part 607, Chapter V, Title 29, Code of Federal Regulations, issued a wage order for the jewelry manufacturing industry, establishing for such industry a minimum wage rate of 40 cents per hour, effective November 3, 1941, published in the FEDERAL REGISTER October 18, 1941; and

Whereas, the Administrator by §§ 607.100 to 607.112, Chapter V, Title 29, Code of Federal Regulations, issued regulations applicable to the employment of industrial home workers in the jewelry manufacturing industry, pursuant to sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938, effective November 3, 1941, published in the FEDERAL REGISTER on October 18, 1941; and

Whereas, the above-mentioned wage order provides in § 607.3 as follows:

> No work in the jewelry manufacturing industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment, except by such persons as have obtained special home-work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the jewelry manufacturing industry prior to July 1, 1941, and is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home;

and

Whereas, the above-mentioned regulations provide for the issuance of certificates authorizing employment in industrial home work in the jewelry manufacturing industry to any worker who, in accordance with § 607.103 thereof, is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his

presence is required to care for an invalid in the home, provided such worker

(1) Was engaged in industrial home work in the jewelry manufacturing industry prior to July 1, 1941;

and

Whereas, the Sheltered Workshop Advisory Committee has petitioned the Administrator to allow the issuance of certificates authorizing employment in industrial home work in the jewelry manufacturing industry to any worker who is under the supervision of a State Vocational Rehabilitation Agency or of a sheltered workshop in accordance with the above-mentioned wage order and regulations, notwithstanding that such worker was not employed in industrial home work in the jewelry manufacturing industry prior to July 1, 1941, as required by §§ 607.3 and 607.103 (1) thereof, respectively; and

Whereas, provisions similar to those requested by the Sheltered Workshop Advisory Committee have been incorporated in the wage order for, and regulations applicable to the employment of home workers in, the Women's Apparel Industry (Part 605 and § 605.100, Chapter V, Title 29, Code of Federal Regulations), knitted outerwear industry (Part 617 and § 617.100, Chapter V, Title 29, Code of Federal Regulations), gloves and mittens industry (Part 621 and § 621.100, Chapter V, Title 29, Code of Federal Regulations) and button and buckle manufacturing industry (Part 625 and § 625.100, Chapter V, Title 29, Code of Federal Regulations):

Now, therefore, notice is hereby given to all interested persons of the opportunity to show cause on or before January 21, 1943, why § 607.3 of the wage order for, and § 607.103 of the regulations applicable to the employment of home workers in the jewelry manufacturing industry should not be amended as follows:

§ 607.3 *Restriction of home work.* No work in the jewelry manufacturing industry, as defined in §§ 607.5 and 607.6, shall be done in or about a home, apartment, tenement, or room in a residential establishment, except by such persons as have obtained special home work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the jewelry manufacturing industry prior to July 1, 1941, or is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop, as defined in § 525.1, and who is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home;

§ 607.103 *Terms and conditions for the issuance of certificates.* If the application is in proper form and sets forth facts showing that the worker

(a) (1) Was engaged in industrial home work in the jewelry manufacturing industry prior to July 1, 1941; or

(2) Is or will be engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop, as defined in § 525.1; and

(b) Is unable to adjust to factory work because of age or physical or mental disability; or

(c) Is unable to leave home because the worker's presence is required to care for an invalid in the home,

a certificate may be issued authorizing the applicant employer to employ the worker in industrial home work in the jewelry manufacturing industry.

No home worker shall perform industrial home work for more than one employer in the jewelry manufacturing industry, but home work employment in another industry shall not be a bar to the issuance of a certificate for the jewelry manufacturing industry.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and should be filed with the Administrator not later than January 21, 1943.

Signed at New York, N. Y., this 23d day of December 1942.

L. METCALFE WALLING,
*Administrator.*

[F. R. Doc. 42-13944; Filed, December 26, 1942; 9:53 a. m.]

## BOARD OF ECONOMIC WARFARE

### F AND B MANUFACTURING CO., ET AL.

### ORDER DENYING LICENSING PRIVILEGES

Pursuant to Part 807 of the Regulations adopted under section 6 of the Act of July 2, 1940, the Chief of the Trade Intelligence Division of the Export Control Branch, Office of Exports, has charged the F & B Manufacturing Company, Automotive Export Association, Inc., W. J. O'Hara, Export Manager, and Julio Carrillo, Export Manager (hereinafter referred to as respondents) with violations of proclamation number 2475 authorizing the control of certain exports issued in part under the authority of said section, in matters relating to export control and within the jurisdiction of the Board of Economic Warfare. The respondents have filed a written answer to the charges above set out.

The Compliance Commissioner, duly designated under § 807.1 of the aforesaid regulations, has reviewed the record and filed his findings of fact and recommendations in the matter. The following facts have been found:

That F & B Manufacturing Company is engaged in the business of manufacturing automotive replacement parts. It has its principal place of business at 4248 West Chicago Avenue, Chicago, Illinois.

W. J. O'Hara and Julio Carrillo are export managers for said company.

That Automotive Export Association, Inc., is a corporation, having its principal place of business at 2305 North Crawford Avenue, Chicago, Illinois. It is the agent in charge of the foreign business of F & B Manufacturing Company; W. J. O'Hara is the export manager of said corporation.

The F & B Manufacturing Company filed applications for licenses to export ignition contact sets for the account of Sr. N. Glezer as follows:

(a) Application No. 498233, dated April 11, 1942, for permission to export 1,000 replacement Ford ignition sets, valued at $380. This application was rejected on April 16, 1942.

(b) Application No. 527901, dated April 21, 1942, for exportation of 5,000 Tungsten point contact sets for Ford motor vehicles, no value given. This application was rejected on April 28, 1942.

(c) Application No. 566134, dated April 28, 1942, for exportation of 1,000 ignition contact point sets, valued at $380. This application was rejected on May 2, 1942.

(d) Application No. 572798, dated April 30, 1942, for exportation of 1,000 replacement Ford ignition contact sets valued at $380. This application was rejected on May 22, 1942.

April 25, 1942, Sr. N. Glezer wrote Julio Carrillo, export manager of F & B Manufacturing Company as follows:

VIA AIR MAIL

APRIL 25, 1942.

Mr. JULIO CARRILLO,
*2305 N. Crawford Ave.,*
*Chicago, Ill.*

This order is to be delivered via Parcel Post. Parcels of 60 sets daily as per instructions in letter. 2% c/payment.

1,200 Contact sets 70-71-73 at .40 $480.00

p. p. (s) N. GLEZER.
Naum Glezer.

APRIL 25DE 1942.

Sr. JULIO CARRILLO,
*2305 N. Crawford Av.,*
*Chicago, Ill.*

Attached a new order for contacts to be shipped as follows:

We know that parcel post to the value up to $25 do not require Export License and therefore we hope you will have no objection in sending us daily a package of 60 sets of contacts, as per order.

To avoid loss of time, you may consign to the

Banco de Londres y Mexico, S. A., Suc. No. 2, Calzada de la Piedad No. 10, Mexico, D. F.

or else send the packages C. O. D. deducting the 5% for cash payment.

* * * * *

P. D. If you accept sending a package daily I agree to send you every day a check for $22.80 after deducting 5% cash.

May 2, 1942, Automotive Export Association, Inc., wrote to F & B Manufacturing Co. as follows:

Automotive Export Association, Incorporated, 2305 N. Crawford Avenue, Chicago, Illinois.

To: F & B Manufacturing Co., 4248 West Chicago Ave., Chicago, Ill.

Export Order No. 8784-FRG-8

1200 only No. 70-71-73 Contact Point Sets $.40 $480.00

To be shipped as follows:

One package of 60 sets on each of the following dates:

May 8, 11, 15, 18, 22, 25, 29, June 1, 5, 6, 12, 15, 19, 22, 26, 29, July 3, 6, 10, 13.

Mark each package—

No. 8784-1, 8784-2, 8784-3, etc.

Also: "Covered by General License G-17" "Dept. of Com. 7923.00"

Also: Seal each package with tape.

Account of: Mr. N. Glezer, Bucareli #137, Mexico City, Mexico.

Terms of Payment: 5% cash discount, payment upon receipt of invoice by Mr. Glezer in this country.

Shipping Instructions: Ship at once Via Parcel Post Insured.

Mr. N. Glezer, Bucareli #137, Mexico City, Mexico.

Automotive Export Association (1936) Inc.
(S) W. J. O'Hara.

Under date of May 7, 1942, Jose G. Merino, Mexican agent of the respondents, wrote F & B Manufacturing Company, as follows:

In order to have my order book correctly numbered I have assigned Number 83 to the order which Mr. N. Glezer placed with you during his visit in Chicago and of which your letter of May 1 is the contract, according to copy which you sent me.

I hope that as per this his letter, you can send all the articles together, although, if this is not possible, by parcel post and in limited quantities so that you do not run the risk of having the license cancelled. * * *

Under date of May 14, 1942, Jose G. Merino wrote F & B Manufacturing Company as follows:

Thank you for the copy of your letter dated the 8th of the present month, addressed to Mr. N. Glezer, Mexico, advising him that, in accordance with his instructions, you will ship twice a week under license G–17, parcels of plates in the amount of $25.00, having already made the first shipment as per copy of your invoice No. 2062.

I see that if this procedure is all right, we must follow it until completing at least the orders that we have in the mail for so many customers, since Washington has refused permits for large parcels.

Since we see that this procedure is the best that there is, I have just talked with Mr. Casso who tells me to request you to also send plates 70–71–738 twice a week and others that they have on order at your factory in the amounts of $25.00, allowing you to draw a check for that value, or else you can send them directly and tell them the amount of the invoice and then they will send a check immediately for each invoice. He says that he approves in advance and without hesitation anything that you do and hope that Mr. Carrillo will do his best, but that plates be sent him by mail in that manner, twice or three times a week.

Miguel Acevedo, whose order you have there, also tells me that he approves that his order be sent by mail in $25.00 lots each week. Therefore, I beg that you begin to send to these customers and if possible to others also. Since we know that when least expected, we may be completely cut off, it is best that our customers be sent their orders in that manner. For others send by mail to the Bank with draft on sight. * * *.

Under date of May 21, 1942, Jose G. Merino received the following letter in reply to his communication of May 14, 1942:

This is in reply to yours dated May 14, in which you suggest that the orders for Mr. Casso, for which licenses were rejected, be sent by parcel post at a value of not more than $25.00 each. This is very well and I will keep it in mind, but at the moment we shall wait to see if we are granted the license which we requested the second time writing Washington a long letter with all sorts of explanation. If they reject it, then we will begin to send by parcel post.

* * * * *

The shipments by parcel post to Glezer have continued without interruption. Tomorrow I will make the fifth one and will send him five invoices to Long Beach and, upon receipt of the payment, I will send your commission check.

The F & B Manufacturing Company filed applications for licenses to export auto ignition parts for the account of Productos Casso as follows:

Application No. 525968, dated April 21, 1942, for exportation of 700 ignition contact point sets, valued at $248.00. This application was rejected on April 25, 1942.

Application No. 538755, dated April 23, 1942, for exportation of 23 voltage regulators and 5 coils, valued at $77.25. This application was rejected on May 4, 1942.

Application No. 565120, dated April 30, 1942, for exportation of 700 ignition contact sets, valued at $248.50. This application was rejected on May 18, 1942.

Application No. 566442, dated May 2, 1942, for exportation of 600 ignition contact sets valued at $237. This application was rejected on May 21, 1942.

The F & B Manufacturing Company filed applications for licenses to export auto ignition parts for the account of Benito Singer-Continental Autometriz as follows:

Application No. 603655, dated May 12, 1942, for exportation of ignition contact points, starter points, brush sets, bushings, coils and distributor caps, valued at $167.76. This application was rejected on May 19, 1942.

Application No. 657654, dated May 26, 1942, for exportation of 500 ignition contact points for Fords, and 60 ignition coils for Fords, valued at $311.60. This application was rejected on June 19, 1942.

Under date of May 22, 1942, F & B Manufacturing Co. wrote Jose G. Merino as follows:

I refer to your letter of the 14th with reference to the orders for which licenses have been rejected. We also had thought of making shipments of these orders by mail and we are already preparing to carry them out.

We shall wait to have Washington receive the resolutions since all those rejections are immediately appealed. Therefore, as soon as we receive definite answer, we shall proceed to comply with shipments by mail if the appeals are rejected, or by freight or according to your instructions if the appeals are granted. Within about ten days, therefore, we hope to begin the arduous task of dividing the orders into packages of $25.00 in order to be able to ship them. * * *

Under date of May 29, 1942, Jose G. Merino wrote F & B Manufacturing Company, attention Mr. Carrillo, which letter reads *inter alia* as follows:

I have received your letter dated the 22nd in which you tell me that if the orders that were rejected and on which there was an appeal made, are not granted, then you will ship beginning this week, all of this in $25.00 packages. I am aware of the arduous work that all these restrictions have made for you, and I greatly appreciate in advance, friend Carrillo, your help so that we can begin to ship everything that is pending before they raise the ante on us on G–17 since the number of parcel post packages that are reaching the Mexican market through this route and by this regulation is so large that soon it is going to be noticed and they might make some amendments. Before it happens one must take advantage from day to day, moment after moment, of this value that has permitted an exit for our orders. * * *

Under date of June 20, 1942, a communication was addressed to Jose G. Merino, which sets forth *inter alia* the following:

Received complaint from Postal Department which indicates that the F & B misinterpreted the law since they have been shipping too many packages by parcel post at $25.00 when they should not send more than one package to each customer per month and then these should be complete orders, that is, that an order of $300.00 can not be divided into 12 orders but that 12 orders of $25.00 each must be received.

He says that since everything seems to be in such a muddle and since the date of writing is Saturday that they will have to wait until Monday to start an investigation at his end as soon as possible. He also advises that all importers, especially Ford and Chevrolet agents, get together and present a strong protest.

The Compliance Commissioner has found that F & B Manufacturing Company, Automotive Export Association, Inc., W. J. O'Hara, Export Manager, Julio Carrillo, Export Manager, respondents in the above entitled case, violated section 6 of the Act of July 2, 1940, and the Export Control Regulations of the Board of Economic Warfare, in particular subparagraph c, of paragraph d, page 79 of Comprehensive Export Control Schedule No. 7, by filling orders for ignition parts in excess of $25.00 by partial shipments of thirty-seven (37) packages by registered parcel post under general license G–17, between the dates of May 7, 1942, and June 15, 1942, to Sr. N. Glezer, Bucareli #137, Mexico City, Mexico, Srs. Casa Corona, Bucareli #55, Mexico City, Mexico, Sr. Benito Singer, Continental Automotriz, Correjidora #142, Mexico City, Mexico, and Srs. Productos Casso, 4a Milan #44, Mexico City, Mexico.

Upon consideration of the record, Findings of Fact and Recommendations, in this matter, *It is hereby ordered*, That:

F & B Manufacturing Company, Automotive Export Association, Inc., W. J. O'Hara, Export Manager, and Julio Carrillo, Export Manager, and any person, association, or organization acting on behalf of, or for the account of them, are denied the privilege of obtaining individual export license and the use of any general or unlimited license for any exportation whatsoever from the United States, until January 16, 1943.

The Respondents may appeal in writing to the Assistant Director in charge of the Office of Exports provided the appeal is taken within ten (10) days after receipt of this order.

(Sec. 6, 54 Stat. 74, Public Laws, 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. ZIEGLER,
*Colonel, J. A. G. D.*
*Acting Chief, Export Control Branch,*
*Office of Exports.*

NOVEMBER 24, 1942.

[F. R. Doc. 42–13954; Filed, December 26, 1942; 10:49 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-428]

NORTHERN NATURAL GAS COMPANY

NOTICE OF APPLICATION

DECEMBER 23, 1942.

Notice is hereby given that on November 16, 1942, Northern Natural Gas Company filed an application with the Federal Power Commission, pursuant to section 7 of the Natural Gas Act, as amended, requesting a certificate of public convenience and necessity authorizing the sale of natural gas to Northern States Power Company for mixing with artificial gas and resale in the cities of St. Paul, South St. Paul, West St. Paul and Rosetown, Minnesota.

This service is now being rendered, and it replaces the reduction of approximately 500,000 cubic feet of gas per day in Northern Natural Gas Company's supply of coke oven gas obtained from Koppers Company.

Any protests to the granting of this application should be filed with the Federal Power Commission, Washington, D. C., on or before January 8, 1943.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 42-13900; Filed, December 24, 1942; 2:41 p. m.]

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## FEDERAL TRADE COMMISSION.

[Docket 1574]

FEDERAL TRADE COMMISSION V. STANDARD EDUCATION SOCIETY, ET AL.

ORDER APPOINTING EDWARD W. THOMERSON TO REPRESENT THE COMMISSION

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1942.

In the matter of Federal Trade Commission, petitioner, v. Standard Education Society, et al., respondents.

This matter being at issue before the United States Circuit Court of Appeals for the Second Circuit, and pursuant to an order of said Court in its decree entered under date of May 20, 1938, wherein the aforesaid Court appointed and designated the Federal Trade Commission, Special Master, to take evidence and report to said Court upon the question of whether respondents have complied with the provisions of the order to cease and desist as affirmed, or modified and affirmed, and set out in said decree of said Court entered under date of May 20, 1938, and the Commission having appointed John W. Norwood, a trial examiner of the Commission to act for and in behalf of the Federal Trade Commission, Special Master, for the purpose of taking testimony and receiving evidence in this proceeding as directed by said order of said Court;

*It is ordered,* That Edward W. Thomerson, an attorney of this Commission be, and he is hereby, designated to act for and in behalf of the Federal Trade Commission, Special Master, in conducting hearings before said John W. Norwood and in carrying out said order of said Court.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 42-14042; Filed, December 28, 1942; 11:55 a. m.]

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[Docket 1574]

FEDERAL TRADE COMMISSION V. STANDARD EDUCATION SOCIETY, ET AL.

ORDER APPOINTING JOHN W. NORWOOD TO TAKE TESTIMONY, ETC.

At a regular session of the Federal Trade Commision, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1942.

In the matter of Federal Trade Commission, petitioner, v. Standard Education Society, et al., respondents.

Order appointing John W. Norwood to take testimony and receive evidence in behalf of the Federal Trade Commission, Special Master.

This matter being at issue before the United States Circuit Court of Appeals for the Second Circuit, and pursuant to an order of said Court in its decree entered under date of May 20, 1938, wherein the aforesaid Court appointed and designated the Federal Trade Commission, Special Master, to take evidence and report to said Court upon the question of whether respondents have complied with the provisions of the order to cease and desist as affirmed, or modified and affirmed, and set out in said decree of said Court entered under date of May 20, 1938.

*It is ordered,* That John W. Norwood, a trial examiner of this Commission, be and he is hereby designated to act for and in behalf of The Federal Trade Commission, Special Master, for the purpose of taking testimony and receiving evidence in this proceeding, as directed by said order of said Court.

Upon the completion of the taking of testimony and evidence as herein ordered, the said John W. Norwood will then submit his report thereon to the Federal Trade Commission, Special Master, together with a transcript of the proceeding before him.

*It is further ordered,* That the said John W. Norwood, be and is hereby directed to proceed promptly to set dates for the taking of testimony and receiving of evidence and to expedite the aforesaid proceedings consistent with reason and good judgment.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 42-14043; Filed, December 28, 1942; 11:55 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 339]

CERTAIN REAL PROPERTY IN OAKLAND, CALIFORNIA, OWNED BY GIACOMO GUERRINI AND DOMENI GUERRINI

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Giacomo Guerrini and Domeni Guerrini, his wife, and each of them, the last known address of both of whom was represented to the undersigned as being in Italy, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, in the City of Oakland, County of Alameda, State of California, and particularly described as follows:

Lots 9 and 10 in block 630, as said lots and block are shown on the "Map of Adeline Street Lots, being Redivision of Blocks 630 and 631, City of Oakland", filed November 29, 1875, in the office of the County Recorder of Alameda County,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy), and determining that to the extent that either or both 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 (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, 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" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 6, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42-14031; Filed, December 28, 1942; 10:58 a. m.]

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[Vesting Order 344]

93.33% OF THE CAPITAL STOCK OF M. A. IRMISCHER, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows: 84 shares (which constitute a substantial part, namely, 93.33%, of all outstanding shares) of no par value common capital stock of M. A. Irmischer, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, which shares are registered in the names of the following persons as trustees for Walter F. Irmischer:

| Names: | *Number of shares* |
|---|---|
| Hubert Kolip | 40 |
| Max A. Irmischer | 44 |
| Total | 84 |

is owned by or held for the benefit of Walter F. Irmischer, whose last known address was represented to the undersigned as being Saalfeld, Thueringia, Germany, and therefore is property of, and represents control of said business enterprise which is, a national of a designated enemy country (Germany); and

(b) That the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Max A. Irmischer, whose last known address was represented to the undersigned as being Saalfeld, Thueringia, Germany, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by said M. A. Irmischer, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

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 a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, 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 November 7, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42-14027; Filed, December 28, 1942; 10:57 a. m.]

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[Vesting Order 346]

70% OF THE CAPITAL STOCK OF AMERLUX STEEL CORPORATION

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:

(a) Finding that Comptoir Metallurgique Luxembourgeois "Columeta" (hereinafter referred to as "Columeta"), whose last known address was represented to the undersigned as being Luxembourg, G. D., is owned and controlled by the Societte des Aliers Réunies de Burbach Eich Dudelange (hereinafter referred to as "Arbed") whose last known address was represented to the undersigned as being Luxembourg, G. D., and that Hector Dieudonne, whose last known address was represented to the undersigned as being Luxembourg, G. D., is controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of Columeta or Arbed;

(b) Finding that said Arbed is controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country, and therefore determining that Arbed is a national of said designated enemy country (Germany);

(c) Determining, therefore, that Columeta and Hector Dieudonne are nationals of the aforesaid designated enemy country (Germany);

(d) Finding that said Columeta and Hector Dieudonne are the owners of 699 shares and 1 share, respectively, of $100 par value common stock of Amerlux Steel Corporation, a California corporation, San Francisco, California, which is a business enterprise within the United States and which 700 shares constitute a substantial part, namely, 70%, of the outstanding capital stock of said business enterprise and represent control thereof, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Germany);

(e) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(f) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(g) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of stock described in subparagraph (d), 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 November 7, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42-14024; Filed, December 28, 1942; 10:56 a. m.]

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[Vesting Order 352]

80.49% OF THE PREFERRED STOCK AND 66.08% OF THE COMMON STOCK OF INTERNATIONAL MORTGAGE & INVESTMENT CORPORATION

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:

12,074 shares of 7% cumulative preferred stock and 19,825 shares of common stock (which constitute substantial parts, namely, 80.49% and 66.08%, respectively, of all the outstanding shares of preferred and common stock) of International Mortgage & Investment Corporation, a Maryland corporation, New York, New York, which is a business enterprise within the United States, registered in the names and in the respective amounts

and classes set forth in Exhibit A attached hereto and made a part hereof,

is owned by or held for the benefit of Hardy & Co., G. m. b. H., whose last address was represented to the undersigned as being Berlin, Germany, and therefore is property of a national, and represents control of said business enterprise which is a national, of a designated enemy country (Germany), 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 (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest 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 meaning prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 11, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

Exhibit A

| Names | Number of shares | |
|---|---|---|
| | Common | 7% cumulative preferred |
| Salkold & Co | | 9,300 |
| Theodore H. Thiesing | | 4 |
| Hallgarten & Co | | 250 |
| J. W. Seligman & Co | | 20 |
| Hardy & Co. G. m. b. H | 19,825 | 600 |
| Unknown | | 1,900 |
| Totals | 19,825 | 12,074 |

[F. R. Doc. 42–14023; Filed, December 28, 1942; 10:56 a. m.]

[Vesting Order 374]

ALL OF THE CLASS A COMMON CAPITAL STOCK OF EASTERN TRICOSAL COMPANY, INCORPORATED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Dr. Ferdinand A. Kertess, New York, New York, is controlled by or acting or purporting to act directly or indirectly for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country;

(b) Determining, therefore, that said Dr. Ferdinand A. Kertess is a national of the aforesaid designated enemy country;

(c) Finding that said Dr. Ferdinand A. Kertess is the owner of 30 shares of $100 par value Class A common stock of Eastern Tricosal Company, Incorporated, a New York corporation, New York, New York, which is a business enterprise within the United States and which 30 shares constitute all the outstanding voting stock of said corporation, and therefore determining that such business enterprise is a national of a designated enemy country (Germany);

(d) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of stock described in paragraph (c), 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 November 18, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42–14029; Filed, December 28, 1942; 10:57 a. m.]

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[Vesting Order 375]

ALL OF THE CAPITAL STOCK OF PROTINOL PRODUCTS, INCORPORATED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Dr. Ferdinand A. Kertess, New York, New York, is controlled by or acting or purporting to act directly or indirectly for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country;

(b) Determining, therefore, that said Dr. Ferdinand A. Kertess is a national of the aforesaid designated enemy country;

(c) Finding that said Dr. Ferdinand A. Kertess is the owner of 100 shares of no par value common stock of Protinol Products, Incorporated, a New York corporation, New York, New York, which is a business enterprise within the United States and which 100 shares constitute all the outstanding capital stock of said corporation, and therefore determining that such business enterprise is a national of a designated enemy country (Germany);

(d) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of stock described in paragraph (c), 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 November 18, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42-14028; Filed, December 28, 1942; 10:57 a. m.]

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[Vesting Order 388]

CERTAIN REAL PROPERTIES IN WASHINGTON, D. C., AND CERTAIN SAVINGS ACCOUNTS IN THE RIGGS NATIONAL BANK OF WASHINGTON, D. C., OWNED BY GASPERO LUCCHESI

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:

(a) That the property described as follows: All right, title, interest and estate, both legal and equitable, of Gaspero Lucchesi and Antonietta Lucchesi, his wife, and each of them, the last known address of both of whom was represented to the undersigned as being in Lucca Precando per Boveglio Toscana, Italy, in and to those certain parcels of real property, together with all fixtures, improvements and appurtenances thereto, situated:

(1) At 3420 14th Street NW., Washington, D. C., and particularly described as follows: Lot numbered Five hundred and six (506) in George C. and Frank E. Altemus' subdivision of a certain lot in Bukers subdivision of part of "Mount Pleasant" as per plat of said Altemus' subdivision recorded in Book 44 page 164 in the Surveyor's Office of the District of Columbia; Subject to a perpetual right of way over the rear 5 feet by the full width of said lot for alley purposes for the benefit of lots 509 to 512; and

(2) At 2159 P Street NW., Washington, D. C., and particularly described as follows: Part of original lot numbered seven (7) in square numbered sixty-seven (67) now known as lot numbered forty-seven (47) in Anna and Isaac Kriksteine subdivision of lots in said square as said subdivision is recorded in the Surveyor's Office of the District of Columbia, in Book 39 Page 74 together with the perpetual right of way for alley purposes (which covenant shall run with the land) over a strip of land three feet in width extending within and bordering the north line of the lot adjoining on the east of said lot numbered forty-seven (47) and thence at right angles for a similar width of three feet along the east line of said adjoining lot, southwardly to the north side of P street Northwest,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy); and

(b) That the property described as follows:

(1) Savings account, No. 2183, in The Riggs National Bank of Washington, D. C., which savings account is due and owing to, and held for, Gaspero Lucchesi and carried in the name of Gaspero Lucchesi; and

(2) Savings account, No. 24976, in The Riggs National Bank of Washington, D. C., which savings account is due and owing to, and held for, Gaspero Lucchesi and carried in the name of Guiseppe Giuliani, Agent for Gaspero Lucchesi.

is property within the United States owned or controlled by a national of a designated enemy country (Italy), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in subparagraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

and determining that to the extent that either or both 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 (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, 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" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42-14032; Filed, December 28, 1942; 10:58 a. m.]

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[Vesting Order 393]

THE ULTRA CORPORATION

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:

(a) Finding that Arthur Leverkus, whose last known address was represented to the undersigned as being Cologne, Germany, is a national of a designated enemy country (Germany);

(b) Finding that Arthur Leverkus is the owner of 200 shares of no par value capital stock of The Ultra Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, and which 200 shares of stock constitute all of the outstanding capital stock of said business enterprise and represent ownership thereof; and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Germany);

(c) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(d) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(e) Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph (b), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in 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, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42-14030; Filed, December 28, 1942; 10:58 a. m.]

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[Vesting Order 424]

UNDERWOOD TYPEWRITER OWNED BY JAPANESE FOREIGN TRADE BUREAU, HOUSTON, TEXAS, AND IN POSSESSION OF SUPERVISING CUSTOM AGENT, HOUSTON, TEXAS

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:

One Underwood typewriter No. M5025175, having a 12-inch carriage and a stand, presently in the possession of Mr. W. J. Harmon, Supervising Custom Agent, 907 Federal Office Building, Houston, Texas.

is property within the United States owned by the Japanese Foreign Trade Bureau, Houston, Texas, which is a sole proprietorship owned or controlled by Iyeteda Ishahara (alien detention camp), a citizen of Japan, and which, therefore, is a national of a designated enemy country (Japan), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, 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" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 1, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

[F. R. Doc. 42-14026; Filed, December 28, 1942; 10:57 a. m.]

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[Vesting Order 475]

PROPERTY OF HEREIN NAMED INTERNED ENEMY ALIENS

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 in Schedules 1 and 2 hereunto attached and by reference made a part hereof, is property within the United States of the persons respectively named in said Schedules, and determining that such persons, having been interned or detained within the United States pursuant to law, are nationals of designated enemy countries as set forth in said Schedules, and determining that the national interest of the United States requires that such persons be treated as nationals of such designated enemy countries, 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 special accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 10, 1942.

[SEAL] LEO T. CROWLEY,
*Alien Property Custodian.*

SCHEDULE NO. 1

Name: Paul Karl Breitenfelder and Caroline Breitenfelder, (alias Lena Schnoor, and Linchen Schnoor) Ellis Island District File No. 99613-2127. Last address: 559 Main Street, East Orange, New Jersey. Place of internment: Camp Seagoville, Texas.

*Finding of Nationality*

The above designated persons having been interned as potentially dangerous alien enemies pursuant to an Order of Internment dated August 5, 1942, it is determined that the national interest of the United States requires that they be treated as nationals of a designated enemy country (Germany).

*Description of Property*

(a) The stock of goods on hand and the furniture, fixtures and all other personal property owned by Paul Karl Breitenfelder and Caroline Breitenfelder (alias Lena Schnoor and Linchen Schnoor), or either of them, individually or jointly, and located in the store at 36-A Prospect Street, East Orange, New Jersey, known as the Apex Delicatessen, and in the apartment immediately behind said store, including one refrigerated show case approximately eight feet long, one counter, one scale, one slicing machine, and a safe, together with the contents thereof.

(b) The furniture, fixtures and all other personal property owned by Paul Karl Breitenfelder and Caroline Breitenfelder (alias Lena Schnoor and Linchen Schnoor) and located in the second-floor apartment on the premises at 559 Main Street, East Orange, New Jersey, presently occupied by one Madeleine Chamberlain.

(c) Certain jewelry, the exact whereabouts of which is unknown, and which is owned by Paul Karl Breitenfelder and Caroline Breitenfelder (alias Lena Schnoor and Linchen Schnoor).

Names: Adolph Simsich and Peter Eugene Simsich, doing business as Adolph Simsich & Son. Ellis Island District File Nos.: Adolf Simsich: 99613-2723 Peter Eugene Simsich: 99613-2594. Last address: 176 Nostrand Avenue, Brooklyn, New York. Place of internment: Originally both were interned at Fort George Meade, Maryland, Peter Simsich as of October 23, 1942, and Adolf Simsich as of November 9, 1942.

*Finding of Nationality*

The above designated persons having been interned as potentially dangerous alien enemies, it is determined that the national interest of the United States requires that they be treated as nationals of a designated enemy country (Italy).

*Description of Property*

(a) Certain machinery, and other personal property contained in a machine shop known as "General Machine Shop" located at 860 Bedford Avenue, Brooklyn, New York, a list of which machinery is set forth in Exhibit A.

(b) A La Salle four-door sedan automobile Model $4050, bearing New York State License No. 7C 28-01, for 1942, owned by Peter Eugene Simsich, and located at 860 Bedford Avenue, Brooklyn, New York.

*Comments*

The machinery described in Exhibit A is of strategic importance to the war effort. It was used by Adolph Simsich and Peter Eugene Simsich, prior to their detention, in the fulfillment of a sub-contract awarded by the Navy Department, for making parts to be used on naval destroyers.

EXHIBIT A OF SCHEDULE NO. 2

1. Machines:

One South Bend Lathe, 15-inch Swing, 6-foot Bed.

One Seneca Falls Lathe, 11-inch Swing, 4-foot Bed.

One Garvin Hand Screw Machine, 1¼-inch collect capacity, with twenty-two collets from ⅛th inch to 1¼ inch inclusive, with Rickert and Schaefer automatic self-opening threading head, acorn threading heads and dies and box toolholders for forming tools.

One Brown and Sharpe Milling Machine with Dividing Head, Arbors and Cutters.

One "Kwick Way" Piston Grinder, with piston cutting attachment, mushroom and tappet grinding attachments, valve grinding attachments, reamer grinding attachments and commutator undercutting attachment.

One Kent-Moore Valve refacing Grinder with Westinghouse electric motor.

One Universal Tool Grinder, with General Electric motor.

One Sioux flexible shaft grinder with two flexible shafts.

One United States Electrical Tool Co. Bench Grinder, #184556.

One Hoffer Drill Press, 20-inch capacity, No. 3 Morse Taper in spindle.

One Burke Drill Press.

One Power Hacksaw.

One Kellog Air Compressor.

One Hydraulic Press, 25-ton capacity.

One ⅜ inch Silex Portable Electric Drill.
Two sets of Greenfield Stocks and Dies, 1¼-inch to ¾-inch including U. S. S. and S. A. E.
One Block and Fall "Yale", capacity one-half ton.
One International Welding and Cutting Equipment.
Two Hall Crank Pin Returning Tools.
One Cylinder Reboring Bar.
One Cam-cutting Device.
2. Small tools:
About one hundred reamers, consisting of expansion-, shell-, solid- and taper-reamers.
Twist drills, circular saws, involute milling cutters, end mills, grinding wheels, high speed steel tool bits, carboloy tipped tool bits, taps and dies.
Three 12-inch by 12-inch surface plates.
Two vise, assorted files.
Three work benches with drawers.
One large tool cabinet.
3. Blacksmith equipment:
One Oil Forge.
One Anvil.
One forming plate.
Hammers, tongues, chisels, punches and forming tools.
4. Body and fender repair tools:
One Spraying Equipment.
One One-Ton Hydraulic Floor Jack, rolling type.
One Five-Ton "Hy Lift" Bus Jack.
Dollies, hammers, files, socket-, box-, and open wrenches, Stillson wrenches, paints.
5. Measuring instruments:
Box of Micrometers: Starrett, Slocomb and Simplex.
*Outside:* from 1 inch to 6 inch; *Outside* from 3 inch to 12 inch. Depth micrometer, 2 inch; depth gage; thread gage; tachometer; Protractor; Square; inside and outside calipers.
6. Engines:
One one-cylinder Diesel.
One six-cylinder Diesel.
One used 6-cylinder Continental Gasoline Motor.
One used 6-cylinder Continental Motor.
One 12-cylinder Cadillac Motor.
One four cycle Lycoming Motor.
One two cycle Leroy Motor.
7. Electric motors:
One each of the following: ¼ HP; ½ HP; 1 HP; 1½ HP.
8. Steel stock:
Round-, square-, and hexagon cold rolled steel bars.
Angle iron and chrome steel tubing. Aggregate weight: one ton.
Steel and Brass Scrap.
One 22-foot steel boat frame.

[F. R. Doc. 42-14025; Filed, December 28, 1942; 10:56 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[General Order 42]

### Delegation of Authority to Regional Administrators

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125 and War Production Board Directive No. 1 as supplemented, the following order is prescribed:

(a) *Order delegating authority to issue suspension orders to Regional Administrators.* The Regional Administrators of the Office of Price Administration for Regions I, II and IV, are each authorized, within their respective regions, to determine whether any person has violated Ration Order No. 5A—Gasoline Rationing Regulations or Ration Order No. 5C—Mileage Rationings: Gasoline Rationing Regulations, and to issue such suspension orders and take such other action as may be appropriate in the premises.

(b) Subject to the authority of Paul M. O'Leary, Deputy Administrator in Charge of Rationing, to consider and determine petitions for reconsideration of suspension orders issued hereunder, any decision made, order issued or other action taken by said Regional Administrators pursuant to this delegation of authority shall have the same force and effect as if made, issued or taken by the Administrator.

(c) Nothing herein contained shall impair or affect the delegation of authority made in General Order No. 28 of July 15, 1942.[1]

(d) This Order shall take effect this 24th day of December, 1942.

(Pub. Laws 421, 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. No. 1, 7 F.R. 562; W.P.B. Supp. Dir. No. 1H, 7 F.R. 3478, 3877, 5216; W.P.B. Supp. Dir. No. 1Q, 7 F.R. 8121.)

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13919; Filed, December 24, 1942; 2:57 p. m.]

[Amendment 5 to Administrative Notice 1]

### Oliver Farm Equipment Co.

ORDER GRANTING EXCEPTION

During the fall and winter of 1941–1942, when the Office of Price Administration requested manufacturers of a wide variety of machines and parts not to increase prices, such manufacturers were advised that exceptions would be considered where maintenance of requested prices caused undue hardship. A certain number of exceptions have been granted to manufacturers filing applications supported by proper data. A list of these exceptions is contained in Administrative Notice No. 1 and four amendments thereto.

By inadvertence Oliver Farm Equipment Company, Charles City, Iowa was not included in the Administrative Notice and the amendments thereto.

Pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, As Amended, and Executive Order No. 9250, *It is hereby ordered,* That:

An exception be granted to Oliver Farm Equipment Company, Charles City, Iowa permitting that Company to sell, offer to sell and deliver the following industrial tractors and power units at the maximum prices set forth below:

| Product | List No. | Maximum prices |
|---|---|---|
| Tractor Engines when sold as complete power units. | PD-404 | January 1, 1942 Prices. |
| Model "35" industrial tractor. | PD-413 | February 2, 1942 Prices. |
| Model "25" industrial tractor. | PD-414 | February 3, 1942 Prices. |
| Model "50" industrial tractor. | PD-420 | February 14, 1942 Prices. |

[1] 7 F.R. 5498, 9909.

The Price Administrator hereby confirms the granting of this exception.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13920; Filed, December 24, 1942; 3:03 p. m.]

[Order 2 Under RPS 67]

### Bilgram Gear and Machine Works

ORDER GRANTING IN PART AND DENYING IN PART

Order No. 2 Under Revised Price Schedule No. 67—New Machine Tools.

In the matter of Bilgram Gear & Machine Works—Docket No. 3067-39.

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, as amended, and Executive Order No. 9250 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) Bilgram Gear & Machine Works of Philadelphia, Pennsylvania is hereby authorized to carry out a contract entered into with the War Department, Philadelphia Ordnance District, dated August 26, 1942, No. W-670-Ord-2975, Requisition U. K. No. 53793 for the manufacture and sale of four machines described below at a price not in excess of the following price:

| | *Applicant's new maximum price* |
|---|---|
| 6-inch bevel gear generator | $6345 |

(b) To the extent that the application for adjustment filed by the Bilgram Gear & Machine Works with the Office of Price Administration on October 16, 1942 has been denied, the applicant may, within 15 days after the date on which this Order was mailed to it, request the Price Administrator to review such order of denial in the manner provided by Procedural Regulation No. 6.

(c) Unless a request for review is filed, the contract entered into by the Bilgram Gear & Machine Works with the War Department, Philadelphia Ordnance District, dated August 26, 1942, at the price requested in the application shall be revised in accordance with the terms of this Order.

(d) Within 30 days after the date on which this Order was mailed to it, the applicant shall file a statement with the Office of Price Administration, Washington, D. C., to the effect that the contract entered into with the War Department, Philadelphia Ordnance District, dated August 26, 1942, has been revised in accordance with the terms of this Order.

(e) This Order No. 2 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 2 shall become effective December 26, 1942.

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

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13921; Filed, December 24, 1942; 3:00 p. m.]

[Order 5 Under RPS 84]

GOAT METAL STAMPINGS, INCORPORATED

APPROVAL OF MAXIMUM PRICES

Order No. 5 Under Revised Price Schedule No. 84—Radio Receiver and Phonograph Parts.

Approval of maximum prices of new radio parts for Goat Metal Stampings, Incorporated.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Goat Metal Stampings, Inc., is authorized to sell, offer to sell, or deliver the following new parts at prices, exclusive of federal excise tax, f. o. b. seller's point of shipment, no higher than those specified below, subject to discounts, allowances, and terms no less favorable to the purchaser than those customarily granted by it:

| | | |
|---|---|---|
| $8.49/M plus | G-179D | Plate (R. S. Pl. Ni.) |
| $5.00 S. U. $4.55/M | G-453AB | Cut Nickel (R. S. Pl. Ni.) |
| $5.03/M | G-467 | Plate (D. A. Pl. Ni.) |
| $3.89/M | G-588U | Shield (C. R. S.) |
| $7.63/M | G-695A | Screen (R. S. Peyt. Ni.) |
| $4.52/M | G-695J | Screen (Repro. Perf. Ni. Pl. St.) |
| $6.10/M | G-712H | Plate (Karb. Fe) |
| $34.79/M | G-818F | Plate (Karb. Fe) |
| $23.50/M | G-999B-2 | Plate (Carb. Ni.) |
| $15.84/M | G-1217F | Cup (Pl. Ni.) |
| $3.93/M | G-1251C | Plate (C. R. S.) |
| $3.00/M | G-1307 | Cup (Sp. St.) |
| $15.80/M | G-1458B | Wire (Moly.) |
| $15.71/M | G-1458C | Wire (Ni.) |

(b) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 5 shall become effective on the 26th day of December 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13923; Filed, December 24, 1942; 3:00 p. m.]

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[Order 112 Under MPR 120]

RAILROAD FUEL

ORDER GRANTING ADJUSTMENTS

Order No. 112 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket Nos. 3120-234, 3120-254, 3120-262, 3120-267.

For the reasons set forth in an opinion issued simultaneously herewith, and 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 § 1340.207 (e) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals in Size Group 20, produced by the Moore Coal Company, Knoxville, Tennessee at the Moore Mine, Mine Index No. 344, District No. 8, and sold to the Southern Railway for use as stationary boiler fuel may be sold and purchased at not more than $1.80 per net ton f. o. b. the mine.

(b) Coals in Size Group 3 produced by C. A. Hughes & Company, Cresson, Pennsylvania at the Hughes No. 2 Mine, Mine Index No. 217, District No. 1, and sold to the Monongahela Connecting Railroad Company for railroad fuel use may be sold and purchased at not more than $3.35 per net ton f. o. b. the mine.

(c) Coals in Size Group 15 produced by Luzerne-Graham Mining Corporation, Greenville, Kentucky at the Graham Mine, Mine Index No. 35, District No. 9, and sold to the Illinois Central System for central station use may be sold and purchased at not more than 85 cents per net ton f. o. b. the mine.

(d) Coals in Size Group 3 produced by Johnstown Coal and Coke Company, Johnstown, Pennsylvania at the Manor No. 1 Mine, Mine Index No. 309, in District No. 1, and sold to the Western Maryland Railway Company for railroad fuel use may be sold and purchased at not more than $2.55 per net ton f. o. b. the mine.

(e) Coals in Size Group 6 produced by Williams Coal Company, Junior, West Virginia, by Antolini Coal Company, Harding, West Virginia and by John T. Fallon, Belington, West Virginia at the following mines, respectively, in District No. 3—at the Swamp Run Mine, Mine Index No. 786; at the Antolini Mine, Mine Index No. 507; and at the Elbon Mine, Mine Index No. 1231—and sold to Western Maryland Railway Company for railroad fuel use may be sold and purchased at not more than $2.20 per net ton f. o. b. the mine.

(f) Coals produced in District No. 8 and sold to the Savannah and Atlanta Railway Company for railroad locomotive fuel may be sold and purchased at prices not to exceed $2.30 per net ton for resultant run of mine coals larger than 2½" x 0 but not exceeding 6" x 0, and not to exceed $2.50 for run of mine coals.

(g) All prayers of the petitions not granted herein, are hereby denied.

(h) This Order No. 112 may be revoked or amended by the Price Administrator at any time.

(i) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(j) This Order No. 112 shall become effective December 26, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13915; Filed, December 24, 1942; 3:05 p. m.]

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[Order 113 Under MPR 120]

BLACK DIAMOND COAL MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 113 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-259.

For the reasons set forth in an opinion issued simultaneously herewith and 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 § 1340.207 (e) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coal produced at the Blocton No. 9 Mine (Mine Index No. 9), District No. 13, of the Black Diamond Coal Mining Company, Birmingham, Alabama, may be sold to, and purchased by, the Southern Railway Company for use as railroad fuel at prices not to exceed $2.80 per net ton, f. o. b. the mine;

(b) This Order No. 113 may be revoked or amended by the Price Administrator at any time;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This Order No. 113 shall become effective as of August 11, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13916; Filed, December 24, 1942; 3:05 p. m.]

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[Order 114 Under MPR 120]

HILLS CREEK COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 114 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-243.

For the reasons set forth in an Opinion issued simultaneously herewith and 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 § 1340.207 (e) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Washed coal in the 3" x 0 size produced at the Hills Creek Mine (Mine Index No. 11), District No. 13, of the Hills Creek Coal Company, Birmingham, Alabama, may be sold to, and purchased by, the Alabama Great Southern Railroad Company for use as railroad fuel at prices not to exceed $2.80 per net ton, f. o. b. the mine;

(b) This Order No. 114 may be revoked or amended by the Price 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 § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 114 shall become effective as of August 20, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13917; Filed, December 24, 1942; 3:06 p. m.]

[Order 115 Under MPR 120]

HENRY CLAY COAL MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 115 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–311.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coal in Size Groups 6 and 7 produced at the Scotch Hill Mines (Mine Index Nos. 1, 50, 78, 81, 86, 90, 143, 144, 1015, 254, 256, 260, 263, 265, 268, 269, 270, 273, 274, 276, 277, 279, 280, and 284) all of District No. 3, of the Henry Clay Coal Mining Company, 1101 Colonial Building, Philadelphia, Pennsylvania, may be sold and purchased for shipment by rail at prices per net ton, f. o. b. the mine not to exceed $2.40 and $2.30, respectively;

(b) All prayers of the petition not granted herein are denied;

(c) Within thirty (30) days from the effective date of this Order, the said Henry Clay Coal Mining Company shall inform all persons purchasing its coal of the adjustments granted in this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 115 shall become effective December 26, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–13918; Filed, December 24, 1942; 3:05 p. m.]

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[Rev. Order 36 Under MPR 120]

DEER CREEK COAL COMPANY

ORDER GRANTING ADJUSTMENT

Revised Order No. 36 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–196.

Granting adjustment to Steve Bennis doing business as Deer Creek Coal Company.

Order No. 36 under Maximum Price Regulation No. 120 is hereby amended and revised to read as set forth below:

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, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120: *It is ordered:*

(a) Coals in Size Groups 2, 3, 10, 11, 12 and 14, produced by Steve Bennis, doing business as the Deer Creek Coal Company, at the Deer Creek Mine, Mine Index No. 749, located in Logan County, Illinois, District No. 10, may be sold and purchased at prices not to exceed the following prices per net ton, f. o. b. the mine, for shipment by truck or wagon:

| Size group: | *Maximum price* |
|---|---|
| 2 | $3.50 |
| 3 | 3.25 |
| 10 | 2.75 |
| 11 | 2.75 |
| 12 | 2.75 |
| 14 | 1.60 |

(b) Within 30 days from the effective date of this Order, the said Steve Bennis shall notify all persons purchasing his coals of the adjustments granted by paragraph (a) of this Revised Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Revised Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Revised Order No. 36 may be revoked or amended by the Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Revised Order No. 36 shall become effective December 26, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–13924; Filed, December 24, 1942; 3:05 p. m.]

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[Order 3 Under MPR 121]

DIXIE MODERN COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 3 Under Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered From Producing Facilities—Docket No. 3121–25.

For the reasons set forth in the opinion issued simultaneously herewith and 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 § 1340.247a (b) of Maximum Price Regulation No. 121, *It is hereby ordered:*

(a) Briquettes produced by the Dixie Modern Coal Company at its plant in Fort Smith, Arkansas, may be sold and purchased at prices not to exceed $5.50 per ton, f. o. b. plant, for direct car lot sales and $5.00 per ton, f. o. b. plant, for car lot sales to brokers.

(b) Within thirty (30) days from the effective date of this Order the said Dixie Modern Coal Company shall notify all persons purchasing its briquettes of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of briquettes the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.248 of Maximum Price Regulation No. 121 shall apply to terms used herein.

(f) This Order No. 3 shall become effective December 24, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–13922; Filed, December 24, 1942; 3:04 p. m.]

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[Order 93 Under MPR 188]

CORNING GLASS WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 93 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers Goods Other Than Apparel.

Approval of maximum prices for sales by Corning Glass Works of Pyrex beaded and sanitary piping.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Corning Glass Works is authorized to sell and deliver Pyrex beaded and sanitary piping, manufactured by it, at prices no higher than those set forth below:

| | *Per 10-foot length* |
|---|---|
| 1½" Outside diameter | $6.50 |
| 2" Outside diameter | 9.50 |

subject to discounts from these base prices for various sizes, quantity purchases, and classes of purchasers in accordance with the schedules on file with the Office of Price Administration.

(b) This Order No. 93 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 93 to Maximum Price Regulation No. 188 shall become effective December 26, 1942.

(d) Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–13908; Filed, December 24, 1942; 3:02 p. m.]

[Order 94 Under MPR 188]

OXFORD-PRINT

APPROVAL OF MAXIMUM PRICE

Order No. 94 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Oxford-Print, of a new motion toy.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Oxford-Print, Colby Street, Medford, Massachusetts, is authorized to sell and deliver its new motion toy, designated as "Carnival Merry-go-round", at prices to retailers, f. o. b. Medford, Massachusetts, no higher than $2.05 per dozen.

(b) This Order No. 94 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 94 shall become effective on the 26th day of December 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13909; Filed, December 24, 1942; 3:01 p. m.]

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[Order 95 Under MPR 188]

QUEEN CITY PRINTING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 95 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Queen City Printing Company of a new cardboard airplane.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Queen City Printing Company, 311 Sycamore Street, Cincinnati, Ohio, is authorized to sell and deliver its new toy cardboard airplane designated as "Puppet Plane" to its exclusive purchaser, Glenn W. Isgrig, at prices, f. o. b. Cincinnati, Ohio, no higher than 2¢ per unit.

(b) This Order No. 95 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 95 shall become effective on the 26th day of December 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13910; Filed, December 24, 1942; 2:57 p. m.]

[Order 96 Under MPR 188]

KROEHLER MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 96 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices of wood shelving for Kroehler Manufacturing Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Kroehler Manufacturing Company of Naperville, Illinois, may sell and deliver to Lyon Metal Products, Inc., Aurora, Illinois the wood shoprobes, lockers and cabinets listed in Kroehler Manufacturing Company's letter to the Office of Price Administration, Washington, D. C., dated November 18, 1942, which is on file with the Office of Price Administration, at prices no higher than those set forth in said letter.

(b) This Order No. 96 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 96 under § 1499.158 of Maximum Price Regulation No. 188 shall become effective December 24, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13911; Filed, December 24, 1942; 3:00 p. m.]

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[Order 97 Under MPR 188]

MCCRAY REFRIGERATOR COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 97 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices of wood shelving for McCray Refrigerator Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) McCray Refrigerator Company of Kendallville, Indiana, may sell and deliver to Lyon Metal Products, Inc., Aurora, Illinois the wood shelving listed in McCray Refrigerator Company's letter to the Office of Price Administration, Washington, D. C., dated October 9, 1942, which is on file with the Office of Price Administration, at prices no higher than those set forth in said letter.

(b) This Order No. 97 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 97 under § 1499.158 of Maximum Price Regulation No. 188 shall become effective December 24, 1942.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13912; Filed, December 24, 1942; 2:59 p. m.]

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[Order 103 Under MPR 188]

CAST IRON FIREPLACE GRATES

APPROVAL OF MAXIMUM PRICES

Order No. 103 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturer's Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Temporary maximum prices for cast iron fireplace grates first sold after December 21, 1942.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 103 sets maximum prices for sales of cast iron fireplace grates first sold after December 21, 1942. The Order is temporary. No sales or deliveries may be made under its authority after the 1st day of April, 1943.

Listed below are the maximum prices for sales by manufacturers, wholesalers, and retailers. The grates are classified according to weight. Fractions of pounds are to be rounded up or down to the nearest pound, in applying the table.

| Weight of grate | Factory to jobber price | Factory to retailer price | Wholesale price | Retail price |
|---|---|---|---|---|
| 28-30 lbs. (inclusive) | $2.90 | $3.60 | $3.80 | $7.00 |
| 25-27 lbs. (inclusive) | 2.60 | 3.25 | 3.45 | 6.25 |
| 22-24 lbs. (inclusive) | 2.30 | 2.90 | 3.05 | 5.60 |
| 19-21 lbs. (inclusive) | 2.00 | 2.50 | 2.65 | 4.85 |
| 15-18 lbs. (inclusive) | 1.70 | 2.15 | 2.30 | 4.15 |

(1) The price listed under "factory to jobber" in the above table is the maximum price for sales by the manufacturer to wholesalers or jobbers. The price is f. o. b. factory.

(2) The price listed under "factory to retailer" in the above table is the maximum price for sales by the manufacturer to retailers. The price is f. o. b. factory.

(3) The maximum price listed under "wholesale price" in the above table is the maximum price for sales at wholesale by a person other than the manufacturer. The price is f. o. b. the seller's point of shipment.

(4) The price listed under "retail price" in the above table is the maximum price for sales at retail.

(b) Before delivery to any purchaser for resale, the manufacturer shall attach to each grate a tag or label which

plainly states the retail ceiling price of the grate. For example, a statement in the following form on a grate weighing thirty pounds would be sufficient: "Retail Ceiling Price $7.00. Selling Price ---------." The tag or label shall not be detached until the grate has been delivered to the consumer.

(c) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum price set by this Order for resales by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 103 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(f) This Order No. 103 shall become effective on the 24th day of December 1942, and shall terminate on the 1st day of April 1943.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13913; Filed, December 24, 1942; 3:03 p. m.]

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[Order 104 Under MPR 188]

## IRON AND STEEL FIREPLACE GRATES

### APPROVAL OF MAXIMUM PRICES

Order No. 104 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel Materials.

Maximum prices for fireplace grates made of welded steel or iron scrap.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 104 applies to all fireplace grates made of welded steel or iron scrap which weigh 26 to 30 pounds, inclusive. Set forth below are the maximum prices for sales by the manufacturer, wholesalers, and retailers. However, these prices may be charged only if the manufacturer attaches to the grate the written warranty described in paragraph (b). If the manufacturer does not make the warranty, the maximum prices for sales by the manufacturer, wholesalers, and retailers shall be computed by deducting 15% from the prices set forth below.

(1) For sales by the manufacturer, the maximum price is $5.00, f. o. b. factory.

(2) For sales at wholesale by a person other than the manufacturer, the maximum price is $6.25, f. o. b. seller's point of shipment.

(3) For sales at retail, the maximum price is $10.00.

(b) The maximum prices set forth above can be charged only if the manufacturer sells the grate with a written warranty in the following form:

---------- (Insert name of manufacturer) the manufacturer of this grate, warrants to the retailer and to any person buying from him that it is fit for burning coal or wood in a fireplace.

The warranty shall be attached to the grate by the manufacturer and shall not be detached until after the grate has been delivered to the consumer.

(c) Before delivery of a grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states that the retail ceiling price of the grate is $10.00. The tag or label shall not be detached until the grate has been delivered to the consumer.

(d) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum price set by this Order for resales by the purchaser. This notice may be given in any convenient form.

(e) This Order No. 104 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(g) This Order No. 104 shall become effective on the 24th day of December 1942 and shall terminate on the 1st day of April 1943.

Issued this 24th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13914; Filed, December 24, 1942; 3:02 p. m.]

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[Rev. Order 7 Under MPR 120]

## MASTELLER COAL COMPANY

### ORDER GRANTING ADJUSTMENT

Revised Order No. 7 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket Nos. 1120-6-P and 1120-56-P.

Granting adjustment to Masteller Coal Company and closing the Protest Docket 1120-56-P.

Order No. 7 under Maximum Price Regulation No. 120 is hereby revised and amended to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith and 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 § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) *Granting adjustment.* (1) Coal in Size Groups 1, 3 and 4 produced by the Masteller Coal Company, Keyser, West Virginia, at its Hampshire No. 9 Mine (Mine Index No. 196), District No. 1, may be sold and purchased for shipment by all methods of transportation except truck or wagon at prices per net ton, f. o. b. the mine, not to exceed $3.25, $2.95 and $2.85, respectively;

(2) Within 30 days from the effective date of this Revised Order, the said Masteller Coal Company shall notify all persons purchasing its coal of the adjustments granted by paragraph (a) of this Revised Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Revised Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to conditions stated in Maximum Price Regulation No. 122.

(b) *Closing protest docket.* Since the adjustment made by paragraph (a) of this Revised Order grants all the relief requested in Docket No. 1120-56-P, the said Docket is hereby closed;

(c) This Revised Order No. 7 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Revised Order No. 7 shall become effective this 28th day of December 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13984; Filed, December 26, 1942; 3:00 p. m.]

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[Rev. Order 50 Under MPR 120]

## HUNTER COAL COMPANY

### ORDER GRANTING ADJUSTMENT

Revised Order No. 50 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-90.

Order No. 50 under Maximum Price Regulation No. 120 is hereby revised and amended to read as set forth below:

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to 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 § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals in Size Groups 2, 3, 4 and 5 produced by Hunter Coal Company, Antrim, Pennsylvania, at its Antrim Mine (Mine Index No. 572) and No. 1 Bloss Drift Mine (Mine Index No. 841), District No. 1, may be sold and purchased for rail shipment f. o. b. the mine at prices not to exceed the following respective prices per net ton:

| Size group | Antrim mine | Bloss drift mine |
|---|---|---|
| 2 | $3.25 | $3.55 |
| 3 | [1] 2.75 | 3.40 |
| 4 | 2.90 | 3.30 |
| 5 | 2.90 | 3.30 |

[1] This maximum was established by Order No. 50 and is not changed by Revised Order No. 50; it is lower than the presently applicable minimum, and consequently § 1340.210 (a) (1) of Maximum Price Regulation No. 120 applies.

(b) Within thirty (30) days from the effective date of this Order, the said Hunter Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122;

(c) This Order No. 50 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 50 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13986; Filed, December 26, 1942; 2:53 p. m.]

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[Order 116 Under MPR 120]

ETNA COAL & COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 116 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-79.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to 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 § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals produced by Etna Coal & Coke Company, Chattanooga, Tennessee, at its Nurex Mine (Mine Index No. 354) in District No. 8, may be sold and purchased for shipment by rail at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

| Size group: | *Maximum price* |
|---|---|
| 1 | $4.00 |
| 6 | 3.35 |
| 8 | 3.00 |
| 20 | 2.35 |

(b) This Order No. 116 may be revoked or amended by the Price Administrator at any time.

(c) Within thirty (30) days from the effective date of this Order, the said Etna Coal and Coke Company shall inform all persons purchasing its coals of the adjustments granted in this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 116 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13987; Filed, December 26, 1942; 2:53 p. m.]

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[Order 117 Under MPR 120]

W. G. SUTTON

ORDER GRANTING ADJUSTMENT

Order No. 117 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-47.

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, as amended and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals in the following Size Groups produced by W. G. Sutton, Minonk, Illinois, at his Minonk Mine, Mine Index No. 98, in District No. 10, may be sold and purchased for shipment by rail and for shipment by truck at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

| Size groups | Maximum prices | |
|---|---|---|
| | Rail shipment | Truck shipment |
| 1 | $4.25 | $5.75 |
| 2 | | 5.75 |
| 3 | | 5.50 |
| 5 | | 5.50 |
| 6 | | 4.50 |
| 10 | | 4.00 |
| 11 | 4.75 | 4.50 |
| 14 | | 3.00 |

(b) Within thirty (30) days from the effective date of this Order, the said W. G. Sutton shall notify all persons purchasing his coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 117 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 117 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13989; Filed, December 26, 1942; 2:54 p. m.]

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[Order 118 Under MPR 120]

LELAND COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 118 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-242.

For the reasons set forth in the opinion issued simultaneously herewith and under 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 § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coal in Size Groups 4 and 5, produced by Leland Coal Company, New York, New York, at its Leland No. 10 Mine, Mine Index No. 274 in District No. 1, may be sold and purchased for shipment by rail or via tidewater, at prices per net ton, f. o. b. the mine, not to exceed $2.95.

(b) Within thirty (30) days from the effective date of this Order, the said Leland Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 118 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of petitioner not granted herein are denied.

(e) Unless the context otherwise requires, definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 118 shall become effective on December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13994; Filed, December 26, 1942; 3:02 p. m.]

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[Order 119 Under MPR 120]

MACON COUNTY COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 119 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-72.

For the reasons set forth in an opinion issued simultaneously herewith, and 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 § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Macon County Coal Company, Decatur, Illinois at its Macon County Mine, Mine Index No. 90, located in District No. 10, may be sold and purchased for shipment by rail and by truck at prices not to exceed the following prices per net ton f. o. b. the mine:

| Size groups | 1 | 3 | 4 | 5 | 8 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|
| Maximum prices: | | | | | | | | | |
| Truck | $4.25 | $4.25 | $4.00 | $3.75 | $3.75 | $3.75 | $2.50 | $2.50 | $2.20 |
| Rail | 3.00 | 3.00 | 2.80 | 2.50 | 2.50 | 2.50 | 2.95 | 1.95 | 1.75 |

(b) Within thirty (30) days from the effective date of this Order, the said Macon County Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 119 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are hereby denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 119 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13990; Filed, December 26, 1942; 2:54 p. m.]

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[Order 120 Under MPR 120]

## PACIFIC COAST COAL COMPANY

### ORDER GRANTING ADJUSTMENT

Order No. 120 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-265.

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, as amended and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by the Pacific Coast Coal Company, Seattle, Washington, at its Black Diamond Mine (Mine Index No. 32), in District No. 23, in the following size groups, may be sold and purchased for rail and truck or wagon shipments, at prices not to exceed the following prices per net ton, f. o. b. the mine:

| Size groups: | *Maximum prices* |
|---|---|
| 2 | $7.20 |
| 8 | 7.00 |
| 9 | 6.90 |
| 10 | 6.80 |
| 12 | 6.80 |
| 15 | 6.80 |
| 17 | 6.00 |
| 18 | 5.90 |
| 21 | 5.90 |
| 22 | 5.90 |
| 24 | 5.25 |

(b) Within thirty (30) days from the effective date of this Order, the said Pacific Coast Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Order No. 120 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 120 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13985; Filed, December 26, 1942; 2:59 p. m.]

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[Order 121 Under MPR 120]

## BLACK HAWK COAL COMPANY

### ORDER GRANTING ADJUSTMENT

Order No. 121, Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-49.

For the reasons set forth in the Opinion issued simultaneously herewith and 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 § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals produced by Black Hawk Coal Company, Coal Valley, Illinois, at its Black Hawk Mine (Mine Index No. 570), District No. 10, may be sold and purchased for shipment by truck or wagon, at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

| Size group: | *Maximum price* |
|---|---|
| 3 | $4.00 |
| 7 | 3.00 |
| 11 | 2.50 |

(b) Within thirty (30) days from the effective date of this Order, the said Black Hawk Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 121 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 121 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13986; Filed, December 26, 1942; 2:56 p. m.]

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[Order 125 Under MPR 120]

## HYDE MINES, INC.

### ORDER GRANTING ADJUSTMENT

Order No. 125 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant.

For the reasons set forth in an opinion issued simultaneously herewith and 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 § 1340.207 (e) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced at the Hyde Mine No. 2 (Mine Index No. 161), Subdistrict "G," District No. 23, of Hyde Mines, Inc., Seattle, Washington, may be sold, and purchased, for shipment by rail f. o. b. the mine at prices per net ton not to exceed the following:

| Size groups: | *Maximum prices* |
|---|---|
| 2 | $6.20 |
| 8 | 5.80 |
| 9 | 5.45 |
| 10 | 5.35 |
| 12 | 5.25 |
| 15 | 5.25 |
| 17 | 4.55 |
| 18 | 4.35 |
| 21 | 4.35 |
| 22 | 4.35 |
| 24 | 3.70 |
| 25 | 2.15 |

(b) Within 30 days from the effective date of this Order, the said Hyde Mines, Inc. shall notify all persons purchasing its coal of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to conditions stated in Maximum Price Regulation No. 122;

(c) This Order No. 125 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 125 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13996; Filed, December 26, 1942; 3:01 p. m.]

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[Order 122 Under MPR 120]

RALPH GALLAGHER

ORDER GRANTING ADJUSTMENT

Order No. 122 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-201.

For the reasons set forth in an Opinion issued simultaneously herewith and under 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 § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals in Size Group 1, produced by Ralph Gallagher, Mode, Illinois, at the Gallagher Mine, Mine Index No. 953, District No. 10 may be sold and purchased for shipment by truck or wagon at not more than $3.75 per net ton f. o. b. the mine.

(b) Within thirty (30) days from the effective date of this Order, the said Gallagher Mine shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 122 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 122 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-14000; Filed, December 26, 1942; 3:00 p. m.]

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[Order 124 Under MPR 120]

NEW RIVER COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 124 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-239.

For the reasons set forth in the Opinion issued simultaneously herewith and 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 § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals in Size Groups 8, 9, and 10 produced by the New River Company, Mount Hope, West Virginia at its Summerlee Mine (Mine Index No. 179) and its Oswald Mine (Mine Index No. 135) in District No. 7 may be sold and purchased for shipment by rail and for shipment via the Great Lakes at prices, f. o. b. the mine, not to exceed the following prices per net ton:

| | |
|---|---|
| Size Group 8 | $2.95 |
| Size Group 9 | 2.90 |
| Size Group 10 | 2.85 |

(b) Within thirty (30) days from the effective date of this Order the said New River Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 124 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 124 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13999; Filed, December 26, 1942; 3:00 p. m.]

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[Order 126 Under MPR 120]

TURKEY GAP COAL & COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 126 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-255.

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, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (e) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Turkey Gap Coal & Coke Company, Dott, West Virginia, at its Wenonah-Modoc Mine (Mine Index No. 201), District No. 7, may be sold and purchased at prices not to exceed the following prices per net ton, f. o. b. the mine, for shipment by rail or lake:

| | |
|---|---|
| For rail shipment: | |
| Size Group 1 | $3.25 |
| Size Group 2 | 3.40 |
| Size Group 3 | 3.35 |
| Size Group 4 | 3.10 |
| Size Group 5 | 2.90 |
| Size Group 8 | 2.70 |
| Size Group 9 | 2.65 |
| Size Group 10 | 2.60 |
| For Lake shipment: | |
| Size Group 1 | 2.90 |
| Size Group 2 | 2.85 |
| Size Group 3 | 2.75 |
| Size Group 4 | 2.70 |
| Size Group 5 | 2.65 |
| Size Group 8 | 2.70 |
| Size Group 9 | 2.65 |
| Size Group 10 | 2.60 |

(b) Within thirty days from the effective date of this Order, Turkey Gap Coal & Coke Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 126 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the applicant not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 126 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13992; Filed, December 26, 1942; 2:55 p. m.]

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[Order 127 Under MPR 120]

STOVER SMOKELESS COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 127 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-240.

For the reasons set forth in the Opinion issued simultaneously herewith and 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 § 1340.207 (e) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Smithing coal produced by Stover Smokeless Coal Company, Inc., Piney View, West Virginia, at its Jonancy Mine (Mine Index No. 166) located in District No. 7, may be sold and purchased at a price not to exceed $3.25 per net ton, f. o. b. the mine, for shipment by rail.

(b) This Order No. 127 may be revoked or amended by the Price Administrator at any time.

(c) All prayers of the petitioner not granted herein are denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 127 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13998; Filed, December 26, 1942; 3:01 p. m.]

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[Order 57 Under RPS 64]

LOCKE STOVE CO.

APPROVAL OF MAXIMUM PRICES

Order 57 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 16 and December 8, 1942, Locke Stove Company, 114 West Eleventh Street, Kansas City, Missouri, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for two coal heating stoves designated in the application as Models 120–Victory and 120B–Victory.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Locke Stove Company, may sell, offer to sell, transfer or deliver the 120–Victory and 120B–Victory models at prices no higher than the following, subject to allowances and terms to distributors and dealers no less favorable than those which prevailed on January 5, 1942, with respect to the comparable model 120A:

In carload lots, delivered:

$24.87—in the New England States—(Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.)

$23.84—in the Rocky Mountain and Pacific Coast States—(Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon and California.)

$22.58—in all other states—(Designated as the Central and Eastern States.)

In less than carload lots, delivered:

$27.39—in the New England States and the Rocky Mountain and Pacific Coast States.

$25.39—in the Central and Eastern States.

(b) This Order No. 57 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 57 shall become effective on the 28th day of December 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13993; Filed, December 26, 1942; 2:55 p. m.]

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[Order 38 Under MPR 122]

CAMPBELL COAL CO., RANDALL BROTHERS, INC., AND ATLANTIC CO.

ORDER GRANTING ADJUSTMENT

Order No. 38 under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket Nos. 3122–97, 3122–98, and 3122–99.

For the reasons set forth in an opinion issued simultaneously herewith and 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 § 1340.257 (a) of Maximum Price Regulation No. 122, it is hereby ordered:

(a) Dockets numbered 3122–97, 3122–98, and 3122–99 are herewith consolidated and disposed of pursuant to this Order;

(b) Campbell Coal Company, Randall Brothers, Inc., and Atlantic Company, each of Atlanta, Georgia, may sell and deliver 2" nut and slack coal to commercial and industrial contract purchasers and such purchasers may buy and receive said coal from said three companies at prices no higher than those set forth in paragraph (c) below:

(c) The maximum prices for the sales described in paragraph (b) above shall consist of the prices indicated opposite the name of the seller in the table following:

| Seller | Maximum price for carload lots (per ton) | Maximum price for less than carload lots (per ton) |
|---|---|---|
| Campbell Coal Co | $5.89 | $6.04 |
| Randall Brothers, Inc | 5.89 | 6.04 |
| Atlantic Co | 6.00 | 6.15 |

(d) *Provided,* That in the event the delivered cost of 2" nut and slack coal decreases below $4.70 per ton in the cases of Campbell Coal Company and Randall Brothers, Inc. and below $4.86 per ton in the case of Atlantic Company, then the maximum prices set forth in paragraph (c) above shall be forthwith reduced by each of said companies in an amount equal to the decrease in delivered cost to it;

(e) This Order No. 38 may be revoked or amended by the Price Administrator at any time;

(f) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(g) This Order No. 38 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13997; Filed, December 26, 1942; 3:01 p. m.]

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[Order 6 Under MPR 157]

DARLINGTON FABRICS CORP.

ORDER DENYING APPLICATION FOR ADJUSTMENT

Order No. 6 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157–31.

On October 29, 1942, Darlington Fabrics Corporation, 180 Madison Avenue, New York, New York, pursuant to Supplementary Order No. 9 and Procedural Regulation No. 6, filed an application for the adjustment of its maximum price for 8.2 oz. combed uniform twill manufactured pursuant to Quartermaster Corps tentative specifications P. Q. D. 33A. Due consideration has been given to this application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the Authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, and pursuant to Procedural Regulation No. 6, it is ordered that Application No. 3157–31 be, and it hereby is, denied.

Any contract entered into by Darlington Fabrics Corporation at the price requested in the Application or at any price in excess of the maximum price permissible under Maximum Price Regulation No. 157, shall be revised in accordance with the terms of this order, any payment made to Darlington Fabrics Corporation in excess of the permissible price under Maximum Price Regulation No. 157 shall be refunded to the purchaser, and, within 30 days after the date on which this order is mailed to it, Darlington Fabrics Corporation shall file a statement with the Office of Price Administration, Washington, D. C., showing that such contracts were revised in accordance with the terms of this order and, wherever required, refunds were made.

Issued and effective this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13995; Filed, December 26, 1942; 3:01 p. m.]

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[Order 98 Under MPR 188]

TEMPORARY MAXIMUM PRICES FOR CERTAIN NEW FIREPLACE GRATES MANUFACTURED FROM SUBSTITUTE MATERIALS

Order No. 98 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel Materials.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, § 1499.158 of Maximum Price Regulation

No. 188, and § 1499.3 (c) of the General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 98 sets temporary maximum prices for sales of certain new fireplace grates manufactured from substitute materials. It applies only to the grates which have been described in applications submitted by the manufacturers to the Office of Price Administration. The Order is temporary. No sales or deliveries may be made under its authority after the 1st day of April 1943.

Listed below are the maximum prices for sales by the manufacturers, wholesalers, and retailers. The prices listed below may be charged only if the manufacturer attaches to the grate the written warranty described in paragraph (b). If the manufacturer does not make the warranty, the maximum prices for sales by the manufacturer, wholesalers, and retailers shall be computed by deducting 15% from the prices listed in the table.

| Name of manufacturer | Factory to jobber price | Factory to retailer price | Wholesale price | Retail price |
|---|---|---|---|---|
| Victory Grate Co., Caldwell, N. J. | $3.98 | $4.77 | $5.30 | $7.95 |
| Hillcrest Fuel Oil Corporation, Jamaica, N. Y. | 4.98 | 5.50 | 6.63 | 9.95 |
| Hilo Insulation Co., Boston, Mass. | 8.48 | 9.25 | 11.30 | 16.95 |
| Palmer Battaline, West Hartford, Conn. | 8.25 | 9.08 | 11.00 | 16.50 |
| E. S. Grant, Wethersfield, Conn. | 8.25 | 9.08 | 11.00 | 16.50 |
| The Coxhead Organization, Winsted, Conn. | 5.48 | 6.02 | 7.30 | 10.95 |
| Duplex Electric, 71 Grand St., New York City: | | | | |
| Leg type: | | | | |
| Unpainted | 7.98 | 8.60 | 10.63 | 15.95 |
| Painted | 8.48 | 9.44 | 11.30 | 16.95 |
| Andiron type: | | | | |
| Unpainted | 7.25 | 7.96 | 9.67 | 14.50 |
| Painted | 7.98 | 8.62 | 10.63 | 15.95 |
| Heating Maintenance Corp., 220 E. 138 St., N. Y. C. | 6.75 | 7.50 | 9.00 | 13.50 |
| International Casting Co., 11 Beacon St., Boston, Mass. | 6.75 | 7.50 | 9.00 | 13.50 |

(1) The price listed under "factory to jobber" in the above table is the maximum price for sales by the named manufacturer to wholesalers or jobbers. The price is f. o. b. factory.

(2) The price listed under "factory to retailer" in the above table is the maximum price for sales by the manufacturer to retailers. The price is f. o. b. factory.

(3) The price listed under "wholesale price" in the above table is the maximum price for sales at wholesale by a person other than the manufacturer. The price is f. o. b. the seller's point of shipment.

(4) The price listed under "retail price" in the above table is the maximum price for sales at retail.

(b) The maximum prices set forth in the table contained in paragraph (a) can be charged only if the manufacturer sells the grate with a written warranty in the following form:

(*Insert name of manufacturer*), the manufacturer of this grate, warrants to the retailer and to any person buying from him that it is fit for burning coal or wood in a fireplace. If the manufacturer desires to do so, he may add: "This warranty, however, does not protect against rough handling by the consumer."

The warranty shall be attached to the grate by the manufacturer and shall not be detached until after the grate has been delivered to the consumer.

(c) Before delivery of a fireplace grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price of the grate. A statement in the following form on a grate sold by Victory Grate Company would be sufficient: "Retail Ceiling Price $7.95". The tag or label shall not be detached until the grate has been delivered to the consumer.

(d) At or before the time of first delivery after the effective date of this Regulation the manufacturer shall notify in writing every person who buys from him of the maximum price set by this Order No. 98 for resales by the purchaser. This written notice may be given in any convenient manner; for example, it may be shown on or attached to the invoice, or packed with the merchandise.

(e) Within fifteen days after March 1, 1943, each manufacturer shall prepare and mail to the Office of Price Administration, Washington, D. C., a report covering his operations during the sixty-day period which ends February 28, 1943. The report shall contain the following information:

The number of units manufactured during the period, the number of units sold, total gross sales, total returns and allowances, and costs per unit for materials, direct labor, and factory overhead. The method of computation of costs should be explained and supporting details should be furnished.

(f) This Order No. 98 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(h) This Order No. 98 shall become effective on the 31st day of December 1942, and shall terminate on the 1st day of April 1943.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-13991; Filed, December 26, 1942; 2:54 p. m.]

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[Order 3 Under MPR 213]

VINCENT-McCALL CO.

APPROVAL OF MAXIMUM F. O. B. FACTORY, L. C. L. PRICES

Order No. 3 under § 1365.61 (a) of Maximum Price Regulation No. 213[1]—Coil and Flat Bedsprings with Non-Steel Frames.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Vincent-McCall Company, of Kenosha, Wisconsin, may sell and deliver the 3000 units which it has on hand of its Class "B", No. 6106 bedspring with a wood frame, including two pairs of stabilizers, and the special webbing, full platform top at a price no higher than $8.20, f. o. b. Factory, L. C. L.

(b) Any person may sell at wholesale and deliver the Vincent-McCall Company's No. 6106 bedspring with a wood frame, including two pairs of stabilizers and the special webbing full platform top at a warehouse or delivered price no higher than $8.20, plus the dollar amount by which such seller's warehouse or delivered price respectively exceeded the manufacturer's f. o. b. Factory, L. C. L. price for the most comparable bedspring with a steel frame during March, 1942, under the same conditions of sale.

(c) Any person may sell at retail and deliver The Vincent-McCall Company's No. 6106 bedspring with a wood frame, including two pairs of stabilizers and the special webbing full platform top at a price no higher than $14.15 plus $0.50 for a sale at retail in the Far West Zone.

(d) The maximum prices set forth in paragraphs (a), (b), and (c) hereof shall be subject to the same discounts, allowances, terms and differentials as the seller had in effect for the most comparable bedspring with a steel frame during March 1942.

(e) The Vincent-McCall Company shall notify in writing each person selling the No. 6106 bedsprings of the maximum prices established in paragraphs (a), (b) and (c) hereof upon the first sale of such bedspring to such seller.

(f) Before making delivery of a No. 6106 bedspring with a wood frame, The Vincent-McCall Company must attach securely to such bedspring so that it is clearly visible a durable tag containing in easily readable lettering the statement in the following form:

The Office of Price Administration has established a Retail Ceiling Price of (insert $14.15 or $14.65, whichever is correct) for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(g) This Order No. 3 may be revoked or amended by the Office of Price Administration at any time.

(h) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 213 shall apply to the terms used herein.

(i) This Order No. 3 under § 1365.61 (a) of Maximum Price Regulation No. 213 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-14001; Filed, December 26, 1942; 3:00 p. m.]

[1] 7 F.R. 6968.

[Order 123 Under MPR 120]

THERMAL COAL COMPANY AND KNOXVILLE MINING COMPANY

ORDER GRANTING ADJUSTMENTS

Order No. 123 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-279.

For the reasons set forth in an opinion issued simultaneously herewith and under 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 § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals in Size Group 11, produced by the Thermal Coal Company, Galesburg, Illinois, Mine Index No. 612, District No. 10 may be sold and purchased for shipment by truck or wagon at not more than $2.65 per net ton f. o. b. the mine.

(b) Coals in Size Group 3, produced by the Knoxville Mining Company, Knoxville, Illinois, Mine Index No. 598, District No. 10 may be sold and purchased for shipment by truck or wagon at not more than $3.60 per net ton f. o. b. the mine.

(c) Within thirty (30) days from the effective date of this Order the said Thermal Coal Company and Knoxville Mining Company shall notify all persons purchasing their respective coals of the adjustments granted by paragraphs (a) and (b) respectively of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(d) This Order No. 123 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 123 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-14018; Filed, December 26, 1942; 4:47 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

J. MORTON STEINER CO.

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D. 1942.

In the matter of J. Morton Steiner, doing business as J. Morton Steiner Company, 42 Broadway, New York, New York.

On May 5, 1942, the Commission ordered a hearing to determine whether or not it should revoke the registration of the respondent, J. Morton Steiner, doing business as J. Morton Steiner Company, as a broker and dealer under section 15 (b) of the Securities Exchange Act of 1934. After appropriate notice a hearing was duly held, and the trial examiner filed an advisory report containing his specific findings of fact.

No objection or exception to the report of the trial examiner has been filed. The Commission affirms and adopts the findings of fact set forth therein. On the basis of these findings, and upon an independent review of the record, the Commission finds and concludes:

1. That the respondent, knowing that there was a demand for preferred and common stock of Metropolitan Personal Loan Corporation ("Metropolitan"), induced certain holders of said stock to dispose of their holdings to respondent at prices substantially below the prevailing market, by falsely representing to such holders, *inter alia:*

(a) That Metropolitan had gone out of business;

(b) That there was no market for Metropolitan stock;

(c) That Metropolitan stock was worthless; and

(d) That certain exchanges of Metropolitan stock for other securities would be effected by respondent at the best possible market price for the customer.

2. That such representations were known to respondent to be false at the time they were made, and were for the purpose of inducing investors to part with Metropolitan stock at depressed prices bearing no reasonable relation to the prevailing market, and to facilitate the sale to such customers of other securities at an unreasonable mark-up over the prevailing market.

3. That respondent did in fact induce numerous customers to purchase securities other than Metropolitan stock, and to accept securities in exchange for Metropolitan stock, at excessive prices having no reasonable relation to the prevailing market in such securities, and failed to disclose either the extent of its mark-ups in such transactions or the market quotations pertaining to the securities sold or exchanged.

4. That many of the foregoing transactions were effected by respondent through use of the mails.

5. That respondent has willfully violated section 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934, and that it is in the public interest to revoke respondent's registration as a broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

On the basis of the foregoing, and pursuant to Section 15 (b) of said Act,

*It is ordered,* That respondent's registration as a broker and dealer be, and it hereby is, revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, and Burke) Commissioner O'Brien being absent and not participating.

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

[F. R. Doc. 42-13901; Filed, December 24, 1942; 2:41 p. m.]

[File No. 811-226]

AVIATION CAPITAL INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December A. D. 1942.

An application having been filed by Aviation Capital Incorporated pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

*It is ordered,* That a hearing on the aforesaid application be held on December 31, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

*It is further ordered,* That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

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

[F. R. Doc. 42-13945; Filed, December 26, 1942; 10:16 a. m.]

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[File No. 1-2577]

BELGIAN NATIONAL RAILWAYS COMPANY

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

In the matter of Belgian National Railways Company Participating Preferred Stock, Series C to J, Par Value 500 Belgian francs; and American Shares each representing five shares of Participating Preferred Stock, Series C to J.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December A. D. 1942.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities of Belgian National Railways Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on January 2, 1943.

By the Commission.

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

[F. R. Doc. 42-13950; Filed, December 26, 1942; 10:17 a. m.]

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[File Nos. 70-649, 59-19, 54-34]

GENERAL GAS AND ELECTRIC CORP. AND SOUTHERN ELECTRIC UTILITIES CO.

ORDER GRANTING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December, 1942.

Order granting application and permitting declaration to become effective, and separating matter from consolidated proceedings.

In the matters of General Gas & Electric Corporation, Southern Electric Utilities Company; and General Gas and Electric Corporation.

General Gas & Electric Corporation, a registered holding company, and its wholly owned subsidiary, Southern Electric Utilities Company, having jointly filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a), 10, and 12 (f), and Rule U-43 promulgated thereunder, regarding the transfer of all the assets and liabilities of said subsidiary to its parent and the dissolution of said subsidiary; and

The Commission having ordered the said proceedings (File No. 70-649) consolidated with the proceedings pending under section 11 (b) (2), directed against General Gas & Electric Corporation, and the proceedings on the plan submitted by the said company under section 11 (e) (File Nos. 59-19 and 54-34); and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its Findings and Opinion therein;

*It is ordered,* That the transfer by Southern Electric Utilities Company of all its assets and liabilities to General Gas & Electric Corporation, in exchange for all the outstanding securities of said subsidiary, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

The assets of Southern Electric Utilities Company to be transferred to General Gas & Electric Corporation are:

102,683 shares of $5 Dividend Series Preferred stock of Associated Gas and Electric Company;

713,014 shares $4 Cumulative Preference stock of the same;

367,825 shares $6 Cumulative Preference stock of the same;

together with all accounts receivable on the books of said subsidiary; and

The securities of and claims against Southern Electric Utilities Company to be surrendered for cancellation, are:

10 shares $1.00 par value common stock;

Convertible Obligations, 6%, due March 1, 1963, in the principal amount of $47,000,000;

Open account indebtedness in the amount of $362,181.01; and

An account receivable in the amount of $41.10.

*It is further ordered,* That, pursuant to the applicable provisions of the said Act, the said joint application and declaration be, and hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

*It is further ordered,* That the proceedings concerning the said joint declaration and application (File No. 70-649) be, and hereby are, separated from the consolidated proceedings under section 11 (b) (2), directed against General Gas & Electric Corporation, and concerning the plan submitted by the said company under section 11 (e) (File Nos. 59-19 and 54-34).

By the Commission.

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

[F. R. Doc. 42-13949; Filed, December 26, 1942; 10:17 a. m.]

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[File No. 812-300]

THE LEHMAN CORPORATION

ORDER CONSOLIDATING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of December, A. D. 1942.

An application duly filed by The Lehman Corporation on December 21, 1942 pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting applicant to purchase a total of 5,000 shares of its capital stock at a price of 23⅜ per share has been noticed for hearing before the Commission on December 28, 1942. Applicant on December 22, 1942 duly filed another application pursuant to section 23 (c) (3) of the Act for an order permitting it to purchase a total of 1,000 shares of its capital stock at a price of 23⅜ from Adele R. Levy and Albert K. Orschel, Trustee, pursuant to an agreement, dated December 21, 1942, between the above named vendors and the applicant; and

It appearing to the Commission that said applications present questions of fact common to each of said applications;

*It is ordered,* That the proceedings in the matter of the applications of The Lehman Corporation be and the same are hereby consolidated;

*It is further ordered,* That a hearing on the matters of the aforesaid applications be held on December 28, 1942 at ten o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

*It is further ordered,* That Richard Townsend, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 4J and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

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

[F. R. Doc. 42-13946; Filed, December 26, 1942; 10:16 a. m.]

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[File Nos. 70-638, 70-642]

NY PA NJ UTILITIES COMPANY AND GEORGIA POWER AND LIGHT COMPANY

ORDER GRANTING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 23d day of December 1942.

NY PA NJ Utilities Company, a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, in reorganization pursuant to Chapter X of the Bankruptcy Act, having filed a declaration, pursuant to sections 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, concerning the proposed sale to Georgia Power and Light Company, an operating public utility subsidiary of a registered holding company and an associate of NY PA NJ Utilities Company, of $45,000 principal amount First Mortgage 5% Bonds due June 1, 1978, of Georgia Power and Light Company for a cash consideration of $39,825.00; and

Georgia Power and Light Company having filed an application-declaration, pursuant to sections 9 (a), 10, and 12 (c) of the Act and Rule U-42 promulgated thereunder, concerning the acquisition by it of the above described bonds; and

A public hearing having been held after appropriate notice; the Commission having examined the record and having issued and filed its Findings and Opinion herein:

*It is hereby ordered,* That the application be, and hereby is, granted and the declarations be, and hereby are, permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24 of the general rules and regulations.

By the Commission.

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

[F. R. Doc. 42-13947; Filed, December 26, 1942; 10:16 a. m.]

[File No. 70-650]

NIAGARA HUDSON POWER CORPORATION, ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 24th day of December, 1942.

In the matter of Niagara Hudson Power Corporation, Northern Development Corporation and Hudson Valley Fuel Corporation.

Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, and Northern Development Corporation and Hudson Valley Fuel Corporation, wholly-owned subsidiaries of Niagara Hudson Power Corporation, having filed a joint declaration and application, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7, 10 and 12 (f), and Rule U-43 thereunder, regarding the following transactions:

1. Northern Development proposes to issue and sell, and Niagara Hudson Power Corporation proposes to purchase, 24,500 additional shares of common stock, without par value, at a price of $100 per share, the proceeds, in the amount of $2,450,000 to be applied to the full payment of cash advances heretofore made by Niagara Hudson Power Corporation to Northern Development Corporation in the amount of $2,450,000;

2. Hudson Valley Fuel Corporation proposes to issue and sell, and Niagara Hudson Power Corporation proposes to purchase, 27,000 additional shares of common stock, without par value, at a price of $100 per share, the proceeds in the amount of $2,700,000 to be applied to the full payment of cash advances heretofore made by Niagara Hudson Power Corporation to Hudson Valley Fuel Corporation in the amount of $2,700,000;

Said joint application and declaration having been filed on December 14, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the applicants and declarants having requested that the Commission advance the effective date of said application and declaration; and

The Commission finding that the requirements of section 7, 10, and 12 (f) of said Act, and Rule U-43, are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers to grant said application and to permit said declaration to become effective, and that the date thereof should be advanced;

*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 hereby is granted forthwith, and the aforesaid declaration be and hereby is permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

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

[F. R. Doc. 42-13952; Filed, December 26, 1942; 10:18 a. m.]

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[File No. 70-655]

NORTHERN STATES POWER CO. (DELAWARE) AND NORTHERN STATES POWER CO. (MINNESOTA)

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 23rd day of December, A. D., 1942.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northern States Power Company (Delaware), a registered holding company, and its subsidiary Northern States Power Company (Minnesota) also a registered holding company; and

Notice is further given that any interested person may, not later than December 30, 1942, at 4:00 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 declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and 100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The aforesaid companies propose that all payments on the principal of the open account indebtedness owing by Northern States Power Company (Delaware) to Northern States Power Company (Minnesota) now due or to become due up to June 30, 1943 be postponed until that date by which date it is contemplated that a plan filed pursuant to section 11 (e) of said Act for the dissolution of Northern States Power Company (Delaware) which plan provides for the disposition of said indebtedness will be acted upon by this Commission; that pending action on the plan or until June 30, 1943 (whichever date be earlier) the Northern States Power Company (Minnesota) will segregate on its books $345,650 of its earned surplus as not being available for the declaration of dividends on its common stock; and that Northern States Power Company (Minnesota) waive all interest due on said indebtedness for the period from December 31, 1942 to June 30, 1943.

By the Commission.

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

[F. R. Doc. 42-13951; Filed, December 26, 1942; 10:18 a. m.]

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[File No. 70-591]

SOUTH CAROLINA ELECTRIC AND GAS COMPANY ET AL.

INTERIM ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December, 1942.

In the matter of South Carolina Electric & Gas Company, Lexington Water Power Company and General Gas & Electric Corporation.

General Gas & Electric Corporation, a registered holding company, and its subsidiaries, South Carolina Electric & Gas Company and Lexington Water Power Company, having filed joint applications-declarations wherein, among other things, it is proposed that Lexington Water Power Company and South Carolina Electric & Gas Company be merged into a consolidated corporation; and that General Gas & Electric Corporation deliver to the consolidated corporation $612,700 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and $2,311,900 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, as part consideration for certain securities to be issued by the consolidated corporation; and

A hearing having been held on September 23, 1942 on such joint applications-declarations; and

It appearing that the contemplated merger cannot be effected prior to January 1, 1943; and

An amendment to the joint applications-declarations having been filed as declarations pursuant to sections 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-45 promulgated thereunder, wherein General Gas & Electric Corporation proposes to contribute to Lexington Water Power Company, on or before January 1, 1943, $108,300 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and $125,000 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, to enable Lexington Water Power Company to meet its sinking fund requirements due January 1, 1943; and

The declarants having requested that, if the contemplated merger is subsequently consummated, the securities of Lexington Water Power Company presently proposed to be contributed to it shall constitute a part of the consideration which General Gas & Electric Cor-

poration proposes to deliver in exchange for securities of the consolidated corporation; and

Such amendment to the joint applications-declarations having been filed on December 8, 1942, and notice of the filing of said amendment 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 amendment within the period specified in said notice, or otherwise; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said amendment pursuant to Rules U-42 and U-45 to become effective, and finding that the requirements of sections 12 (b) and 12 (c) are satisfied;

*It is hereby ordered*, That the aforesaid amendment to the joint applications-declarations as declarations, pursuant to sections 12 (b) and 12 (c) and Rules U-42 and U-45 promulgated thereunder, be and hereby is permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

*It is further ordered*, That jurisdiction be and is hereby reserved to determine, in the event that the proposed merger of Lexington Water Power Company and South Carolina Electric & Gas Company into a consolidated corporation is consummated, whether or not it is fair and equitable to the persons affected and in the public interest and for the protection of investors and consumers that the contribution of the $108,300 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and the $125,000 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, shall constitute a part of the consideration of $612,700 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and $2,311,900 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, which General Gas & Electric Corporation proposes, in the original joint applications-declarations filed in this matter, to deliver in exchange for securities of the consolidated corporation.

By the Commission.

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

[F. R. Doc. 42-13953; Filed, December 26, 1942; 10:18 a. m.]

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[File No. 70-625]

### TRI-CITY UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

#### ORDER PERMITTING AMENDMENT NUMBER 4 TO DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December, 1942.

Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a subsidiary thereof, having filed Amendment Number 4 to the above-captioned declaration, pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 thereof, and Rules U-42 and U-43 thereunder, regarding the sale by Associated Electric Company and the purchase by Tri-City Utilities Company, for retirement and cancellation, of shares of common stock of Tri-City Utilities Company, in an aggregate par amount equal to the net proceeds from the sale of the Ohio River Electric division properties of Tri-City Utilities Company, estimated at $202,000; the declaration embracing the sale of the Ohio River electric division properties having been permitted to become effective by the Commission's order dated December 2, 1942 (Holding Company Act Release No. 3951);

Said Amendment Number 4 to the declaration having been filed on December 12, 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 Amendment Number 4 within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named parties having requested that the effective date of said amendment be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said amendment pursuant to section 12 and Rules U-42 and U-43 to become effective, and being satisfied that the effective date of such amendment should be advanced;

*It is 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 Amendment Number 4 to the above-captioned declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

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

[F. R. Doc. 42-13948; Filed, December 26, 1942; 10:17 a. m.]

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## WAR MANPOWER COMMISSION.

[Directive No. XVI]

### TRANSFER AND RELEASE OF FEDERAL EMPLOYEES

#### MISCELANEOUS AMENDMENTS

To all departments and agencies of the executive branch of the Federal Government, concerning transfer and release of Federal employees.

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139[1] and 9243,[2] War Manpower Commission Directive No. X,[3] entitled "Directive with respect to transfer and release of Government employees," is hereby amended, effective as of September 27, 1942, as follows:

I. At the end of paragraph IV thereof, add the following additional paragraph:

An employee who has been released from a Federal position pursuant to paragraph II of this directive for employment in an essential activity carried on by a private or public enterprise and who, while on a leave-without-pay status from such Federal position enlists in, is inducted into, or otherwise enters active military service with the armed forces, shall be entitled to the same reemployment benefits, if any, with respect to the Federal position from which he was released, as those to which he would have been entitled, had he enlisted in, been inducted into, or otherwise entered active military service while employed in such Federal position. An employee who would have been entitled to the reemployment benefits provided for in this paragraph but for his failure to make suitable application therefor within the period allowed for such applications, shall nevertheless become entitled thereto if suitable application therefor is filed on or before February 1, 1943.

II. Delete paragraph II thereof and substitute therefor the following:

Whenever the Civil Service Commission shall find that a civilian employee of any department or agency of the executive branch of the Federal Government is qualified to perform work in a critical war occupation (as defined in the Essential Activities and Essential Occupations Directive) and can make a more effective contribution to the war effort in an essential activity carried on by a private or public enterprise, including an activity carried on by a State, Territory, or possession of the United States, or by any political subdivision thereof, or by any agency or instrumentality of a State, Territory, or possession of the United States or of their political subdivisions, the Commission, with the consent of the employee, but with or without the consent of the department or agency in which he is employed, shall, upon request of such private or public enterprise, authorize the release of such employee to such private or public enterprise for work in such critical war occupation in such essential activity. An employee whose release has been authorized pursuant to this paragraph shall be carried on a leave-without-pay basis from his Federal position for the period of such employment with such private or public enterprise, except that such leave-without-pay status shall not continue beyond six months after the end of the war.

III. Substitute for the phrase "private enterprise," wherever such phrase occurs in paragraphs III to XI thereof, the phrase "private or public enterprise."

PAUL V. MCNUTT,
*Chairman.*

DECEMBER 24, 1942.

[F. R. Doc. 42-14041; Filed, December 28, 1942; 11:43 a.m.]

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[1] 7 F.R. 2919.
[2] 7 F.R. 7213.
[3] 7 F.R. 7298.