FEDERAL REGISTER

VOLUME 8 NUMBER 109

Washington, Thursday, June 3, 1943

The President

PROCLAMATION 2587

ENLARGING OLYMPIC NATIONAL PARK—WASHINGTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the act of June 29, 1938, c. 812, 52 Stat. 1241 (U.S.C., title 16, secs. 251–255), established the Olympic National Park in the State of Washington, and authorizes the enlargement thereof by proclamation under the terms and conditions set forth in the said act; and

WHEREAS it is deemed advisable to add to the said park certain hereinafter-described lands now within the boundaries of the Olympic National Forest; and

WHEREAS the terms and conditions of section 5 of the said act of June 29, 1938, have been fully complied with in respect of such lands:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 5 of the aforesaid act of June 29, 1938, do proclaim that, subject to all valid existing rights, the following-described lands, in the State of Washington, are hereby added to and made a part of the Olympic National Park:

WILLAMETTE MERIDIAN, WASHINGTON

T. 28 N., R. 5 W.,
secs. 4, 5, and 6, unsurveyed.
T. 29 N., R. 5 W.,
sec. 7, W½, W½SE¼, partly unsurveyed;
sec. 17, SW¼NE¼, W½NW¼, SE¼NW¼, S½;
secs. 18 to 20, inclusive, and 29 to 34, inclusive, unsurveyed.
T. 28 N., R. 6 W.,
sec. 1, unsurveyed.
T. 29 N., R. 6 W.,
secs. 1 and 2;
sec. 3, S½ lot 4, S½N½, S½, and that part of lot 1 within the following described boundaries:
Beginning at the northeast corner of sec. 3, thence
S. 89°09′ W., approximately 450 ft.;
S. 1°11′ W., approximately 640 ft.;
N. 89°21′ E., approximately 230 ft.;
S. 0°56′ W., approximately 280 ft., to north line of county road;
S. 85°44′ W., approximately 505 ft., along north line of county road;
S. 65°11′ W., approximately 120 ft., along north line of county road;
S. 44°30′ W., approximately 136 ft.;
N. 69°15′ W., 77.3 ft.;
S. 46°45′ W., 83 ft.;
S. 29°09′ E., 58.2 ft.;
S. 43°00′ W., approximately 170 ft., to the south boundary of lot 1;
N. 89°27′ E., approximately 1150 ft., to the east boundary of sec. 3;
N. 0°56′ E., 1306.8 ft., to the place of beginning;
secs. 10 to 15, inclusive, and 22 to 28, inclusive, partly unsurveyed.
secs. 35 and 36, unsurveyed.

The areas described aggregate approximately 20,600 acres.

The administration, protection, and development of the lands within this area shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U.S.C. title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof, and to all other laws, rules, and regulations applicable to the said park.

Nothing herein contained shall affect any valid existing claim, location, or entry made under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land, nor the rights reserved by treaty to the Indians of any tribes.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29th day of May, in the year of our Lord

(Continued on next page)

CONTENTS

THE PRESIDENT

REGULATIONS AND NOTICES

(Continued on next page)

FEDERAL REGISTER

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

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

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

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

CONTENTS—Continued

CONTENTS—Continued

[SEAL] nineteen hundred and forty-three, and of the Independence of the United States of America, the one hundred and sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-8933; Filed, June 1, 1943; 4:35 p. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENTS NOT MADE FROM CERTAIN CLASSES

Section 73.205 (j) is hereby amended as follows:

§ 73.205 *Appointments not made from certain classes.*[1] No person will be initially appointed in the Army of the United States from the following classes:

* * * * *

(j) Any civilian without prior commissioned service (see § 73.206 (c)) who has not attained his 38th birthday at the date of appointment unless classified by Selective Service as class IV-D or IV-F on account of physical disability. Exception may be made in the case of doctors of medicine, dentistry, and veterinary medicine, and in other cases where there is a critical need for the services of a particular individual, or where the individual is within a scarce category of specialized skill in which not enough men trained to fill the requirements of the armed forces are available at the time required. No civilian of any age, except a doctor of medicine, dentistry, or veterinary medicine cleared by the Procurement and Assignment Service, War Manpower Commission, will be appointed if classified as II-A, II-B, or II-C unless released from such classification by his local board. (55 Stat. 728; 10 U.S.C. Sup. 484) [Par. 7*j*, AR 605-10, December 30, 1942, as amended by C 6, May 25, 1943]

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

[F. R. Doc. 43-8896; Filed, June 1, 1943; 2:39 p. m.]

PART 77—MEDICAL AND DENTAL ATTENDANCE

ADMISSION TO ARMY HOSPITALS

Section 77.15 (b) (13) is amended as follows:

§ 77.15 *Persons who may be admitted to Army hospitals.*[2] * * *

(b) *List.* * * *

(13) (i) A civilian seaman or river boatman, in Army hospitals, within the continental limits of the United States, only on a permit issued by a medical officer of the United States Public Health Service or by a customs officer, unless his condition demands immediate relief, when, in the discretion of the station commander, he may be admitted in advance of the receipt of the permit.

(ii) American merchant seamen, in time of war and for 6 months thereafter, in Army hospitals outside the continental

[1] 8 F.R. 1000, 2411, 3246, 3281.
[2] 7 F.R. 1410, 8 F.R. 3664.

limits of the United States, without expense to the seamen concerned. (R.S. 161; 5 U.S.C. 22) [Par. 8b, AR 40-590, February 2, 1942, as amended by C 9, May 21, 1943]

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

[F. R. Doc. 43-8897; Filed, June 1, 1943; 2:39 p. m.]

Chapter IX—Transport

PART 93—TRANSPORTATION OF INDIVIDUALS

DEPENDANTS OF U. S. MILITARY ACADEMY GRADUATES

Section 93.1 (a) (3) is amended as follows:

§ 93.1 *Dependents—(a) To whom transportation furnished.*[1] * * *

(3) *Officers of graduating classes of United States Military Academy.* Effective January 19, 1943, for the duration of the war, officers of the graduating classes of the United States Military Academy will be entitled to transportation for their authorized dependents, at Government expense, from the home of the officer concerned or from West Point, New York, as actually performed, to the first permanent station, including a station at a service school of respective arms or services at which they may be assigned for first permanent station. Transportation of dependents is also authorized from the first permanent station to the next permanent station. The transportation herein authorized is not subject to the wartime restriction stated in subparagraph (1) (ii) above, except that upon completion of travel of dependents to the second permanent duty station all travel of dependents at Government expense thereafter, will be subject to such restriction. (R.S. 161; 41 Stat. 421; 5 U.S.C. 22; 10 U.S.C. 756, 756b) [Par. 8a, AR 55-120, April 26, 1943, as amended by C 2, May 27, 1943]

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

[F. R. Doc. 43-8898; Filed, June 1, 1943; 2:39 p. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 202]

PART 403—PROPERTY MANAGEMENT DIVISION

CASE REVIEW BY PROPERTY COMMITTEE

The second paragraph of § 403.02 (8 F.R. 560) is amended to read as follows:

§ 403.02 *Property committee.* All cases submitted to that committee shall be reviewed by at least two of its members. The concurrence of a majority of the members reviewing a case shall be sufficient to decide any question that may be presented, except in cases which are required by the Manual to be submitted to the General Manager or Deputy General Manager in Charge of Property Management.

Effective June 1, 1943.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by section 13, 48 Stat. 647: 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 43-8931; Filed, June 1, 1943; 4:17 p. m.]

[Bulletin 205]

PART 407—TREASURY DIVISION

SIGNATORIES

Section 407.15 (7 F.R. 3958) is amended to read as follows:

§ 407.15 *Signatories.* The Regional Treasurer and the Assistant Regional Treasurer in each Regional Office are authorized, individually, to sign checks drawn on the Regional Working Fund maintained with the Treasurer of the United States for their respective Region. All checks in excess of $5,000 drawn on such accounts shall be countersigned by the Regional Manager or, in all Regions except New York, by an Assistant Regional Manager, by a Deputy Assistant Regional Manager, or by an Assistant to the Regional Manager.

Effective June 1, 1943.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by section 13, 48 Stat. 647: 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 43-8932; Filed, June 1, 1943; 4:17 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T.D. 5270]

PART 182—INDUSTRIAL ALCOHOL

MISCELLANEOUS AMENDMENTS

By virtue of and pursuant to sections 3070, 3105, 3109, 3111, 3114, 3121 (c), 3124 (a) (6), and 3176, Internal Revenue Code, Regulations 3, as amended, is hereby further amended, effective July 1, 1943, as follows:

Sections 182.324 (b), 182.860, 182.861, 182.862, and 182.875 are amended to read as follows:

§ 182.324 (b) *Inspection of premises and records.* All persons conducting a business under a basic permit issued pursuant to these regulations shall permit any Internal Revenue officer to inspect immediately at any time during regular business hours, or at any time when any operations, transactions, etc., of any nature whatsoever are being carried on, such operations or transactions and the premises, equipment, stocks, materials, records, and reports required by law and regulations.

§ 182.860 *General*—(a) *To whom may be sold.* Except as provided in paragraph (b), products such as bay rum, lilac vegetal, hair lotions, dry shampoos, deodorant sprays, skin lotions, perfumes, toilet waters, and similar products, made with specially denatured alcohol, may be sold only to barber shops, beauty parlors, beauty and barber supply dealers, wholesale and retail drug stores, general wholesale and retail stores, bona fide retailers of cosmetics, and actual users.

(1) *Reprocessing, bottling, or repackaging.* Persons specified in paragraph (a) who desire to reprocess, bottle, or repackage such products, must procure permission therefor from the district supervisor, pursuant to application filed in accordance with paragraph (f).

(b) *Purchase by other persons.* The district supervisor, pursuant to application filed in accordance with paragraph (f), may authorize the sale of such products to persons, other than those specified in paragraph (a), who are engaged in a legitimate reprocessing, bottling, distributing, or other business, and who establish a bona fide need for such products for reprocessing, bottling, repackaging, and/or resale.

(c) *Containers not exceeding 1 gallon in capacity.* Except as provided in paragraph (d), such products must be put up and sold in containers not exceeding 1 gallon in capacity and be sold only to the persons specified in paragraphs (a) and (b).

(d) *Containers larger than 1 gallon.* The district supervisor, pursuant to application filed in accordance with paragraph (f), may authorize manufacturers, reprocessors, bottlers, and distributors to sell such products in containers exceeding 1 gallon in capacity to (1) actual users for use by them, and (2) other manufacturers, reprocessors, bottlers, or distributors for reprocessing, bottling, repackaging, and/or resale in the containers and to the persons specified in this section. Persons who make application under paragraph (b) to purchase such products, and who desire to procure them in containers larger than 1 gallon, may file one application for both permissions, as indicated in paragraph (f) (4).

(e) *Reprocessing, rebottling, repackaging, and relabeling by others.* Except as provided in this section, such products may not be reprocessed, rebottled, repackaged, or relabeled by persons other than the manufacturer thereof.

(f) *Application.* Application to procure such products pursuant to paragraphs (a) (1), (b), and/or (d), must be made by the purchaser to the district supervisor of his district. The application shall be filed in quadruplicate (quintuplicate if it is desired to purchase products from a manufacturer or other authorized vendor located in another supervisory district), and shall set forth fully:

[1] 6 F.R. 2501, 4057; 7 F.R. 7072.

[1] 7 F.R. 3958.

(1) The nature of the applicant's business and the purpose (reprocessing, bottling, repackaging, and/or resale, or use) for which he desires to procure the products;

(2) The name of the products, and the maximum quantity of each, which he desires to procure during any calendar month;

(3) The name and address of the manufacturer or other authorized vendor from whom the products will be procured;

(4) The kind and size of the containers in which he desires to procure the products, and if in containers of more than 1 gallon in capacity, pursuant to paragraph (d), his reasons for desiring to procure the products in such containers;

(5) The kind of containers in which, and the persons to whom, the products will be resold (not applicable to users);

(6) That he will observe all of the provisions of these regulations respecting such products, including the containers in which, and the persons to whom, the products are sold, and the keeping of records and making his premises available for inspection by Government officers.

The application may be filed for a specific quantity or period, or it may be filed for a continuing authorization, subject to the articles being handled in accordance with these regulations. A separate application must be filed for each manufacturer or other authorized vendor from whom it is desired to purchase such products.

(g) *Action by district supervisor.* The district supervisor will make such inquiry or investigation as may be necessary to determine the legitimacy of the applicant's business and his reasons for desiring to procure (or reprocess, bottle, or repackage) the products. If the district supervisor finds that the applicant is conducting a bona fide business and may be properly permitted to obtain (or reprocess, bottle, or repackage) the products, he will, in his discretion, approve the application in whole or in part, or otherwise restrict the privileges applied for. If the district supervisor approves the application, he will note his action on all copies thereof. If the vendor is located in his district, the supervisor will retain the original copy, return one copy to the applicant, forward one copy to the vendor, and the remaining copy to the Commissioner; if the vendor is located in another district, the supervisor will forward all copies of the application to the supervisor of such district, who, if he sees no objection to the proposed sales, will note his concurrence on each copy of the application, retain one copy ond return the other copies to the supervisor of the applicant's district for distribution as provided above.

(h) *Records.* Reprocessors of the products specified in this section shall keep Records 133 and 134, and persons authorized by the district supervisor, pursuant to paragraph (d), to purchase such products in containers larger than 1 gallon for bottling, repackaging, and/or resale shall keep Record 134, as required by § 182.875 in the case of manufacturers of such products.

(i) *Inspection of premises.* The premises where the products specified in this section are reprocessed, bottled, or repackaged, or are received in containers larger than 1 gallon, shall be subject to inspection by Government officers at any time during regular business hours or at any time when any operations, transactions, etc., of any nature whatsoever are being carried on, as provided in § 182.324 (b) in the case of manufacturers of such products. (Secs. 3070, 3105, 3109, 3111, 3114, 3121 (c), 3124 (a) (6), 3176 I. R. C.)

§ 182.861 *Labels.* Bottles and other containers of the products specified in § 182.860 shall be labeled to show the name and address of the original manufacturer, or the basic permit number of such manufacturer and the name and address of person by or for whom the bottles or other containers are filled: *Provided,* That where the products are reprocessed by a permittee, the name and address or the permit number of the reprocessor shall be shown in lieu of the permit number of the original manufacturer; however, where such products are reprocessed by a nonpermittee, the permit number of the original manufacturing permittee must be shown: *Provided further,* That the foregoing requirements shall not apply to any preparation marketed under a trade name label in a container of less than 4 ounces, if the manufacturer or bottler specifies on Form 1479–A, with which the label is submitted for approval in accordance with paragraph (a), that the label is to be used on containers of less than 4 ounces.

(a) *Labels to be approved.* All persons bottling such products must submit Form 1479–A with labels or facsimiles thereof to the Commissioner for approval before use, in accordance with § 182.149. Where labels are submitted for approval by persons other than the original manufacturer or reprocessing permittee, the name, capacity, and address of the bottler, shall be shown in the heading of Form 1479–A, and in the space provided for stating the "Formula," there shall be typed the words "For Label Approval Only," followed by:

(1) The name, address, and permit number of the original manufacturer or reprocessing permittee;

(2) The name under which the preparation was manufactured or reprocessed;

(3) The name under which the preparation is to be bottled and labeled;

(4) The size of the containers in which the product will be bottled; and

(5) The manner of showing the name and address of the bottler or person for whom the product is bottled, and the permit number of the manufacturer or reprocessor, on containers of 4 ounces or more.

There may be submitted on one set of Forms 1479–A as many labels, together with the information required above, as may be conveniently accommodated thereon. (Secs. 3070, 3105, 3109, 3111, 3114, 3121 (c), 3124 (a) (6), 3176 I. R. C.)

§ 182.862 *Reprocessors; Form 1479–A.* Applicants desiring to reprocess the products specified in § 182.860 must submit directly to the Commissioner quantitative formulas and processes on Form 1479–A in accordance with § 182.147, in addition to labels and advertising matter required by §§ 182.149 and 182.861. The Form 1479–A must show the name, address, and permit number of the original manufacturer, the name of the product to be reprocessed, and the quantities of each ingredient to be added, including water to produce the new article. The formula of the finished preparation as stated on Form 1479–A shall total one gallon or multiple thereof. (Secs. 3070, 3105, 3109, 3111, 3114, 3124 (a) (6), 3176 I.R.C.)

§ 182.875 *Manufacturing and sales records and invoices.* Persons holding permits to use specially denatured alcohol shall keep records and invoices as hereinafter provided.

(a) *Records 133 and 134.* Persons holding permits to use specially denatured alcohol in excess of 25 wine gallons per calendar month in the manufacture of articles specified in § 182.860 shall keep Records 133 and 134 as provided in subparagraphs (1) and (2) hereof. Persons whose permits authorize the use of 25 wine gallons or less of specially denatured alcohol per calendar month in the manufacture of articles specified in § 182.860, but who purchase for reprocessing, bottling, repackaging, and/or resale such articles in quantities which, with their permit allowance, amount to more than 25 wine gallons per month, shall likewise keep Records 133 and 134.

(1) *Record 133.* There shall be kept a true and correct manufacturing record on Record 133 of all specially denatured alcohol received and used, articles reprocessed, essential oils, chemicals, or other materials used in manufacturing, and of all articles manufactured in accordance with the headings of the various columns and the instructions on the record, or issued in respect thereto.

(2) *Record 134.* There shall also be kept a true and correct sales record on Record 134 of all articles manufactured, or received from others for reprocessing, bottling, repackaging, and/or resale, and of the disposition of all such articles, in accordance with the headings of the various columns and the instructions on the record, or issued in respect thereto.

(3) *Records to be provided by permittees at own expense.* Specimen copies of Records 133 and 134 will be furnished permittees by district supervisors. Such Records 133 and 134 will be provided by permittees at their own expense, but must be in the prescribed form: *Provided,* That district supervisors may authorize permittees to make modifications of the prescribed records to adapt their use to tabulating or other mechanical equipment, or to the permittee's operations, or to provide additional information, where

such modifications do not affect the clarity and purpose of the records or interfere with their ready examination by Government officers.

(4) *Exceptions.* District supervisors may, in their discretion, authorize permittees in writing to maintain other manufacturing and sales records, in lieu of Records 133 or 134, or parts thereof: *Provided,* That such substitute records reflect the data required by Records 133 and 134 in a manner which permits Government officers to readily determine the proper use of all specially denatured alcohol and the disposition of all articles made therefrom, and which is otherwise satisfactory to the district supervisor.

(b) *Records of other permittees.* Persons holding permits to use specially denatured alcohol in excess of 25 wine gallons per calendar month in the manufacture of articles other than those specified in § 182.860 must keep a permanent record showing the following data: (1) The quantity of each formula of specially denatured alcohol on hand at all times; (2) the quantity of each formula of specially denatured alcohol used, and the name of each article in which used; (3) the quantity (if liquid, in wine gallons and decimal fractions thereof) of each article manufactured; and (4) the names and complete addresses of the persons to whom such articles are sold, delivered, or otherwise disposed of, with the quantities (if liquid, in wine gallons and decimal fractions thereof) sold, delivered, or otherwise disposed of, to such persons, and the date thereof. Persons whose permits authorize the use of 25 wine gallons or less of specially denatured alcohol per calendar month, but who purchase for reprocessing, bottling, repackaging, and/or resale articles containing specially denatured alcohol in quantities which, with their permit allowance, amount to more than 25 wine gallons per month, shall likewise keep such record.

(1) *Form of record.* No particular form for such record is prescribed, but the required data above must be readily ascertainable from the record, and from the invoices kept in accordance with paragraph (d) hereof by the manufacturer.

(c) *Entries on records.* Entries shall be made on the records required by paragraphs (a) and (b) of this section on the day on which operations or transactions occur: *Provided,* That if memoranda are kept of operations or transactions, the entries on the records may be made on the following day.

(d) *Invoices.* All persons holding permits to use specially denatured alcohol shall retain copies of invoices covering: (1) The purchase of all essential oils, chemicals, and other materials used in manufacturing articles or preparations with specially denatured alcohol; (2) the purchase of articles containing specially denatured alcohol for reprocessing, bottling, repackaging, and/or resale; and (3) the sale, delivery, or other disposition of all articles manufactured or received by them. Such invoices shall be filed in chronological order according to the date of receipt of essential oils, chemicals, and other materials and articles, and the date of sale, delivery, or other disposition of articles or preparations, and in such manner as to permit ready examination by Government officers. The invoices covering the purchase of essential oils, chemicals, and other materials and articles shall show the name and complete addresses of the persons from whom such products were purchased. The invoices covering the sale of articles or preparations shall show the names and complete addresses of the persons to whom such articles or preparations are sold, delivered, or otherwise disposed of. All invoices shall show the quantities (if liquid, in wine gallons and decimal fractions thereof) of essential oils, chemicals, other materials, and articles.

(e) *Period which records and invoices must be kept.* All manufacturing and sales records and invoices required by this section shall be kept in legible form on the premises covered by the basic permit and shall be retained by the permittee subject to inspection by Government officers in accordance with § 182.324.

(f) *Failure to keep records and invoices.* Failure to keep or retain records and invoices in the manner herein required will constitute grounds for the issuance of citation for revocation of the permittee's basic permit. (Secs. 3070, 3105, 3109, 3111, 3114, 3121 (c), 3124 (a) (6), 3176 I.R.C.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 1, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-8974; Filed, June 2, 1943; 11:50 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1989]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for establishment of price classifications and minimum prices and for other relief for the coals of certain mines.

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, for a change in the shipping point for the coals of Mine Index No. 1085, and for correction of the mine index number of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; 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, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.24 (*General prices*) is amended by adding thereto Supplement R–IV, § 333.25 (*Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement R–V, § 333.27 (*Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River f. a. s. consumers in the States of Tennessee and Alabama*) is amended by adding thereto Supplement R–VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, 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.

The original petition requests, among other matters, the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Mine Index No. 1780 for shipment by truck and for the coals of Mine Index Nos. 38, 1526, 1527, 1641, 1760, 1766, 1776 and 1780 for shipment by railroad applicable for all uses except for railroad locomotive fuel, steamship bunker fuel and blacksmithing. Such relief is not granted herein for the reasons set forth in the order designating the portions of Docket No. A–1989 relating thereto as Docket No. A–1989, Part II.

Dated: May 22, 1943.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

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 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	BIBB COUNTY, ALA.				
[1] 1768	Upton, Callie (Mrs.)	Callie	1	Woodstock	42
	BLOUNT COUNTY, ALA.				
[2] 1767	Hampton, P. H.	Scratch Out #3	1	Black Creek	31
[2] 1769	Reno, F. N.	Nyota #10–E	1	Black Creek	31
	JEFFERSON COUNTY, ALA.				
[4] 1755	Beveridge, R. P.	Beveridge	1	Nickel Plate	50
	WALKER COUNTY, ALA.				
[5] 1778	Guthrie, C. B.	Guthrie #1	1	Black Creek	101
[5] 1779	Guthrie, C. B.	Guthrie #2	1	Black Creek	101
[6] 1771	Kelley & Lenard (Lee Kelley)	Kelly & Lenard Strip	1	Mary Lee	101
[7] 1122	King, E. W.	King	1	Mary Lee	101
[7] 1762	King, E. W.	Price Smith	1	Mary Lee	101
[8] 1464	Sillavan, K. H.	Sillavan	1	America	120
	JEFFERSON COUNTY, ALA.				
[9] 1533	Beveridge, R. P.	Daisy City #9	1	Nickel Plate	50

[1] Shipping Point: Woodstock, Ala.; Railroad: A. G. S. R. R. This mine shall have in Size Groups 1, 5, 13, 19, 21, 22 and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 212 (Young, G. W. (Red Dot Coal Co.), Red Dot Coal Company mine, Price Schedule No. 2) and will be included in Group No. 85.

[2] Shipping Point: Warrior, Ala.; Railroad: L&N. This mine shall have in Size Group 13, on each respective price table, the same price as is listed thereon for Mine Index No. 1309 (Cooper, Floyd, Cooper's mine, Price Schedule No. 2) and will be included in Group No. 120.

[3] Shipping Point: Carbon, Ala.; Railroad: L&N. This mine shall have in Size Groups 13, 20, 22, 23 and 24, on each respective price table, the same prices as are listed thereon for Mine Index No. 317 (Dixie Fire Brick Co., Black Cat mine, Price Schedule No. 2) and will be included in Group No. 118.

[4] Shipping Point: Brookside, Ala.; Railroad: Sou. Ry. This mine shall have in Size Groups 1, 13 and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 1533 (Beveridge, R. P., Daisy City #9 mine, Price Schedule No. 2) and will be included in Group No. 174.

[5] Shipping Point: Eldridge, Ala.; Railroad: St. L.–S. F. These mines shall have in Size Groups 1, 2, 4, 7, 13, 19, 20, 21, 22 and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 1350 (Guthrie, C. B., Wideman #1 mine, Price Schedule No. 2) and will be included in Group No. 94.

[6] Shipping Point: Hillard, Ala.; Railroad: St. L.–S. F. This mine shall have in Size Groups 1, 2, 7, 13 and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 1226 (Brasfield & Isbell (J. T. Isbell), Burnwell mine, Price Schedule No. 2) and will be included in Group No. 202.

[7] Shipping Point: Townley, Ala.; Railroad: St. L.–S. F. These mines shall have in Size Groups 13, 19, 22 and 23, on each respective price table, the same prices as are listed thereon for Mine Index No. 616 (Jones Coal & Clay Company, Sulphur Springs mine, Price Schedule No. 2) and will be included in Group No. 191.

[8] Shipping Point: Leespcer, Ala.; Railroad: Sou. Ry. This mine shall have in Size Groups 1, 2, 7, 19, 20, 21, 22, 23 and 24, on each respective price table, the same prices as are listed thereon for Mine Index No. 1137 (Pratt-American Coal Company America 1 and 2 mine, Price Schedule No. 2) and will be included in Group No. 156.

[9] Shipping Point: Brookside, Ala.; Railroad: Sou. Ry. Denotes change in index number. Mine Index No. 1553 as shown in Docket No. A–1943, shall no longer be applicable to this mine.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply. For all mines in Subdistrict No. 1. For all sizes customarily furnished railroads for locomotive fuel]

Mine index No.	Central of Georgia	Seaboard Air Line Railway	St. Louis & San Francisco R. R. (for consignment west of the Mississippi River)	St. Louis & San Francisco R. R. (for consignment east of the Mississippi River)	A. B. & C. R. R.	All other railroads not specifically shown
1122, 1762, 1768, 1769, 1778, 1779, 1780	250	250	230	250		250

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Size groups and prices applicable for steamship vessel fuel					
	Mine group	14, 15, 16, 17, 18	12	13	23
1641, 1780	Black Creek	315	315	(†)	(†)
1769, 1778, 1779	Black Creek	(†)	(†)	315	305
1768	Cahaba	300	(†)	300	(†)

†Indicates no classification effective for these size groups.

§ 333.24 *General prices*—Supplement R–IV

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	HAMILTON COUNTY, TENN.				
[1] 1085	Conner & Alexander (Eugene Alexander).	Alexander	3	Soddy #13	200

[1] Shipping Point: Rathburn, Tenn.; Railroad: C. N. O. & T. P. Shipping point at Daisy, Tenn., shall no longer be applicable.

§ 333.25 *Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V

For mines in Subdistrict No. 3	Size	Price
Mine index No. 1776.	For all sizes except screenings	250
	Screenings with top size not more than 2".	245

FREE ALONGSIDE DELIVERIES

§ 333.27 *Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to F. A. S. consumers in the States of Tennessee and Alabama*—Supplement R–VI

Code member index	Mine	Mine index No.	County	Seam	Lump: Over 2", egg: top size over 5"	Egg: top size 5" and under, bot. size 2" and under	Lump: 2" and under	Nut: top size 2" and under, bot. size 1" and under	Stoker: top size 1½" and under, bot. size ½" and under	Stoker: top size ¾" and under, bot. size ⅜" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal
					1	2		4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA [SUB-DISTRICT 5]																			
Gilbroath, E. H	No. 11	1636	Marion	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
Grant & Mayes (Joe Grant)	Abeel #2	1776	Marion	Soddy #10	335	335	325	280	270	250	255	255	255	235	235	225	220	185	280
Shoemake, Edward	Shoemake Coal Co	1763	Marion	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–1

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: over 2"; egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and under, bot. size over ½"		Chestnut: top size 3" and under, bot. size ½" and under		Chestnut: top size 1½" and under, bot. size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
BIBB COUNTY																			
Upton, Callie (Mrs.)	Callie	1768	2	Woodstock	395	395	370	365	345	345	320	330	305	305	280	220	270	205	305
BLOUNT COUNTY																			
Hampton, P. H	Scratchout #3	1767	2	Black Creek	385	385	370	375	355	340	330	325	315	315	305	295	295	280	315
Reno, F. N	Nyota #10-E	1769	2	Black Creek	385	385	370	375	355	340	330	325	315	315	305	295	295	280	315
JEFFERSON COUNTY																			
Beveridge, R. P	Beveridge	1755	2	Nickel Plate	320	320	310	315	305	----	----	305	280	275	290	270	285	260	275
WALKER COUNTY																			
Cupps, D. D	Cupps Coal Co	1772	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320
Guthrie, C. B	Guthrie #1	1778	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320
Guthrie, C. B	Guthrie #2	1779	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320
Kelley & Lenard (Lee Kelley)	Kelley & Lenard Strip	1771	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
Knight, Huey	Owens #7	1651	2	Black Creek	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

*When shown under a size group number, this symbol indicates coals previously classified in this size group.
Denotes change in index number. Mine Index Number 570 shall no longer be applicable to this mine.

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

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: Over 2", egg: top size over 5"	Egg: Top size 5" and under, bot. size 2" and under	Lump: 2" and under	Nut: Top size 2" and under, bot. size 1" and under	Stoker: Top size 1½" and under, bot. size ½" and under	Stoker: Top size ¾" and under, bot. size ⅜" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1¼" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
MARION COUNTY																			
Garner, Theodore Roosevelt	Garner	1770	4	Orme (Battle Creek)	370	370	360	290	280	275	265	265	265	235	235	225	205	170	315
Grant & Mayes (Joe Grant)	Abeel #2	1776	4	Soddy #10	335	335	325	280	270	250	255	255	255	235	235	225	220	185	280
Lewis, H. G	Battle Creek	1761	4	Battle Creek	370	370	360	290	280	275	265	265	265	235	235	225	205	170	315
Rollins, J. F	No. 11	1764	4	Battle Creek	370	370	360	290	280	275	265	265	265	235	235	225	205	170	315
Shoemake, Edward	Shoemake Coal Co.	1763	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290

[F. R. Doc. 43–8860; Filed, June 1, 1943; 10:40 a. m.]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

[Docket No. A–1562]

Memorandum opinion and order of the director in the matter of the petition of District Board No. 17 for revision of the effective minimum prices for coals produced and shipped by rail from mines in Subdistricts Nos. 11, 12, 15, and 16 in District No. 17, to destinations in Market Area 203.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on August 3, 1942, by District Board 17, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting, in substance, a revision in the schedule of effective minimum prices for District No. 17 for all shipments so as to permit limited absorptions by producers in Subdistricts 11, 12, 15 and 16 of the freight rates in excess of the freight rate on rail shipments from Subdistrict 4 (Oak Hills) to destinations in Market Area 203 On September 2, 1942, temporary relief was granted producers in Subdistricts 11, 15 and 16 for Size Groups 1 to 9, inclusive, and in Subdistrict 12 for Size Groups 1 to 13, inclusive, in accordance with the relief requested in the petition herein.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was held on November 20, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Denver, Colorado. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner appeared and at the conclusion of the hearing, waived the preparation and filing of a report by the Examiner. The matter was thereupon submitted to me for consideration.

The instant proceeding is concerned solely with the correction of the schedules of effective minimum prices for District No. 17 for all shipments so as to include Market Area 203 (Black Hills, South Dakota) with the surrounding Market Areas, i. e., 200 (North Dakota), 201 and 202 (South Dakota), for rail shipment to which producers in Subdistricts 11, 12, 15, and 16 are presently authorized to absorb limited freight rates.[1]

Subdistrict 11 is located in Crested Butte in central Colorado; Subdistrict 12 near Somerset, and Subdistricts 15 and 16 near Grand Junction, are located in western Colorado. These subdistricts are located in mountainous territory with comparatively no markets in their immediate vicinities for their coals which move to distant eastern markets. These coals are shipped over the Denver & Rio Grande Western Railroad to Denver, the junction point for rail shipment of the coals of Subdistrict 4[2] (Oak Hills), and from Denver are routed via the Chicago, Burlington & Quincy Railroad, or the Union Pacific Railroad to Market Area 203.

The schedule of effective minimum prices for District No. 17 for all shipments provides that minimum prices for rail shipment from Subdistricts 11, 12, 15, and 16 to Market Areas 200 through 202, 204 through 207, and to other areas therein specified shall be reduced by the difference between their freight rate and that of Subdistrict 4 not exceeding specified amounts.[3] In order for producers in these subdistricts to compete with producers in Subdistrict 4, it is proposed that the freight rate differential for rail shipment to Market Area 203 be absorbed by producers in Subdistricts 11, 12, 15, and 16.

Douglas Millard, Chairman of District Board 17, testified that prior to the establishment of effective minimum prices, it was the practice of producers in Subdistricts 11, 12, 15, and 16 to absorb such freight rate differentials for shipment to Market Area 203 and surrounding areas, in order to afford these producers an opportunity to compete fairly with producers in Subdistrict 4. He asserted that the failure to provide freight rate absorption on shipments to Market Area 203 probably was due to inadvertence. He explained the failure to request correction of the situation for two years following the establishment of prices by the fact that during this period producers in these subdistricts had not been shipping coal to Market Area 203, as a result of its displacement by substitute fuels. He added that the district board filed its petition in this proceeding, immediately upon its discovery of the apparent oversight with respect to Market Area 203 shipments. The witness also testified that the coals produced in Subdistricts 11, 12, 15, and 16, in the size groups involved herein, are comparable in quality with similarly sized coals produced in Subdistrict 4, are generally used for the same purposes, are similarly priced and sold on a parity. In the opinion of the witnesses these coals are properly coordinated in price among the several subdistricts involved herein, and with coals of Subdistrict 4, and a failure to accord Subdistrict 11, 12, 15, and 16 coals the same freight rate privilege would be tantamount to a denial to them of fair competitive opportunities in Market Area 203.

The record establishes that producers of coals in the size groups here involved in Subdistricts 11, 12, 15, and 16, should be permitted to absorb the same freight rate differential for rail shipment to Market Area 203 as for shipment to the surrounding areas specified in the applicable price instructions of the District 17 price schedule. No reasonable explanation is disclosed for the omission of such a privilege. Moreover, no objection

[1] See price instruction and Exception Nos. 32 and 37 in Minimum Price Schedule No. 2 for District No. 17 for all shipments.

[2] Subdistrict 4 is in Routt County in north central Colorado, northwest of Denver.

[3] $1 for Subdistricts 11, 15, and 16 in Size Groups 1 to 9, inclusive; $1.25 for Subdistrict 12 in Size Groups 1 to 9, inclusive, and $0.50 for Subdistrict 12 in Size Groups 10 to 13, inclusive.

was made to the requested relief by any producers in District 17, nor was any objection thereto expressed at the hearing.[4] In the circumstances thus disclosed, I find that, in order to reflect, as nearly as possible, the true value of the coals in the size groups involved herein, and to preserve, as nearly as may be, existing fair competitive opportunities among producers in Subdistricts 11, 12, 15, and 16, of District 17, the requested revision of the applicable price instructions should be granted. I find further that such revision complies with the standards set forth in sections 4 II (a) and (b) of the Act and is necessary to effectuate the purposes thereof. For the foregoing reasons and upon the basis of the above findings of fact,

It is hereby ordered, That § 337.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by substituting for footnote 8 under No. 11, Crested Butte Subdistrict; footnote 8 under Nos. 15 and 16 Grand Junction Nos. 1 and 2, Sub-Districts, the following:

[8] Minimum prices shown for Size Group Numbers 1 to 9 inclusive, for shipment into Market Areas 45, 47 through 50, 52 through 70, 75 through 78, 200 through 207, 209, 215 and 217, and into that portion of Market Area 208 and 210 on or north of Union Pacific Railroad's main line from Arapahoe, Colorado, via Salina, Kansas, to Kansas City, Missouri, shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 4—Oak Hills—to destination: *Provided, however*, Such reduction shall not exceed $1 per net ton in any case where the difference in freight rates exceeds that amount. This exception applies for shipment via *rail* transportation from Subdistricts Nos. 11, 15, and 16 *only*.

Amend footnote 14 under No. 12 Somerset Sub-District as follows:

[14] Minimum prices shown for Size Group Numbers 1 to 13, inclusive, for shipment into Market Areas 45, 47 through 50, 52 through 70, 75 through 78, 200 through 207, 209, 215 and 217 and into that portion of Market Area 208 and 210 on or north of Union Pacific Railroad's main line from Arapahoe, Colorado, via Salina, Kansas, to Kansas City, Missouri, shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 4—Oak Hills—to destination: *Provided, however*, Such reduction shall not exceed $1.25 per net ton on Size Group Numbers 1 to 9 inclusive, and shall not exceed 50 cents per net ton on Size Group Numbers 10 to 13, inclusive, in any case where the difference in freight rates exceeds these amounts. This exception applies for shipment via *rail* transportation from Subdistrict No. 12 *only*.

Dated: June 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-8955; Filed, June 2, 1943; 10:44 a. m.]

[4] The record discloses that District 19, the producers of which compete with District 17 producers, concur in the relief requested in the petition herein.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 189]

OCCUPATIONAL CERTIFICATION

ORDER REVISING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 42B, entitled "Occupational Certification," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The original supply of forms will be used until exhausted.

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

LEWIS B. HERSHEY,
Director.

MAY 12, 1943.

[F. R. Doc. 43-8919; Filed, June 1, 1943; 4:02 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 23]

MILITARY RATING PROCEDURE

§ 903.35 *Directive 23*—(a) *Purpose.* The purpose of this War Production Board directive is to provide for review by representatives of the War Production Board of certain priorities actions taken by the Army and Navy and other government agencies, and for approval of placement of certain purchase orders rated by such agencies; and to define the scope of such review.

(b) *Requirement of War Production Board approval for ratings of capital equipment and machine tools.* Every preference rating certificate on Form PD-3A, if such instrument assigns a rating to any delivery of capital equipment or machine tools other than those to be incorporated in command construction at the time of construction (whether such delivery is to be made directly to the Army or Navy or other government agency or to a prime or subcontractor thereof), shall, prior to issuance, be approved by a duly authorized official of the War Production Board by endorsing thereon the statement "approved for issuance" duly signed; except in the following cases:

(1) Where the total value of the delivery or deliveries rated by the instrument does not exceed $500. Purchases shall not be divided for the purpose of making this exception available.

(2) Where the countersigning takes place outside of the forty-eight States, the District of Columbia, and the Dominion of Canada.

[1] Form filed as part of original document.

(3) A purchase made pursuant to approval given by a commanding officer, commandant, or the Bureau of Supplies and Accounts of the Navy, or by a commanding officer of a defense command of the Army, in an emergency where the degree of urgency is such that advance approval by a War Production Board official cannot be obtained, provided that in each such case a copy of the rating document is mailed within 24 hours after issuance to the appropriate Regional Office of the War Production Board.

(4) Where the capital equipment or machine tools are for shipboard (including floating dry docks) use, or are for use outside the forty-eight States and the District of Columbia for military purposes.

(5) Where capital equipment, not including machine tools, is purchased by or for the account of the military for military operations.

(6) In such other cases as may be excepted, either individually or by classes, by written authority of the War Production Board.

(c) *Procedure for review of rating actions by War Production Board officials.* (1) Instruments assigning a rating to the delivery of capital equipment and/or machine tools required in connection with a production project in a single plant, where the total cost of all tools and equipment required for the project is *less than $100,000*, shall be submitted after countersignature by the appropriate Service Officer to the War Production Board field office within whose jurisdiction the tools or equipment are to be located. The instruments shall be approved by a War Production Board official of such office only after he has determined that the item or items requested are required and that no suitable existing equipment or subcontracting facilities are available, or that the availability or unavailability of such equipment or facilities cannot be ascertained within ten calendar days after receipt thereof. Purchases shall not be divided for the purpose of coming within this paragraph (c) (1). The fact that the equipment and/or machine tools appear on a single preference rating application or on several such applications shall not determine whether the capital equipment and/or machine tools are in connection with a single given project, but the War Production Board field office shall determine this after full consideration of all the facts surrounding such application or applications. When an instrument which has been countersigned by the appropriate Service Officer under paragraph (c) (1) is disapproved by a War Production Board official in a War Production Board field office, the Service Officer may request the War Production Board field office to forward the latter's entire file in the matter, together with a statement of the facts, to the Facilities Bureau of the War Production Board, at the same time forwarding a copy of the statement of the facts to the Army and Navy Munitions Board in Washington and an additional copy to the Production Resources Division of the War Production Board. The Facilities Bureau of the War Production Board

may in its discretion direct the issuance of the instrument in question.

(2) Instruments assigning a rating to the delivery of capital equipment and/or machine tools required in connection with a production project in a single plant, where the total cost of all tools and equipment required for the project is *$100,000 or more,* shall be submitted after countersignature by the appropriate Service Officer to the appropriate War Production Board field office specified in paragraph (c) (1) or the Routing and Issuance Branch of the War Production Board, Washington, D. C., at the option of the sponsoring agency. If such instrument or instruments are submitted to the War Production Board field office under this paragraph, the field office shall not approve the same but shall recommend the granting or denying of approval and forward the same together with its recommendation to the Facilities Bureau of the War Production Board for approval or disapproval in accordance with prescribed procedure.

(3) The Tools Division of the War Production Board may from time to time specify certain machine tools as to which instruments assigning a rating to the delivery thereof shall follow the procedure specified in paragraph (c) (2) above, irrespective of whether the capital equipment and/or machine tools for the project in question may have a total cost of less than $100,000.

(d) *Approval of placement of certain purchase orders by War Production Board officials.* No rating heretofore or hereafter issued on a preference rating certificate PD–3A which would fall within the provisions of paragraph (c) (2) shall hereafter be applied to deliveries of machine tools and/or capital equipment, and no purchase order to be rated by such a certificate shall hereafter be placed with the seller, until the War Production Board field office within whose jurisdiction the tools or equipment are to be located has countersigned the purchase order, or a true copy thereof or a written document containing such appropriate parts thereof as the field office may specify. Before countersigning the same, the appropriate War Production Board official in said field office shall determine that no suitable existing equipment or subcontracting facilities are available, or that the availability or unavailability cannot be ascertained within ten calendar days after receipt thereof. If such countersignature is refused, the plant desiring to place the same or the sponsoring agency may request the War Production Board field office to forward the latter's file for disposition in the same manner as that specified in paragraph (c) (2).

(e) *Rating of military construction.* (1) All construction, other than command construction as defined below, will be rated only by the War Production Board, even though the facilities, when completed, will be owned, leased or operated by the Army, Navy or Maritime Commission.

(2) "Command construction" as used in this section means the following types of projects ordered built by either the Chief of Staff, U. S. Army, or the Chief of Naval Operations, U. S. Navy, said projects to be built under contracts let by the Corps of Engineers or the Bureau of Yards and Docks; viz, air fields; military housing; alien housing; facilities for the repair of finished items of munitions; overseas or theatre of operations construction; seacoast fortifications; ports and depots; camouflage and other passive defense projects (whether or not owned and operated by the Army or Navy); emergency flood control projects having a value of less than $100,000; military hospitals; maneuver, training and staging areas and proving grounds.

(3) Command construction as defined above may be rated on PD–3A certificates by Army or Navy contracting and procurement officers. Review thereof by War Production Board officials is no longer required.

(f) *Status of existing administrative orders and instructions.* Except as otherwise expressly provided herein, ratings on PD–3A certificates may be assigned by appropriate officials of the Army and Navy and other designated federal agencies as provided in Division Administrative Order No. 1 as heretofore supplemented, subject to existing and future Army and Navy Munitions Board Instructions, and subject to approval by a War Production Board official where required by paragraph (b) hereof.

(g) *Effective date. Effect upon Priorities Directive No. 2.* This Directive shall become effective the 14th day of June 1943, and shall supersede Priorities Directive No. 2 as heretofore amended. Until that date, Priorities Directive No. 2 as heretofore amended shall remain in full force and effect.

Issued this 2d day of June 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43–8967; Filed, June 2, 1943; 11:18 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under 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.

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

[Interpretation 2 of § 944.2 of Priorities Regulation 1]

The following official interpretation is hereby issued with respect to Priorities Regulation No. 1 (§ 944.2):

An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price.

Section 944.2 of Priorities Regulation No. 1 makes the acceptance of rated orders mandatory except in five situations specified in paragraph (b) of that section. The only exception dealing with price is contained in paragraph (b) (3) which states that a rated order may be rejected "if the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payments."

"Regularly established prices" cannot be higher than OPA ceiling prices. They may, however, be lower.

Issued this 2d day of June 1943.

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

[F. R. Doc. 43–8968; Filed, June 2, 1943; 11:18 a. m.]

PART 1049—INCANDESCENT, FLUORESCENT AND OTHER ELECTRIC DISCHARGE LAMPS

[Amendment 2 to Supplementary Limitation Order L–28–a]

Section 1049.2 *Supplementary Limitation Order L–28–a* is hereby amended in the following particular:

Paragraph (b) (4) (i) (b) is hereby amended by adding the words "or the person placing such order" after the words "appropriate procuring officer".

Issued this 2d day of June 1943.

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

[F. R. Doc. 43–8969; Filed, June 2, 1943; 11:17 a. m.]

PART 1074—VITAMIN A

[Limitation Order L–40, as Amended June 2, 1943]

Whereas national defense requirements for vitamin A have created a shortage thereof for defense, for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof; and

Whereas reduction in the quantities of vitamin A consumed in the manufacture of multivitamin preparations for human consumption and in the manufacture of poultry, cattle, fur-bearing or other animal feed in the manner and to the extent hereinafter provided, can be effected without impairing the effectiveness of such preparations or feeds. *Now, therefore, it is hereby ordered,* That:

§ 1074.1 *General Limitation Order L–40*—(a) *Definitions.* For the purposes of this order:

(1) "Vitamin A" shall include vitamin A and its "pro-vitamins" such as carotenes and cryptoxanthin derived from plant, animal, fish or marine animal sources.

(2) "Fish liver oils" shall mean oils containing vitamin A derived, extracted, or processed from livers of the cod, shark, halibut, or other fish.

(3) "Feed" shall mean natural or artificial feedstuffs or rations or other substances intended for poultry, cattle, fur-bearing or other animals, as a complete ration, or as a component of, or in reinforcement of, other diets.

(b) *General restrictions.* (1) Except as provided in paragraph (b) (2) of this order, no person shall, on or after April 10, 1942, manufacture any preparation represented to contain more than 5,000

U. S. P. XI units of vitamin A in the largest daily dosage recommended by the manufacturer or seller for adult use.

(2) The restrictions of paragraph (b) (1) of this order shall not apply to the manufacture of preparations represented to contain 25,000 or more U. S. P. XI units of vitamin A in the smallest daily dosage recommended by the manufacturer or seller for adult use; and the restrictions of paragraph (b) (1) of this order shall not apply to the manufacture of preparations recognized in the U. S. P. or N. F.

(3) Except as provided in paragraph (b) (4) of this order, no person shall manufacture or prepare feeds, which, in the form recommended by the manufacturer or seller to be consumed, contain more than 2,000 U. S. P. XI units of vitamin A supplied by fish liver oils or other fish oils per pound of total ration; except that for all turkey feeds and poultry breeding feeds the limitation shall be 3,000 U. S. P. XI units of vitamin A supplied by fish liver oils or other fish oils per pound of total ration: *Provided, however,* That for the purpose of manufacture or preparation in the period March 27, 1943 to May 15, 1943, inclusive, the limit for feeds in such recommended form shall be 2500 U. S. P. XI units and, for turkey feeds and poultry breeding feeds, shall be 3500 U. S. P. XI units.

(4) The restrictions of paragraph (b) (3) of this order shall not apply to stocks of fish liver oils or other fish oils, which, on February 10, 1942, were in the hands of, or in transit to, or blended and held in stock for the account of, persons who have purchased such oil for use by them as one of the ingredients of their manufactured feeds; nor shall the restrictions of paragraph (b) (3) of this order apply to any person who mixes or prepares feeds which are consumed by his own poultry or animals.

(c) *Applicability of General Preference Order M-71, as amended.* All sales, purchases, and deliveries of fish liver oils and other fish oils shall continue to be subject to the provisions and restrictions of General Preference Order M-71, as amended from time to time.

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

(e) *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.

(f) *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 his community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: L-40.

Issued this 2d day of June 1943.

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

[F. R. Doc. 43-8970; Filed, June 2, 1943; 11:17 a. m.]

PART 1102—AGAR

[General Preference Order M-96 as Amended June 2, 1943]

Whereas, it appears that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of agar for the combined needs of defense, private account and export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of agar:

Now, therefore, it is hereby ordered, That:

§ 1102.1 *General Preference Order M-96*—(a) *Applicability of Priorities Regulation 1.* This order and all transactions affected hereby are subject to the provisions of Priorities Regulation 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.

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

(1) "Agar" means any mucilaginous substance, whether dried or in other form, extracted from Gelidium corneum and other species of Gelidium and closely related algae. It is also known as "Agar-Agar", "Chinese Gelatin", and "Japanese Gelatin." It shall not be construed to include any extract which was so processed before February 9, 1942, as to be rendered unfit for use in the preparation of bacteriological media.

(2) "Bacteriological media" means those products intended to meet the general and specialized nutritional requirements for bacteria under culture.

(c) *Restrictions on the sale or use of agar.* No person may buy any agar the sale of which is forbidden by this order. Notwithstanding anything in Priorities Regulation 1, as amended, to the contrary no person having in his possession or under his control on February 9, 1942, or subsequently acquiring, any agar, shall use or sell any such agar, except as specifically ordered by the War Production Board, or for incorporation into bacteriological media: *Provided,* That any person seeking to purchase agar for such incorporation shall furnish to the seller in duplicate a statement in writing, manually signed by a responsible official, certifying that the agar is to be so used. Such statement shall be substantially in the following form:

I require _____ pounds of agar for incorporation into bacteriological media. I have _____ pounds in my possession or under my control, leaving a shortage of _____ pounds which I must fill by purchase.

Name _____
By _____

A copy of such statement shall be filed by the seller with the War Production Board. Such statement shall constitute a representation to the War Production Board and the seller of the facts stated therein. The seller shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. Any person making such a representation may use such agar only for the purpose specified.

(d) *Applicability of order.* This order does not apply to the use or sale of any agar which on February 9, 1942, was in the possession or control of any person who then possessed or controlled less than fifty (50) pounds of agar, nor to purchases by importers of agar to be delivered from outside the continental United States, but any subsequent dealing in agar, after its importation, is governed by this order. The restrictions of this order shall not apply to sales or deliveries to or purchases or sales by the Defense Supplies Corporation, or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or any duly authorized agent of such corporation.

(e) *Reports.* Every person having more than fifty (50) pounds of agar in his possession or control on February 9, 1942, shall report the quantity such person has in his possession or control in writing to the War Production Board within fifteen (15) days subsequent to February 9, 1942, and such persons, and any other persons participating in any transactions to which this order applies shall execute and file with the War Production Board such other reports and questionnaires as said Board shall from time to time request. Failure on the part of any person to report as prescribed by this order shall be deemed a representation to the Government that such person had less than fifty (50) pounds of agar in his possession or control on February 9, 1942, and participated in no transaction to which this order applies.

(f) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Communications to War Production Board.* All reports required to be

filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M-96.

(h) *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).

Issued this 2d day of June 1943.

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

[F. R. Doc. 43-8971; Filed, June 2, 1943; 11:17 a. m.]

PART 1171—ELEVATORS

[General Conservation Order L-89, as Amended June 2, 1943]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of elevators 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:

§ 1171.1—*General Conservation Order L-89*—(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) "Elevator" means any hoisting and lowering mechanism, equipped with a car or platform which moves in guides in a substantially vertical direction; including hydraulic, hydro-electric and hand power elevators, electric dumbwaiters, home-lifts, elevettes; but excluding mine material hoists and portable elevators. The term shall also mean inclinators, and electrically operated passenger elevating devices appurtenant to stationary stairways.

(3) "Essential hardware" means metal fastenings, reinforcing angles and plates, gate guides and shoes, recess panels, interlocks, pulleys, gate counterweights and car light fixtures, used in the manufacture or repair of elevators.

(4) "Manufacture" means the production or construction of an elevator, or the production of any parts, equipment or accessories to be attached to or incorporated in any elevator; or the assembly of any parts, equipment or accessories for the purpose of producing or constructing an elevator or any portion thereof; but does not include assembly or installation of the finished sections or portions of an elevator at the site of ultimate use of the elevator.

(5) "Manufacturer" means any person who manufactures any new elevator or any parts, equipment, or accessories to be attached to or incorporated in any elevator, and includes any sales or distribution outlets controlled by any such person.

(6) "Dealer" means any person who purchases new elevator parts, equipment or accessories for resale but does not include any sales or distribution outlets controlled by any manufacturer.

(7) "Order" means any commitment or other arrangement for the delivery of an elevator or parts or accessories therefor; and includes any group of purchase orders for equipment planned or anticipated for related deliveries, or to serve a common purpose, with respect to an elevator.

(8) "Restricted order" means any order (i) for a new elevator; or (ii) for changing the method of operation or control of any elevator then existing; or (iii) for parts, equipment, or accessories of any kind to be incorporated in, or installed on, any elevator then existing. For purposes of this paragraph, "operation" means the method of actuating the controller; and "control" means the system of regulation by which the starting, stopping, direction of motion, acceleration, speed, and retardation of an elevator are governed.

(b) *Restrictions on acceptance of orders for and manufacture of elevator and parts.* (1) Except as otherwise provided in this paragraph or in paragraph (e) no person shall (i) accept any restricted order, or (ii) commence the manufacture of any elevator or any elevator parts, equipment or accessories in fulfillment of any restricted order; unless the order has been authorized by the War Production Board as provided in paragraph (c). An authorization granted by the War Production Board under paragraph (c) shall meet the requirements of this paragraph, whether such authorization was issued before or after January 27, 1943.

(2) The limitations and restrictions of this paragraph shall not apply to any order (or to manufacture in fulfillment of any order) placed with a supplier by a manufacturer or dealer for any elevator or parts to be delivered to the latter for resale or further manufacture, but such limitations and restrictions shall apply to any resale of such elevator or parts, or of the elevator into which any such parts shall be incorporated. For the purposes of this subparagraph, delivery by any such supplier to the purchaser designated by any such manufacturer or dealer shall be deemed delivery to the manufacturer or dealer and resale by him.

(c) *Procedure for securing authorization for restricted orders.* The authorization of the War Production Board required by paragraph (b) shall be obtained by the purchaser who may make application therefor on Form PD-411. The War Production Board may grant any such application upon such conditions, if any, as it shall specify. The authorizations of the War Production Board on Form PD-411 may also grant to the order, if theretofore unrated, a preference rating.

(d) *Restrictions on use of materials.* (1) No non-ferrous metals, or stainless or alloy steel shall be used in the manufacture of hoistway doors, car doors or gates, car or landing thresholds, face plates of operating or signal fixtures; or in the manufacture of parts therefor.

(2) No non-ferrous metals or steel shall be used in the manufacture of hanger cover plates, facias, passenger cabs (not including gates or doors), or freight elevator side guards or car gates; or in the manufacture of parts therefor; except that this restriction shall not apply to essential hardware.

(3) The provisions of this paragraph shall not apply to manufacture of the items specified above from material which was fabricated on January 27, 1943, to the point where use for other purposes would be impracticable.

(e) *Non-applicability to maintenance and repair parts.* The limitations and restrictions of paragraph (b) shall not apply (1) to any order for spare or maintenance parts in an amount which will not increase the parts inventory of the purchaser beyond $25.00 for each elevator operated by him: *Provided, however,* That this exemption shall not apply to purchases by any person in any calendar year in excess of $50.00 for each elevator operated by him; or (2) to any order for repair parts in any amount for any elevator when, and only when, there has been an actual breakdown or suspension of operations of the elevator because of the necessity for repair and the essential repair parts are not otherwise available from the purchaser's inventory. As used in this paragraph "maintenance" shall mean the upkeep of an elevator or elevator structure in sound working condition; and "repair" shall mean the restoration, without change of design, of any portion of an elevator or elevator structure to sound working condition, when such portion has been rendered inoperative or unsafe or unfit for service by wear and tear, damage, destruction or failure of parts, or other similar causes.

(f) Revoked June 2, 1943.

(g) *Miscellaneous provisions* — (1) *Exemptions.* The limitations and restrictions of paragraphs (b), (c) and (d) of this order shall not apply to any elevator or elevator parts, equipment or accessories to be installed and used aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration.

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

All persons affected by this order shall execute and file with the War Production

Board, such reports and questionnaires as the War Production Board shall from time to time request.

(3) *Other limitation orders.* Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(4) *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.

(5) *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.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C. Ref.: L-89.

Issued this 2d day of June 1943.

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

[F. R. Doc. 43-8972; Filed, June 2, 1943; 11:17 a. m.]

PART 3126—CLOTHING FOR MEN AND BOYS

[General Limitation Order L-224, as Amended June 2, 1943]

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

§ 3126.1 *General Limitation Order L-224*—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

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

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

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

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

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

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

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

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

(8) "Unlined" means without linings other than a shallow yoke lining and sleeve lining.

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

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

(11) "Summerweight" means cloth weighing, in its greige or unfinished state, not more than one pound for three yards of 36 inches width.

The exceptions in this order relating to the use of "summerweight cloth other than wool cloth" shall apply only when the yardage ticket or invoice thereof is marked "Summerweight", when the cloth is delivered to the manufacturer (or, with respect to cloth delivered prior to June 15, 1943, when a written statement that such cloth is "Summerweight", as so defined, is signed by the vendor) and "Summerweight" is stamped on the trousers' ticket when the completed trousers are delivered by the manufacturer.

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

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

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

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

(*a*) Length exceeding for:

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

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

(*b*) Outside patch pockets or inside patch pockets of wool cloth, except that unlined utility jackets or lumber jackets may have two lower inside patch pockets of wool cloth and that unlined sack coats or jackets may have outside patch pockets of cloth other than wool cloth;

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

(iv) Pair of trousers with:

(*a*) Maximum width exceeding 22 inches at the knee and 18½ inches at the bottom for a pair of trousers size 32 inch waist regular, with other sizes and variations in normal proportion;

(*b*) Inseam measurement exceeding, except in the use of summerweight cloth other than wool cloth, for:

(*1*) Men's—35 inches (including the turn-up) for a pair of trousers size 32 inch waist regular with other sizes and variations in normal proportion;

(*2*) Boys'—30½ inches (including the turn-up) for a size 14 with other sizes in normal proportion;

Real or simulated pleat or tuck, or stitching along the crease, except in the use of summerweight cloth other than wool cloth;

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

(*e*) Side or back buckle strap;

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

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

(*h*) Patch pockets, except in boys' trousers of cloth other than wool cloth.

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

(2) Revoked, June 2, 1943.

(3) *Curtailments on the use of wool cloth in the manufacture of topcoats and overcoats (including work overcoats and fingertip coats), mackinaws, and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any wool cloth for the manufacture of:

(i) *Single-breasted topcoats, overcoats or mackinaws.* (*a*) Men's single-breasted topcoat or overcoat exceeding 43¼ inches in length and 56 inches in sweep for a size 37 regular with other sizes and variations in normal proportion, and that in the case of men's single-breasted mackinaw, the length shall in no case exceed 32 inches;

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

(ii) *Double-breasted topcoats, overcoats or mackinaws.* (*a*) Men's double-breasted topcoat or overcoat exceeding 44¼ inches in length and 62 inches in sweep for a size 37 regular, with other sizes and variations in normal proportion, and that in the case of men's double-breasted mackinaw, the length shall in no case exceed 32 inches;

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

(iii) A topcoat, overcoat, or mackinaw with inside or outside patch pockets of wool cloth, any type of cuff on the sleeves, a belt, pleats or any type of fancy back, except a two-piece back with a belt stitched on in such a way that there is no overlay of wool cloth on wool cloth greater than one-half inch on the upper and the lower side of the belt and except that a man's or boy's unlined mackinaw may have two lower inside patch pockets of wool cloth;

(iv) A topcoat, overcoat or mackinaw with a lining cloth containing new wool;

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

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

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

(5) *Curtailments on the manufacture of full-dress coats, cutaway coats, or double-breasted tuxedo coats.* No person shall on or after October 26, 1942, put into process, or cause to be put into process by others for his account, any wool cloth in the manufacture of a full-dress coat, a cutaway coat, or a double-breasted tuxedo coat.

(6) *Additional curtailments on the use of cloth in the manufacture of that portion of boys' clothing known as "children's (male) clothing."* No person shall put into process, or cause to be put into process by others for his account, any cloth for the manufacture of a:

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

(ii) Snow or ski suit with:

(*a*) Wool cloth lining, if snow or ski suit is of wool cloth;

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

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

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

(*e*) Attached hood of wool cloth lined with wool cloth;

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

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

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

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

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

(4) Secondhand clothing.

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

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

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

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

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

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

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

(vi) U. S. Maritime Commission officers;

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

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

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

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

(xi) U. S. Forest Service personnel;

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

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

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

(xv) Flying personnel with commercial air lines;

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

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

(2) Uniforms to fill orders on hand therefor to be delivered to the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation or Metals Reserve Company.

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

(4) Historical costumes for theatrical productions.

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

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

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

(g) *Fair distribution of products.* It is hereby declared to be the policy of the War Production Board that clothing produced in accordance with this order shall be distributed equitably and that no person shall discriminate, in the acceptance or filling of orders, sales or deliveries, as between customers who meet his established prices, terms and conditions of sale. Upon complaint of any person or without such complaint, the War Production Board may investigate any case of supposed failure of any person to distribute his product equitably, and may issue such instructions as are necessary to obtain equitable distribution. Any instructions pursuant to this paragraph to be valid must be in writing.

NOTE: Former paragraph (g) *Reports* deleted June 2, 1943.

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

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

and may be deprived of priorities assistance.

Issued this 2d day of June 1943.

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

[F. R. Doc. 43-8973; Filed, June 2, 1943; 11:17 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 11 to CMP Reg. 1]

DELAYED DELIVERY ON APRIL ORDERS

The following direction is issued to all steel producers pursuant to paragraph (t) (5) of CMP Regulation No. 1:

(a) Steel producers who have accepted authorized controlled material orders for April, 1943 delivery and who have not been able to make delivery either in April or in May shall nevertheless fill such orders as soon as possible. Such orders for April delivery which are unshipped at the end of May need not be reported as provided in paragraph (t) (5).

(b) However, such orders for April delivery which are unshipped at the end of June must be reported, and the reporting provisions of paragraph (t) (5) must be complied with on orders for shipment in May, 1943 and later months.

Issued this 2d day of June 1943.

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

[F. R. Doc. 43-8963; Filed, June 2, 1943; 11:18 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 2 of CMP Reg. 3]

PURCHASES TO ROUND OUT A LINE

The following official Interpretation is hereby issued with respect to § 3175.3 (*CMP Regulation 3*) as amended May 14, 1943:

(a) Under CMP Regulation No. 3 preference ratings assigned to an authorized production schedule may be used with the related allotment number to acquire production materials required to fulfill the schedule. The term "production material" is defined in paragraph (b) (1) of the regulation to include "items purchased by a manufacturer for resale to round out his line, if such items do not represent more than 10 percent of his total sales."

(b) The provision may not be used indiscriminately by a manufacturer to compel others to furnish him with materials for resale which he normally is able to produce himself. It was intended to permit acquisition of resale items normally sold by a producer as his own product, rather than as a distributor, in accordance with customary trade practices. Examples of such cases are (a) repair parts or special accessories for the product manufactured; (b) articles necessary to complete a "kit" or "package" which is sold as such and thereby becomes the "product," of the manufacturer such as goggles and gloves sold with welding equipment; (c) articles necessary to fill out a specific line or type of product such as sets of wrenches where the manufacturer produces some of the sizes in the set but purchases the remaining sizes to complete the set.

(c) The provision may not be used by persons, such as service repair shops, who do not manufacture products for sale.

(d) In those cases where the estimated amount of resale items to be purchased by a manufacturer will exceed 10 percent of his sales, he may not use this provision to purchase any resale items but will be treated as a distributor with respect to the entire quantity. Priorities assistance may be obtained by applying to the Wholesale and Retail Trade Division of the War Production Board on Form PD-1X, if the items are to be purchased from manufacturers, or the distributor may extend his customers' ratings, to the extent permitted by Priorities Regulation No. 3, and in extending ratings may use allotment numbers appearing on his customers' orders as provided in paragraph (f) (4) of CMP Regulation No. 3.

(e) It should be borne in mind that a preference rating assigned to an authorized production schedule may be used by a manufacturer "only to acquire production materials in the minimum practicable amounts required to fulfill such schedule, or to replace production materials in his inventory, subject to the restrictions of paragraph (c) (2) of Priorities Regulation No. 3. He may not use such rating for any other purpose."

(f) In illustration of the above, assume that a manufacturer's authorized production schedule permits him to manufacture electric motors having a value of $10,000. He may apply the preference rating assigned to such schedule to obtain all materials and components incorporated in motors produced by him and, in addition, he may purchase up to $1,000 worth of finished parts to be sold separately as repair parts for such motors. If the manufacturer desires to purchase $2,000 worth of such repair parts, he may not acquire any of them with the rating assigned to his authorized production schedule.

Issued this 2d day of June 1943.

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

[F. R. Doc. 43-8964; Filed, June 2, 1943; 11:18 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 3 to CMP Reg. 5]

RERATING NOT COMPULSORY

The following direction is hereby issued pursuant to § 3175.5, *CMP Regulation 5:*

Notwithstanding the provisions of Priorities Regulation No. 12 orders placed for maintenance, repair and operating supplies prior to May 16, 1943, are not required to be downrated in the case of any producer of a product or business which has been moved from Schedule I to Schedule II or eliminated from Schedule I and Schedule II by the amendment to CMP Regulation No. 5 dated May 14, 1943.

Issued this 2d day of June 1943.

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

[F. R. Doc. 43-8965; Filed, June 2, 1943; 11:18 a. m.]

PART 3199—MALTED GRAINS AND MALT SYRUPS

[Conservation Order M-288 as Amended June 2, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of malted grains and malt syrups 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:

§ 3199.1 *Conservation Order M-288*—(a) *Definitions.* For the purpose of this order:

(1) "Brewer" means any person engaged in the commercial manufacture of malt beverages in the continental United States.

(2) "Malt beverage" means beer, ale, stout, porter, near-beer, and beverages of a similar kind, made by alcoholic fermentation of malted grain with or without other food products, and with hops or hop extracts.

(3) "Malted grain" means barley, wheat, rye, or any other grain, which has been steeped in water, germinated, and dried.

(4) "Malt syrup" means any syrup or extract derived from malted grain, in whole or in part.

(5) "Minimum carload" means a rail shipment of such minimum quantity as the Office of Defense Transportation may establish as the minimum permitted carload in General Order 18, Revised (Code of Federal Regulations, Title 49, Chapt. II, Part 500, subpart C, 7 F.R.8337), as it may be amended or modified from time to time.

(6) "Use" of malted grain, means infusion into a mash; of malt syrup, it means introduction into the brewing process.

(7) "Quota period" means March 1 through May 31, 1943, inclusive, and each following three-month period.

(8) "Base period" means a period beginning and ending one year prior to the beginning and ending of the corresponding quota period.

(b) *Restrictions on use.* (1) No brewer, except as permitted in paragraph (b) (2), shall use during any quota period, in the manufacture of malt beverages, more than 93% of the quantity of malted grain, and more than 93% of the quantity of malt syrup, which he used for such purpose during the corresponding base period.

(2) Notwithstanding the limitations of paragraph (b) (1), any brewer whose total permitted use of malted grain, calculated pursuant to paragraph (b) (1), during the twelve calendar months beginning March 1, 1943, would not exceed 70,000 bushels, may use:

(i) During the twelve calendar months beginning March 1, 1943, not over 70,000 bushels of malted grain.

(ii) During any quota period, not over 100% of the malted grain which he used during the corresponding base period: *Provided, however,* That the use quota of a brewer having more than one plant shall be determined pursuant to paragraph (b) (1), and not this paragraph, unless the combined quotas of all his plants is less than 70,000 bushels.

(3) Except for the purpose of determining whether a brewer's permitted use of malt syrup and malted grain is governed by paragraph (b) (1) or paragraph (b) (2), the quotas assigned to a brewer having more than one plant shall be deemed assigned to each plant separately.

(4) Any brewer may substitute malt syrup for malted grain, in which event

he shall deduct 10 pounds from the amount of his malted grain quota for every 8 pounds of malt syrup so used. Any brewer may substitute malted grain for malt syrup, in which event he shall deduct 8 pounds from the amount of his malt syrup quota for every 10 pounds of malted grain so used.

(c) *Restrictions on delivery.* (1) Except as permitted in paragraph (c) (2), no brewer may accept delivery of malted grain or malt syrup if his inventory is or by reason of such delivery would become in excess of the maximum permitted by paragraph (d).

(2) Nothing in this order shall be construed to require delivery of less than a minimum carload. Notwithstanding the limitations of paragraph (c) (1), any brewer having in his possession or under his control less than his permitted inventory of malted grain may accept delivery of a minimum carload of such grain.

(d) *Restrictions on inventory.* (1) On and after March 1, 1943, and except as authorized in paragraphs (c) (2), (d) (2), (d) (3), and (d) (4), no brewer shall permit his inventory of malted grain or brewer's malt syrup to exceed at any time 10% of the quantity of each such product used by him in the manufacture of malt beverages during 1942.

(2) Notwithstanding the restrictions of paragraph (d) (1), any brewer shall be permitted an inventory of malted grain not exceeding 4,000 bushels.

(3) The restrictions of paragraph (d) (1) shall not apply to any brewer who is also engaged in the business of producing malted grain.

(4) Any brewer having an inventory in excess of that permitted by this order is not required by this order to dispose of the excess and may retain it and use it at any time as permitted in paragraph (b).

(e) *Transfer of quotas.* Use and inventory quotas may be carried over from one quota period to another quota period only with the specific permission of the War Production Board. Application for such permission shall be made by letter setting forth the pertinent facts, the relief requested, and the reasons why such relief should be granted. Any brewer who has, at the end of any quota period, an unused quota balance insufficient to produce a full brew may carry that balance over into the next quota period and add it to his quota for that period, without specific permission, notwithstanding the foregoing restrictions.

(f) *Existing contracts.* The fulfillment of existing contracts for the sale of malted grains and brewer's malt syrup is permissible only to the extent that such fulfillment does not violate the quota or inventory restrictions imposed by this order.

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

(2) *Reports.* All manufacturers of malted grain shall file with the Beverages and Tobacco Division, War Production Board, Washington, D. C., a monthly report of production and disposition of such products on Form PD-816. The first reports submitted pursuant to the requirements of this paragraph shall cover January and February, 1943 operations, and shall be filed on or before March 10, 1943.

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

(4) *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.

(5) *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.

(6) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the Beverages and Tobacco Division, War Production Board, Washington, D. C., Ref. M-238.

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

Issued this 2d day of June 1943.

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

[F. R. Doc. 43-8966; Filed, June 2, 1943; 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 65]

SUGAR, ARMED FORCES PERSONNEL

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

Section 1407.181 is amended to read as follows:

§ 1407.181 *Armed forces personnel.* (a) Members of the armed forces of the United States subsisted in kind or in organized messes shall not be eligible to register and apply for War Ration Books. All other personnel of the armed forces of the United States are eligible to register and apply for War Ration Books in accordance with the provisions of Rationing Order No. 3 applicable to consumers.

(b) Members of the armed forces of the United States and Allied Nations who do not have a War Ration Book and are not entitled to have it, may obtain Certificates to obtain sugar under the circumstances and in accordance with the procedure set forth in General Ration Order 9.

This amendment shall become effective June 7, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 1st day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8925; Filed, June 1, 1943; 4:12 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,[1] Amdt. 39]

COFFEE, ARMED FORCES PERSONNEL

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 12 is amended in the following respect:

Section 1407.973 is amended to read as follows:

§ 1407.973 *Armed forces personnel.* Members of the armed forces of the United States and Allied Nations who do not have a war ration book and are not entitled to have it, may obtain evidences to acquire roasted coffee under the circumstances and in accordance with the procedure set forth in General Ration Order 9.

This amendment shall become effective June 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 720, 77th Cong.; E.O. 9125; 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 1st day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8926; Filed, June 1, 1943; 4:11 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[2] Amdt. 34]

PROCESSED FOODS, SERVICE MEN'S CERTIFICATES

A rationale for this Amendment has been issued simultaneously herewith

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

[1] 8 F.R. 4930, 4977, 5318, 5909, 5846, 6135, 6442, 6626, 6687, 6961.

[1] 8 F.R. 3400, 3843, 4486, 4519, 4977, 4892, 5318, 5480, 5486, 5818, 5846.

[2] 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5568, 5757, 5758, 6046, 6137, 6181, 6137.

and has been filed with the Division of the Federal Register.*

Section 2.7 of Ration Order 13 is amended to read as follows:

SEC. 2.7 *Service men may get certificates to acquire processed foods.* (a) Members of the Armed Forces of the United States and Allied Nations who do not have War Ration Book Two and are not entitled to have it, may obtain certificates to get processed foods under the circumstances and in accordance with the procedure set forth in General Ration Order 9.

This amendment shall become effective June 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F. R. 2251)

Issued this 1st day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8927; Filed, June 1, 1943; 4:12 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 31]

MEAT, FATS, FISH AND CHEESES, SERVICE MEN'S CERTIFICATES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.6 of Ration Order 16 is amended to read as follows:

Section 2.6 *Service men may get certificates to acquire foods covered by this order.* (a) Members of the Armed Forces of the United States and Allied Nations who do not have War Ration Book Two and are not entitled to have it, may obtain certificates to get foods covered by this order under the circumstances and in accordance with the procedure set forth in General Ration Order 9.

This amendment shall become effective June 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 1st day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-8928; Filed, June 1, 1943; 4:12 p. m.]

---

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

[1] 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5679, 5567, 5739, 5819, 6046, 6138, 6181, 6446, 6614, 6620, 6687, 6960, 6961.

PART 1300—PROCEDURE

[Procedural Reg. 9,[1] Amendment 8]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS, REGION II

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Procedural Regulation No. 9 is amended in the following respect:

Section 1300.611 (c) is amended to read as follows:

(c) *Region II.* New York: Binghamton, New York, Albany, Buffalo, Rochester, Syracuse; New Jersey: Camden, Newark, Trenton; Pennsylvania: Altoona, Erie, Harrisburg, Philadelphia, Pittsburgh, Scranton, Williamsport; Maryland: Baltimore; Delaware: Wilmington; Washington, D. C.: Washington, D. C.

This amendment shall become effective June 7, 1943.

(Pub. Law 507, 77th Cong., W.P.B. Dir. 1, 7 F.R. 562, E.O. 9125, 7 F.R. 2719)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8942; Filed, June 1, 1943; 5:16 p. m.]

---

[1] 7 F.R. 8796, 8 F.R. 856, 1838, 2030, 2594, 2941, 4350, 4929.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 66, as Amended,[1] Amdt. 2]

RETREADED AND RECAPPED RUBBER TIRES AND THE RETREADING AND RECAPPING OF RUBBER TIRES

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

Revised Price Schedule 66 as amended, is amended in the following respects:

1. Section 1315.1215 is amended by amending the title of Table II—Truck and Bus Types of Tread, to read as follows: "Table II—Truck and Bus Types of Tread, When Applying Grade C[1] Camelback or When Applying Grade A[1] Camelback to Rock Service Tread"; by redesignating footnotes 1 to 8, inclusive, to Table II as footnotes 2, 3, 4, 5, 6, 7, 8, and 9, respectively; and by adding a new footnote 1 to read as follows:

[1] Grade C and A camelback mean camelback having the specifications established for Grade C and A capping stock compounds, respectively, by Supplementary Order No. M-15-b-1 (7 F.R. 967) issued by the War Production Board and adopted for Grade C and A camelback, respectively, by Maximum Price Regulation No. 131—Camelback (7 F.R. 3160).

2. Section 1315.1215 is amended by adding a new Table IIA to read as follows:

---

[1] 7 F.R. 8803, 8948; 8 F.R. 3174.

TABLE IIA.—TRUCK AND BUS TYPES OF TREAD, WHEN APPLYING GRADE A[1] CAMELBACK TO SIZE 8.25-20 OR LARGER

Tire size[2]	Stop-start tire size[2] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser					Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
			Conventional truck and bus[4]	Stop-start[3]	Ground grip[5]	Road grader[7]	Earth mover[8]	
8.25-20	28	10	$18.65	$28.15	$27.60	$30.40	$22.25	$10.80
8.25-20	------	12	18.65	------	27.60	30.40	22.25	10.80
8.25-22	------	10	19.60	------	------	------	------	10.80
8.25-24	------	10	20.65	------	31.20	32.70	------	10.80
9.00-13	------	6	14.20	------	------	------	------	6.50
9.00-15	------	12	20.40	------	------	------	------	12.00
9.00-18	------	10	21.95	------	29.95	------	------	12.00
9.00-20	34	10	22.50	34.35	32.95	------	29.95	12.00
9.00-20 (36 x 8)	------	12	22.50	------	32.95	------	29.95	12.00
9.00-22	------	10	23.15	------	------	------	------	12.00
9.00-24	------	10	23.65	------	36.00	34.65	------	12.00
9.00-24 (40 x 8)	------	12	23.65	------	36.00	34.65	------	12.00
10.00-15	------	12	21.80	------	------	------	------	13.20
10.00-18 (9.75-18)	------	12	24.45	------	------	------	------	13.20
10.00-20 (9.75-20)	40	12	24.90	42.45	41.75	------	37.35	13.20
10.00-20 (38 x 9)	------	14	24.90	------	41.75	------	37.35	13.20
10.00-22 (9.75-22)	42	12	25.40	44.70	------	------	------	13.20
10.00-24 (42 x 9)	45	14	26.05	45.05	45.25	36.60	------	14.40

[1] Grade A camelback means camelback having the specifications established for Grade A capping stock compounds by Supplementary Order No. M-15-b-1 (7 F.R. 967) issued by the War Production Board and adopted for Grade A camelback by Maximum Price Regulation No. 131—Camelback (7 F.R. 3160).

[2] For any tire size where no maximum price is listed in this table under the particular heading for ground-grip, road grader or earth mover types of tread, the maximum price is that set forth for such size under the heading for conventional truck and bus type of tread.

[3] Maximum prices set forth for stop-start type of tread apply only when such treads are applied to tires of a stop-start size listed in this column or of a size generally recognized as equivalent to one of such stop-start sizes. When a stop-start type of tread is applied to such an equivalent size of tire, the maximum price shall be that set forth for the appropriate stop-start size.

[4] Conventional truck and bus type of tread includes any tread of a type generally recognized as designed primarily for ordinary "on the road" use on trucks or busses.

[5] Stop-start type of tread must have at least $1\frac{3}{32}$ inch tread design depth at the center circumference of the tire and must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least $\frac{2}{32}$ inch deeper than the conventional truck and bus type of the same retreader or recapper for the same size of tire. Stop-start type of tread includes any such extra heavy tread of a type generally recognized as designed primarily for city commercial use on trucks or busses.

[6] Ground-grip type of tread must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least $\frac{2}{32}$ inch deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Ground-grip type of tread includes any such tread of a deep-cut, cleated type generally recognized as designed primarily for use on trucks for tractions through mud, snow, sand or soft ground.

[7] Road grader type of tread includes any tread of a type generally recognized as designed primarily for "off the pavement" use on the power driven wheels of highway maintenance and road construction machinery for traction through mud, snow, sand or soft earth.

[8] Earth mover type of tread includes any tread of a type generally recognized as designed primarily for providing flotation in soft earth for "off the road" use on earth moving vehicles.

TABLE IIA.—TRUCK AND BUS TYPES OF TREAD, WHEN APPLYING GRADE A[1] CAMELBACK TO SIZE 8.25-20 OR LARGER—Continued

Tire size [2]	Stop-start tire size [3] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser					Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
			Conventional truck and bus [4]	Stop-start [5]	Ground grip [6]	Road grader [7]	Earth mover [8]	
11.00-18		12			$46.20			$14.40
11.00-20 (10.50-20)	48	12	$27.05	$47.60	49.10		$42.55	14.40
11.00-20		14	27.05		49.10		42.55	14.40
11.00-22 (10.50-22)	50	12	28.85	50.35				14.40
11.00-24 (10.50-24)	52	12	30.15	52.45	53.80	$37.65		14.40
12.00-20 (11.25-20)		14	37.60		64.25		51.00	16.80
12.00-20 (44 x 10)		16	37.60		64.25		51.00	16.80
12.00-22 (11.25-22)		14	39.10					16.80
12.00-24 (11.25-24)		14	40.60		68.80	40.00		16.80
12.00-24 (44x10)		16	40.60		68.80	40.00		18.00
13.00-20 (12.75-20)		16	51.00			41.70	58.75	18.00
13.00-24 (12.75-24)		16	55.90			45.15		18.00
14.00-20 (13.50-20)		16	59.80				* 66.60	18.20
14.00-20		18	59.80				66.60	20.20
14.00-20		20	59.80				66.60	21.40
14.00-24 (13.50-24)		16	65.60		104.10	62.95		19.20
16.00-20		16					139.15	22.00
16.00-20		18					139.15	24.80
16.00-24		16					152.05	30.00
16.00-24		18					152.05	33.00
18.00-24		12			214.20		176.15	42.00
18.00-24		16			214.20		176.15	50.00
18.00-24		20			214.20		176.15	55.00
18.00-40		20			473.75			55.00
21.00-24		16			333.70		333.70	72.50
21.00-24		20			367.45			93.50
24.00-32		24			844.50		844.50	137.50
24.00-32		36			1,044.40			192.50
30.00-40		28			1,655.00			220.00
30.00-40		34			2,013.40			330.00
36.00-40		34			2,584.95			440.00

See footnotes on page 7381.

3. Section 1315.1215 is amended by amending Table III to read as follows:

TABLE III.—FARM TRACTOR[1] AND RICE AND CANE SPECIAL SERVICE[2] TYPES OF TREAD

Tire size	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
FRONTS		
4.00-9	$4.15	$2.75
4.00-15	4.45	2.75
4.00-19	4.70	2.75
4.75-15	5.55	3.20
5.00-15	5.85	3.20
5.25-21	6.70	3.20
5.50-16	6.45	3.20
6.00-9	9.90	3.50
6.00-12	7.30	3.50
6.00-16	7.40	3.50
6.00-20	8.05	3.50
6.25-16	7.70	4.00
6.50-16	8.40	4.00
7.50-10	10.85	5.25
7.50-16	9.40	5.25
7.50-18	10.05	5.25
7.50-20	11.20	5.25
9.00-10	13.90	6.55
BACKS		
6.00-22	7.75	4.00
7-32	14.35	4.00
6.50-32	15.75	4.50
6.50-40	19.70	4.50
7-36	17.35	4.50
7-40	18.15	4.50
7-44	19.65	4.50
7.00-22	11.40	5.00
7.00-24, 8-24	14.35	5.00
8-32	18.75	5.00
8-36	21.85	5.00
8-38	21.95	5.00
7.00-40, 8-40	23.20	5.00
7.50-22	11.85	6.50
7.50-24:		
9-24	16.40	6.50
9-28	20.90	8.00
9-32	25.50	8.00

[1] Farm tractor type of tread includes any tread of a type generally recognized as designed primarily for use on farm tractors.

[2] Rice and cane special service type of tread includes any deep-cut, high cleated tread of a type generally recognized as designed primarily for use in muck and water.

TABLE III.—FARM TRACTOR[1] AND RICE AND CANE SPECIAL SERVICE[2] TYPES OF TREAD—Continued

Tire size	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
BACKS—continued		
7.50-36:		
9-36	$28.10	$8.00
9-38	30.15	8.00
7.50-40, 9-40	32.00	8.00
8.25-24:		
10-24	22.65	9.45
10-26	23.50	9.45
10-28	24.45	9.45
8.25-36:		
10-36	29.45	9.45
10-38	32.30	9.45
9.00-24:		
11-24	27.20	10.00
11-26	27.35	10.00
9.00-28, 11-28	29.20	10.00
9.00-36:		
11-36	30.25	10.00
11-38	30.75	10.00
9.00-40:		
11-40	31.30	10.00
12-24	28.90	10.00
12-26	29.95	10.00
12-30	31.55	10.00
10.00-36:		
12-36	38.05	11.00
12-38	39.65	11.00
10-00-40, 12-40	40.95	11.00
10.00-44	43.45	11.00
11.25-24, 13-24	33.75	12.20
11.25-28:		
13-28	36.85	12.65
13-30	38.10	12.65
11.25-36, 13-36	41.70	13.20
11.25-40, 13-40	46.65	13.75
12-75-24, 14-24	40.90	14.30
12.75-28:		
14-28	45.25	14.85
14-30	47.50	14.85
12.75-32, 14-32	49.75	15.40
13.50-24, 15-24	45.65	15.40
13.50-28, 15-28	50.70	15.95
13.50-32, 15-32	54.80	16.50

This amendment shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of June, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8936; Filed, June 1, 1943; 5:18 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 105]

PETROLEUM AND PETROLEUM PRODUCTS

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

Column 12 in the table of § 1340.159 (c) (1) (xiv) is amended to read as follows:

A. P. I. gravity:	*12*
15-15.9	.89
16-16.9	.89
17-17.9	.89
18-18.9	.89
19-19.9	.89
20-20.9	.89
21-21.9	.89
22-22.9	.91
23-23.9	.95
24-24.9	.99
25-25.9	1.02
26-26.9	1.05

This amendment shall become effective June 7, 1943.

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

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8935; Filed, June 1, 1943; 5:19 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 225,[2] Amdt. 5]

PRINTING AND PRINTED PAPER COMMODITIES

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

Section 1347.461 is amended to read as follows:

§ 1347.461 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery, unless a request for a change in the ap-

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

[1] 8 F.R. 3718, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4840.

[2] 8 F.R. 4181.

plicable maximum price, filed in accordance with a Procedural Regulation issued by this office, is pending at the date of such delivery or agreement to deliver.

This amendment shall become effective June 7, 1943.

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

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8943; Filed, June 1, 1943; 5:16 p. m.]

PART 1347—PAPER, PAPER PRODUCTS AND RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 266[1], Amdt. 4]

CERTAIN TISSUE PAPER PRODUCTS

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

Maximum Price Regulation No. 266 is amended in the following respects:

1. Section 1347.512 (a) (14) is amended to read as follows:

(14) "Facial type toilet tissue" includes two or three ply toilet tissue manufactured on a type of paper machine where paper is creped, and adhering to the dryer with a moisture range not exceeding 10%.

2. Section 1347.515 (a) (1) (iii) is amended to read as follows:

(iii) In the event that the maximum price as calculated above is less than 95% of the highest carload price which was charged, on a uniform nationally delivered basis, by the manufacturer during the period of October 1 to October 15, 1941, the maximum price shall be 95% of such October 1 to 15, 1941, carload price. Freight practices which were employed by the manufacturer during such period may be continued: *Provided*, That the manufacturer shall not require the purchaser to pay a larger proportion of transportation costs incurred in the delivery of the toilet tissue than the manufacturer required purchasers of the same class to pay during the period of October 1 to 15, 1941.

3. Section 1347.515 (a) (1) (iv) is added to read as follows:

(iv) The manufacturer's maximum price for a product not manufactured, sold or offered during the period of October 1–15, 1941, or during March, 1942, shall be determined by referring to the maximum price established by him for the most nearly comparable product which he manufactured, sold or offered during either of such base periods, and adjusting this price to reflect the actual differences in the physical specifications, including basis weight, furnish, sheet area per case, upon which the formula in paragraph (a) (1) is based. Any manufacturer desiring to establish a maximum price for such product shall submit to the Office of Price Administration, Washington, D. C., the physical specifications of the product for which a maximum price is desired, the name and physical specifications of the most nearly comparable product for which a maximum price is established by this regulation, the amount of the adjustment desired because of such difference in specifications, and the maximum price requested for the product.

The Office of Price Administration may approve, disapprove, or adjust the proposed maximum price by letter, and the proposed maximum price may not be charged prior to such approval.

4. Section 1347.515 (c) (2) (iii) is added to read as follows:

(iii) Wholesale grocers and wholesale druggists who, during the period of October 1 to October 15, 1941, operated wholesale paper departments and had an established practice of selling toilet tissue to industrial, institutional and commercial users at mark-ups approximating those set forth in paragraph (c) (2) for paper merchants during such period, may compute their maximum prices for sales on such products to such purchasers in accordance with the mark-ups provided for paper merchants in paragraph (c) (2), or in accordance with their mark-ups applied to sales to a purchaser of the same class during March, 1942, whichever is lower.

5. Section 1347.515 (c) (7) is added to read as follows:

(7) On sales of toilet tissue purchased from a manufacturer who determined his maximum price on an f.o.b. mill basis as outlined in paragraph (b) (2) above, the distributor may base his maximum mark-up upon the sum of such f.o.b. mill maximum price and freight charges (not exceeding carload rate of freight) to the point of delivery, or upon the maximum zone price which would apply at the given destination, whichever is lower.

6. Section 1347.515 (f) is added to read as follows:

(f) The provisions governing retailer's maximum prices on toilet tissue shall become effective with respect to all brands and grades which the retailer carries in stock as soon as he receives a copy of paragraph (d), or in any event not later than June 25, 1943.

7. Section 1347.515 (e) (1) is amended to read as follows:

(1) The manufacturer shall plainly mark on each case of toilet tissue the basis weight, the chemical pulp class, sheet and roll count, and sheet size, except that no such marking shall be required on cases of toilet tissue conforming to "Emergency Alternate Federal Specification E–UU–P–556b".

8. Section 1347.516 (a) (1) (iii) is amended to read as follows:

(iii) In the event that the maximum price as calculated above is less than 95% of the highest carload price which was charged on a uniform nationally delivered basis by the manufacturer during the period of October 1 to October 15, 1941, the maximum price shall be 95% of such October 1 to 15, 1941, carload price. Freight practices which were employed by the manufacturer during such period may be continued, *Provided*, That the manufacturer shall not require the purchaser to pay a larger proportion of transportation costs incurred in the delivery of the paper towels than the manufacturer required purchasers of the same class to pay during the period of October 1 to 15, 1941.

9. Section 1347.516 (a) (1) (vi) is added to read as follows:

(vi) Household folded paper towels shall be priced on the same basis as industrial folded towels.

10. Section 1347.516 (a) (1) (vii) is added to read as follows:

(vii) The manufacturer's maximum price for a product not manufactured, sold or offered during the period of October 1–15, 1941, or during March, 1942, shall be determined by referring to the maximum price established by him for the most nearly comparable product which he manufactured, sold or offered during either of such base periods, and adjusting this price to reflect the actual differences in the physical specifications, including basis weight, furnish, sheet area per case, upon which the formula in paragraph (a) (1) is based. Any manufacturer desiring to establish a maximum price for such product shall submit to the Office of Price Administration, Washington, D. C., the physical specifications of the product for which a maximum price is desired, the name and physical specifications of the most nearly comparable product for which a maximum price is established by this regulation, the amount of the adjustment desired because of such difference in specifications, and the maximum price requested for the product.

The Office of Price Administration may approve, disapprove, or adjust the proposed maximum price by letter, and the proposed maximum price may not be charged prior to such approval.

11. Section 1347.516 (c) (2) (iii) is added to read as follows:

(iii) Wholesale grocers and wholesale druggists who, during the period of October 1 to October 15, 1941, operated wholesale paper departments and had an established practice of selling paper towels to industrial, institutional and commercial users at mark-ups approximating those set forth in paragraph (c) (2) for paper merchants during such period, may compute their maximum prices for sales on such products to such purchasers in accordance with the mark-ups provided for paper merchants in paragraph (c) (2), or in accordance with their mark-ups applied to sales to a purchaser of the same class during March, 1942, whichever is lower.

12. Section 1347.516 (c) (7) is added to read as follows:

---

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

[1] 7 F.R. 9335, 10714; 8 F.R. 531, 2431, 4131.

(7) On sales of paper towels purchased from a manufacturer who determined his maximum price on an f. o. b. mill basis as outlined in paragraph (b) (2) above, the distributor may base his maximum mark-up upon the sum of such f. o. b. mill maximum price and freight charges (not exceeding carload rate of freight) to the point of delivery, or upon the maximum zone price which would apply at the given destination, whichever is lower.

13. Section 1347.516 (f) is added to read as follows:

(f) The provisions governing retailer's maximum prices on paper towels shall become effective with respect to all brands and grades which the retailer carries in stock as soon as he receives a copy of paragraph (d), or in any event not later than June 25, 1943.

This amendment shall become effective June 7, 1943.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8944; Filed, June 1, 1943; 5:15 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 237,[1] Amdt. 2]

FIXED MARK-UP REGULATION FOR SALE OF CERTAIN FOOD PRODUCTS AT WHOLESALE

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

Revised Maximum Price Regulation No. 237 is amended in the following respects:

1. Section 23a is added to read as follows:

Sec. 23a *Change in suppliers' maximum prices.* If the Office of Price Administration changes a supplier's maximum price for an item covered by this regulation, it may direct that wholesalers shall recalculate their maximum prices for the item. Ordinarily, written notice instructing the wholesaler to recalculate his price will come from the manufacturer or supplier or will be enclosed in or attached to the carton, case or barrel containing the item. After actually receiving the item for the first time with such notice, wholesalers must recalculate their maximum price for the item in accordance with section 3 based on the "net cost" of the first delivery of the item with the notice. Before making any sales at this new price, a wholesaler must calculate and record the new price on Form No. 337:1 (or a copy thereof) as set forth in Appendix B. The notice received by wholesalers must be preserved. Even though later shipments are received with the same notice, the maximum price may not be recalculated again.

2. Section 7 is amended by inserting after the phrase "under section 4", the phrase "or section 23a".

This amendment shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8939; Filed, June 1, 1943; 5:19 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[RO 4A,[1] Amdt. 3]

TYPEWRITERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 4A is amended in the following respects:

1. Section 1398.103 is amended by inserting after the first sentence the following:

These certificates are valid only for 30 days from their date.

2. Section 1398.112 is amended to read as follows:

§ 1398.112 *Typewriter rentals authorized under former order.* (a) A person may keep a Class A typewriter on rental which he rents from a person other than a typewriter dealer, wholesaler, or manufacturer, for the rental or purchase of which a certificate or authorization had been issued to him under Revised Rationing Order No. 4 prior to December 5, 1942, if he was then eligible for the typewriter. A rental agreement permitted by this paragraph may be renewed from time to time without further approval, but is subject to the recovery provision of Sec. 1398.127 (a).

(b) Any person having on rental or loan a Class A typewriter which he rents or borrows from a typewriter dealer, wholesaler, or manufacturer must return it to his lessor or lender, and the lessor or lender must recover the typewriter, on or before June 30, 1943, except as permitted under paragraph (c) of this section.

(c) Any person lawfully having on rental a Class A typewriter which he rents from a typewriter dealer, wholesaler, or manufacturer on a certificate or authorization issued under Revised Rationing Order No. 4 may buy it, without further authorization, at any time through June 30, 1943, if the owner is willing to sell it.

(d) On and after July 1, 1943, the authorization for the rental of all Class B typewriters under Revised Rationing Order No. 4 is revoked and all persons renting Class B typewriters must meet the rental requirements of this order.

This amendment shall become effective June 7, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Directive No. 1, Supplementary Directive No. 1-D, Conversion Order No. L-54-a, 7 F.R. 562, 1792, 2130)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8937; Filed, June 1, 1943; 5:18 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 6A]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

Preamble. Men's rubber boots and rubber work shoes have been rationed by the Office of Price Administration since September 29, 1942 under Ration Order No. 6.

Among the most critical war-time problems of the nation is the scarcity of rubber. Our limited stockpile of this vital commodity must be reserved only for the most urgent needs. The use of rubber in the manufacture of many non-essential products is prohibited. Severe production controls have limited the quantity and the rubber content of even the most essential items. Tires have been rationed since December, 1941.

The continuance of important types of military and civilian production depends upon the use of rubber footwear by certain workers in the mines and factories and on the farms. The health and safety of these workers require the protection given by rubber footwear.

The War Production Board has made careful studies of the occupational needs for rubber footwear; it has permitted production of only a small number of simplified types; it has established a maximum permissible rubber content of each type; it has allocated a limited amount of rubber for the production of those types.

The total number of pairs which can be manufactured from the allocation of rubber is far less than the demand. Unless this demand is restricted, and unless measures are taken to insure the distribution of the supply among those workers whose activities are most essential and whose needs are most urgent, production for the war effort may be seriously disrupted. Accordingly, the War Production Board directed the Office of Price Administration to ration rubber footwear.

---

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

[1] 8 F.R. 6120, 6424.

[1] 7 F.R. 10806; 8 F.R. 1065, 1568, 5172.

Ration Order No. 6 was issued pursuant to that Directive. It was designed to exclude from the market all but those purchasers whose war-time activities require the use of rubber footwear. It provides for the rationing of men's rubber boots and rubber work shoes, comprising the bulk of all occupational waterproof footwear. It requires all who wish to buy such footwear to apply to a local War Price and Rationing Board. Application may be made either by consumers for footwear for their own use or by employers who customarily furnish such footwear to their employees.

Authorizations to buy are granted only to those individuals (1) who demonstrate that their work is essential to the war effort or the maintenance of public health or safety, and (2) whose working conditions require the use of such footwear, and to employers of such individuals.

Applicants who qualify under these conditions receive a certificate issued by the local Board, authorizing them to purchase a specified quantity of one of the six types into which all rationed rubber footwear is grouped. In each case the local Board authorizes the purchase of only the shortest and lightest weight of the six types which will meet the applicant's needs. Employer-consumers are granted certificates allowing them the minimum quantity practicable for their operations. Rationed rubber footwear can be purchased only by the presentation of these certificates to registered dealers.

Ration Order 6A embodies the following major changes:

(1) Obsolete provisions are eliminated.

(2) Salvage turn-in is no longer required.

(3) All trade supervision is removed from the local Board to the District Office.

(4) The rubber footwear purchase certificate has been revised and issued in only one simplified part.

(5) The old Parts II and III have been abolished along with the requirements listed on them.

(6) Consumers may return rubber footwear for certificates.

(7) Manufacturers may use certificates to acquire rubber footwear from other establishments.

(8) Persons in addition to manufacturers may get rubber footwear for testing.

(9) Rubber footwear may be acquired certificate-free, for permissible transfer, from establishments whether disposing of their rubber footwear line or department or their entire assets.

(10) The restrictions on issuance of type 5 boots only to miners and loggers have been revoked because of increased allocations by the War Production Board.

(11) Retailers are no longer required to keep detailed sales records.

§ 1404.1 *Rationing of men's rubber boots and rubber work shoes.* Under the authority vested in the Office of Price Administration and the Price Administrator by Executive Order 9125 issued by the President on April 7, 1942, by Directive 1 and Supplementary Directive 1–N of the War Production Board, issued January 24, and September 29, 1942, respectively, Ration Order 6A (Men's Rubber Boots and Rubber Work Shoes) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1404.1 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Directive 1, 7 F.R. 562, Supplementary Directive 1–N, 7 F.R. 7730; E.O. 9125, 7 F.R. 2719.

RATION ORDER 6A—MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

ARTICLE I—HOW CONSUMERS GET RUBBER FOOTWEAR

ARTICLE II—HOW THIS ORDER AFFECTS THE TRADE

ARTICLE III—GENERAL PROVISIONS

TRANSFERS WITHOUT CERTIFICATES PERMITTED

PROHIBITED ACTS UNDER THIS ORDER

APPEALS AND SUSPENSION ORDERS

DEFINITIONS AND TYPES OF RUBBER FOOTWEAR

EFFECTIVE DATES

ARTICLE I—HOW CONSUMERS GET RUBBER FOOTWEAR

(This part tells what one must know to get rubber footwear for use.)

SECTION 1.1 *A certificate is needed to get rubber footwear.* A person who wants to get rubber footwear must first get a certificate (OPA Form R–605 Revised) and, after endorsing his name and address on the back, give it to the person from whom he is to acquire the rubber footwear. (The cases where certificates are not needed are explained later.)

(Some words are used in this order with a special meaning. Examples are "acquire", "certificate", "establishment", and "transfer". These terms are fully explained in section 3.12.)

SEC. 1.2 *Who may get a certificate.* (a) A person may get a certificate only:

(1) If he is going to use the rubber footwear in work essential to the prosecution of the war, or to the protection of public health or safety, or to the maintenance of mines, and

(2) If in his work he is necessarily exposed to water, snow, mud, spray, splash, floor heat, danger of burns or chemicals, or other similar conditions, to such an extent that the use of rubber footwear is necessary for his health or safety.

(b) An employer who wants to get a certificate for rubber footwear for the use of his employees may do so if their work is essential under paragraph (a) (1) of this section and if they are exposed to the conditions described in paragraph (a) (2) of this section, if the employer has normally and customarily furnished rubber footwear for the use of his employees for their work, and if he retains title to the rubber footwear after the employees leave his employ. However, in case of flood or other public disaster, the board, with the approval of the district office, may issue a certificate to a person who meets all the requirements of this paragraph except the one that he shall have normally and customarily furnished rubber footwear to his employees.

SEC. 1.3 *Application is made on Form R–603 Revised.* Application shall be made on OPA Form R–603 Revised which shall be filled out in full, giving all the information required by the form or which is necessary to show eligibility and need, and shall be signed as directed on the

form. An individual consumer may apply for only one pair of rubber footwear. An employer-consumer may apply for one or more pairs of rubber footwear, but shall make a separate application for each type.

SEC. 1.4 *Non-exempt federal agencies and the American National Red Cross apply to the National Office.* All agencies of the United States, except those listed in section 3.5 (b), and the American National Red Cross shall apply directly to the Office of Price Administration, Washington, D. C. or, if non-exempt federal agencies, they may apply to the Procurement Division of the Treasury Department for transmittal to the Office of Price Administration, Washington, D. C.

SEC. 1.5 *All other consumers apply to board.* (a) An individual consumer shall apply to the board serving the area in which he lives but, in case of hardship or emergency, any board may, in its discretion, accept and act on his application.

(b) An employer-consumer shall apply to the board in the area in which his principal business office is located, but in case of hardship or emergency he may apply to a board for the area where any of his places of business is located.

(c) A state or local government, or any of its political subdivisions or agencies, or the District of Columbia shall apply to any Board located within the applicant's jurisdictional area.

SEC. 1.6 *Applicant need not appear in person.* An applicant may get or submit his application in person, by mail, or by an agent. However, he may be required to furnish more information or proof in person, by witnesses, or in some other way.

SEC. 1.7 *When certificates are issued.* (a) The issuing office shall issue a certificate only if the applicant proves that he is eligible under section 1.2, and does not have available for use any adequate and appropriate rubber footwear in serviceable condition.

(b) The certificate issued shall be only for the type of rubber footwear which is the minimum necessary to satisfy the needs of the applicant.

SEC. 1.8 *Blanks on certificates must be filled in.* Each certificate shall permit the transfer of not more than one type of rubber footwear, and the other information called for by the Form shall be completed by the persons indicated on it.

SEC. 1.9 *Invalid certificates may be replaced.* (a) A certificate containing omissions, erasures, changes, or clerical errors in any part required to be completed by the issuing office, or tendered in a sale at retail more than 30 days after issuance shall be invalid, and the issuing office may not make any correction or change on the certificate.

(b) At the request of the person to whom it was issued, a certificate which is invalid for any of the reasons explained in paragraph (a) of this section, may be replaced by the issuing office.

SEC. 1.10 *Consumer must give certificate to retailer.* (a) To get the rubber footwear permitted by a certificate, a consumer shall give the certificate to the retailer before or at the time he gets the rubber footwear.

(b) When a consumer wants to get rubber footwear by mail-order or similar transaction, he shall send the certificate to the retailer with his order.

SEC. 1.11 *Certificate may be returned to consumer.* At the request of a consumer, a retailer shall immediately return a certificate given him by the consumer unless such retailer has transferred all or, with the consent of the consumer, part of the rubber footwear called for by such certificate or has forwarded the certificate with the consent of the consumer, to a supplier.

SEC. 1.12 *Employer-consumer may have multiple certificate subdivided.* (a) An employer-consumer may return to the issuing officer a multiple certificate issued to him, and ask for several certificates of smaller units in exchange. The issuing office may issue to such employer-consumer certificates in such reasonable units as he may need but the total number of pairs of rubber footwear called for by the newly-issued certificates may not exceed the number of pairs of rubber footwear called for by the multiple certificate.

(b) Each newly-issued certificate shall be the same as the multiple certificate returned except:

(1) As to the number of pairs of rubber footwear, and

(2) That the newly-issued certificates shall be dated as of the date of their issuance.

SEC. 1.13 *Consumer may exchange or return rubber footwear.* Any consumer may return rubber footwear to the retailer from whom he got it and, with the latter's consent, may get rubber footwear of the same type in exchange without a certificate, or may get back a certificate if the retailer accepts the rubber footwear returned and also refunds the full purchase price.

SEC. 1.14 *Consumer-employer may let employees use his rubber footwear.* A consumer-employer may let his employees use his rubber footwear but must keep title to it.

ARTICLE II—HOW THIS ORDER AFFECTS THE TRADE

(This part should be read by everyone who deals in rubber footwear.)

SEC. 2.1 *Transfers are not permitted without registration.* (a) Unless allowed elsewhere in this order, rubber footwear may be acquired only by consumers and registered establishments, and may be transferred only by registered establishments. Every establishment registered under this order shall post its certificate of registration so that it can clearly be seen by the public. All establishments properly registered under Ration Order 6 shall be deemed to be registered under this order.

(b) No person shall transfer rubber footwear to any establishment until he has been informed of its registration number. Every establishment shall give its registration number on each order for rubber footwear.

SEC. 2.2 *Establishments must keep inventory.* (a) Every establishment is required to file with the district office for the area in which it is registered an inventory on OPA Form R–601A Revised of its supply of rubber footwear (including certificates) and to make such corrections on its inventory as may be required by this order or authorized by the Office of Price Administration. Each establishment is also required to keep in its own files an accurate copy of its inventory filed under this order. Inventory forms filed under Ration Order 6 shall be deemed to be filed under this order.

(b) The original inventory of an establishment shall classify the rubber footwear according to the types set forth in section 3.13 and shall specify the number of pairs of each such type. The inventory shall include all rubber footwear located in the establishment, whether or not the person owning the establishment owns or has contracted for the sale and delivery of the rubber footwear, rubber footwear stored in a public or independent warehouse not an establishment, and rubber footwear transferred by the establishment for the purpose of repair only. The inventory shall not include rubber footwear which has been delivered to the establishment for the purpose of repair only, or rubber footwear located in a separate establishment. The inventory of a manufacturing establishment shall include all finished rubber footwear. Every person who owns more than one establishment and owns rubber footwear located in a public or independent warehouse not an establishment shall include such rubber footwear in the inventories of his establishments, allocating such rubber footwear among such of his establishments as he selects.

SEC. 2.3 *Transfer on invalid certificate is not permitted.* (a) No person may transfer rubber footwear at retail for a certificate more than 30 days after its issuance date, or in a retail mail-order when the wrapper enclosing the certificate is postmarked more than 30 days after its issuance date. No person shall transfer rubber footwear in any event if the certificate was issued more than one year before the proposed transfer.

(b) No person shall transfer or receive rubber footwear in exchange for a certificate which is invalid under this order or which he knows, or has reason to believe, was acquired in violation of this order.

(c) A dealer, distributor or manufacturer must send his invalid certificates by registered mail to the district office for cancellation, within five days of receipt of such certificates, or after such certificates become invalid.

SEC. 2.4 *How to address mail-order shipment.* On mail-orders, a retailer may ship rubber footwear only to the consumer whose name and address appears on the certificate.

SEC. 2.5 *What the retailer or distributor does with the certificate.* (a) To get the rubber footwear permitted by a certificate, a retailer or distributor shall, before or at the time of the transfer to him of such rubber footwear, give the certificate to his supplier.

(b) However, he shall not send the certificate to a supplier unless he has

(1) Transferred to the person giving him the certificate all the rubber footwear it calls for; or

(2) Received the consent of such person to send the certificate to a supplier and received the promise of the supplier to ship the rubber footwear within 15 days after getting the certificate; or

(3) Received the certificate directly from the district office.

(c) Before sending the certificate to his supplier, a retailer or distributor shall endorse his name and address on the back, and in case of instalment transfers for a multiple certificate, the date and quantity of rubber footwear of each transfer.

SEC. 2.6 *Certificate may be returned to retailer or distributor.* (a) Upon demand by a retailer or distributor, a supplier shall within 15 days return a certificate given by the retailer or distributor to the supplier unless such supplier has

(1) Transferred all or part of the rubber footwear called for by the certificate; or

(2) Forwarded the certificate with the consent of the retailer or distributor, to another supplier.

(b) If a supplier has transferred part of, but not all, the rubber footwear called for by the certificate demanded by a retailer or distributor, and has not forwarded the certificate to another supplier, the supplier shall, within 15 days of a demand by such retailer or distributor, obtain the subdivision of the certificate and return to the retailer or distributor a newly-issued certificate or certificates representing the untransferred portion of the rubber footwear called for by the original certificate.

(c) When any certificate is returned under this section, no endorsement shall be made on the back by the person returning it, and if an endorsement has been made by him he shall cross it out.

SEC. 2.7 *What the manufacturer does with the certificate.* (a) Every manufacturer shall endorse on the back of the certificate his name and address and, in case of instalment transfers for a multiple certificate, the date and quantity of rubber footwear of each transfer.

(b) Unless he uses the certificate to get rubber footwear from another establishment, every manufacturer shall, on or before the tenth of each month, send to the Central Inventory Unit of the Office of Price Administration, Empire State Building, New York City, each certificate he has received for which he completed shipment during the preceding calendar month of all the rubber footwear called for.

(c) All certificates sent to the Central Inventory Unit shall be accompanied by the monthly report called for in section 2.14 (c).

SEC. 2.8 *Supplier may have multiple certificate sub-divided.* A retailer, distributor, or manufacturer may send to the District Office a multiple certificate which he is entitled to use in whole or in part to get rubber footwear, and apply on OPA Form R–604 Revised for several certificates in smaller units in exchange. The district office may issue certificates to him for the same type in such reasonable units as he may need but the total number of pairs of rubber footwear called for by the newly-issued certificates may not exceed the number of pairs of rubber footwear called for by the multiple certificate.

SEC. 2.9 *Replacement certificate may be issued to retailer or distributor.* (a) Any retailer or distributor whose certificates have been destroyed, damaged, lost, or stolen, or whose rubber footwear has been:

(1) Taken from him by judicial process or the enforcement of a security interest,

(2) Exported, transferred for export, sent to a Territory, Possession, or Dependency of the United States (except the District of Columbia), delivered as slop-chest supplies, or transferred to or placed on order by or for the account of an exempt government agency, or

(3) Damaged, destroyed, lost, or stolen, may get a certificate to replace or obtain the rubber footwear or certificate as the case may be. Application for the replacement certificate shall be made to the district office on OPA Form R–604 Revised and shall include all the information required by the form, and the facts necessary to prove his eligibility for the replacement certificate (for example, bills of lading, shipping documents, and, in the case of slop-chest deliveries, a statement signed by the Collector of Customs showing that the quantity of rubber footwear was necessary for slop-chest supplies).

(b) If a retailer or distributor has received certificates under paragraph (a) (2) of this section to fill an order of an exempt government agency and the order has been cancelled in whole or in part or cannot otherwise be filled, or if a retailer or distributor gets back the rubber footwear or certificates for which he received replacement certificates, he shall, within five days, send to the district office by registered mail certificates for the same type and quantity.

SEC. 2.10 *Retailer or distributor may exchange certificate.* (a) On approval of the district office, a retailer or distributor may exchange certificates of one or more types of rubber footwear for certificates for the same number of pairs of rubber footwear of a different type. Application shall be made on OPA Form R–604 Revised to the district office for the area in which his establishment is registered and the application shall be accompanied by the certificates which he wants to exchange. He may use certificates for exchange only if he may validly use them to order stock. He may not get another exchange within six months after making a similar application unless the district office, in its discretion, approves the second application because of some unusual condition justifying it.

(b) The district office may issue certificates to the retailer or distributor for a number of pairs of rubber footwear, of the types desired, equal to the number of pairs represented by the certificates given up. The newly-issued certificates shall be dated as of the date of their issuance.

(c) When certificates are exchanged, the retailer or distributor shall immediately change the copy of his inventory (OPA Form R–601A Revised) in his possession by adding the number of pairs of rubber footwear of each type called for by the newly-issued certificates and subtracting the number of pairs of rubber footwear of each type called for by the certificates given up.

SEC. 2.11 *Retailer or distributor may get increased inventory.* (a) A registered retailer or distributor whose stock of rubber footwear (including certificates) is not large enough to serve his customers, may get certificates for the number of extra pairs of rubber footwear needed. Application shall be made on OPA Form R–604 Revised to the district office for the area in which his establishment is registered.

(b) He shall submit with his application:

(1) A copy of the latest inventory (OPA Form R–601A Revised) in his file,

(2) A statement in writing of the number of pairs of rubber footwear transferred by him during the preceding year and the number of pairs he expects to transfer during the next six months, and

(3) Information necessary to satisfy the district office that his stock of rubber footwear is too low to serve his customers.

(c) If, upon all the information submitted to it, the district office decides that certificates should be issued permitting him to add to his stock of rubber footwear, the district office shall issue certificates to allow him to get rubber footwear of such types and in such quantities as the district office shall, in its discretion, deem proper.

(d) When certificates are issued to allow a retailer or distributor to add to his stock of rubber footwear, he shall immediately change the copy of his inventory (OPA Form R–601A Revised) in his possession by adding the number of pairs of rubber footwear, by types, called for by the certificates issued to him.

SEC. 2.12 *New establishments may be opened.* (a) Any person who wants to open a new rubber footwear establishment shall (1) apply to the district office on OPA Form R–604 Revised for the area

where the new establishment is to be located, and (2) submit with his application a statement of the number of pairs of rubber footwear he expects to transfer from the new establishment during the next six months.

(b) The district office may issue certificates to allow him to get rubber footwear of such types and in such quantities as the district office shall, in its discretion, deem necessary to serve the customers of the new establishment.

(c) If the district office issues certificates for the new establishment, the retailer or distributor shall immediately prepare in duplicate an inventory (on OPA Form R–601A Revised) dated as of the date of issuance of the certificates. The original of the inventory shall be sent to the district office and the copy shall be kept by him.

(d) However, any person who has already acquired rubber footwear or certificates under this order for permissible transfer, or who wants to open a manufacturing establishment shall (1) prepare in duplicate an inventory (on OPA Form R–601A Revised) dated as of the date he acquired the rubber footwear or certificates, or, if he is a manufacturer, as of the date of his application, and (2) keep the copy and mail the original to the district office of the area where the new establishment is to be opened, together with a statement in writing that he wants to open a new establishment and explaining how he got the rubber footwear or certificates.

(e) When the district office receives the applicant's original inventory, it shall issue to him a serially numbered certificate of registration (OPA Form R–602).

SEC. 2.13 *Rubber footwear may be used for testing.* (a) A manufacturer may transfer rubber footwear, without getting a certificate, to any person for wear-testing if the manufacturer keeps title to it and does not use for this purpose more than the number of pairs allowed by the National Office of the Office of Price Administration for the current three-month period.

(b) Any person may acquire rubber footwear needed for testing in exchange for a certificate which he may obtain by applying to the Office of Price Administration, Washington, D. C.

SEC. 2.14 *Records must be kept.* (a) Every person who acquires or transfers rubber footwear shall keep at his establishment such records and make such reports as are required by this order or by the Office of Price Administration. Unless otherwise provided in this order, these records and reports must be kept at least two years and be available for inspection by the Office of Price Administration. Every retailer, distributor, and manufacturer shall send all the records kept by him under this order to the district office when he discontinues either his entire business or his rubber footwear line or department.

(b) Every distributor and manufacturer shall keep at his establishment records which shall include for each sale the name and address of the seller and purchaser, the date of the sale, and the type and number of pairs of rubber footwear sold.

(c) Every manufacturer shall, during the first ten days of the month, prepare in duplicate a report on OPA Form R–607 of the number of pairs of rubber footwear he transferred during the previous month together with the other information called for on the form and shall send the original to the Central Inventory Unit, Office of Price Administration, Empire State Building, New York City, and the duplicate to the Rubber Footwear Branch, Miscellaneous Products Rationing Division, Office of Price Administration, Washington, D. C.

(d) Any person who imports rubber footwear shall, within three months of such import send by registered mail to the Central Inventory Unit, Office of Price Administration, Empire State Building, New York City, certificates for the number of pairs of each type of rubber footwear so imported with a statement that they represent imported rubber footwear.

ARTICLE III—GENERAL PROVISIONS

(This part should be referred to when special problems arise.)

Transfers Without Certificates Permitted

SEC. 3.1 *Transfer to carriers, warehouses or repair shops is permitted.* Rubber footwear may be transferred to or from a carrier or a public warehouse for shipment or storage, and to or from a rubber footwear repair shop for repair, without giving up certificates. (This does not permit a transfer of title to the rubber footwear in violation of other provisions of this order).

SEC. 3.2 *Transfer of damaged, lost, or stolen rubber footwear is permitted.* (a) Rubber footwear that has been substantially damaged so as to be no longer usable as rubber footwear may be transferred to anyone without certificates if it is used or sold only as scrap or for salvage.

(b) A person whose rubber footwear has been lost or stolen may get it back without giving up certificates. If a retailer or distributor has received replacement certificates for the rubber footwear, he must send by registered mail to the district office, within five days, certificates for the type and quantity of rubber footwear returned.

(c) Rubber footwear that has been damaged but which is still usable as rubber footwear and undamaged rubber footwear mingled with it, and rubber footwear that was stolen or is in imminent danger of being damaged or stolen may be acquired without certificates for the purpose of transfer only, by:

(1) Persons lawfully engaged in the insurance business and common or contract carriers in connection with their right of subrogation or by virtue of the payment by them of a claim for damage to or loss of the rubber footwear; or

(2) Persons performing public fire or safety functions, warehousemen, or persons engaged primarily in the business of adjusting losses and selling or reconditioning and selling damaged commodities, who take possession of or receive them on the occurrence or imminence of casualties.

(d) A transfer of the rubber footwear by any person included in paragraph (c) of this section may be made without certificates to another person so included, or to the owner, or to the person from whose lawful custody the rubber footwear was taken. All other transfers of the rubber footwear must be made for certificates which must be sent by registered mail within five days, to the district office of the area where such rubber footwear was located immediately before it was acquired by any of the persons mentioned in paragraph (c) of this section.

SEC. 3.3 *Transfer by operation of law or for security purposes is permitted.* (a) Any person may acquire rubber footwear, or a lien on it, without certificates, for permissible transfer only, if the rubber footwear is acquired or the lien is created through judicial process, operation of law, or through an order issued by a court of competent jurisdiction. (A State or the United States or any agency of a State or the United States may do so through the enforcement of statutory rights against the rubber footwear.)

(b) A lien may be created on rubber footwear for security purposes, without certificates, in favor of:

(1) A State or the United States or any agency or political subdivision of a State or the United States;

(2) Any persons licensed by a State or the United States to engage in the business of making loans upon collateral; or

(3) Any person if the lien is or is to be on all or substantially all the rubber footwear owned by an establishment or on all or substantially all the business assets of an employer-consumer.

(c) Rubber footwear or any interest in it acquired under this section may be returned to the person from whom it was acquired, or a lien on rubber footwear may be released, without certificates. If a retailer or distributor has received replacement certificates for the rubber footwear, he must send by registered mail to the district office, within five days, certificates for the same type and quantity of rubber footwear returned.

(d) Any person holding a lien on rubber footwear or a security interest permitted by this section or created before September 29, 1942, may enforce the security interest or lien in the manner provided by applicable laws.

(e) Rubber footwear acquired by a person under this section (except when returned to a person who had owned it for use) may not be used by him and may be transferred only for certificates which he must send by registered mail to the district office within five days.

SEC. 3.4 *Rubber footwear may be exported or imported.* Any person may export rubber footwear to a foreign coun-

try or to a Territory, Possession or Dependency of the United States (except the District of Columbia), or may transfer rubber footwear to or from slop-chest supplies for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade, without certificates. Any person may also import rubber footwear, but in that case must make the reports and submit certificates as required under section 2.14 (d).

SEC. 3.5 *Rubber footwear may be transferred to exempt agencies.* (a) Any person may transfer rubber footwear without certificates to any of the exempt agencies or persons or for the account of any of the government agencies listed in paragraph (b) of this section.

(b) The exempt agencies and persons to which this section applies are:

1. The Army and Navy of the United States.
2. U. S. Maritime Commission.
3. The Panama Canal.
4. The Coast and Geodetic Survey.
5. Civil Aeronautics Administration.
6. National Advisory Commission for Aeronautics.
7. The Office of Scientific Research and Development.
8. The Office of Lend Lease Administration.
9. The War Shipping Administration.
10. Any person acquiring rubber footwear for export to and use in a foreign country.

(c) A person who acquires rubber footwear under this section "for the account of" one of the exempt government agencies, without certificates (for example, a contractor who has a war contract with an exempt government agency) must give his supplier:

(1) A signed statement that the rubber footwear to be acquired will become the property of the exempt government agency and that the agency will keep title to the rubber footwear, and

(2) A copy of his war contract or other proof to support his statement.

SEC. 3.6 *Transfer of business is permitted.* (a) Upon the sale or other transfer, voluntary or involuntary, of the business or operation in connection with which any person as an employer obtained rubber footwear for the use of his employees, such rubber footwear may be acquired by any person along with such business or operation without certificates and may be used only for the purposes for which it was acquired by the employer.

(b) Any person may acquire without certificates, for permissible transfer, the rubber footwear and certificates of an establishment which is disposing of either all its assets or of its entire rubber footwear department or line.

(c) A person acquiring rubber footwear or certificates under paragraph (b) of this section must comply with the provisions of section 2.12 (d), or if he is already registered must correct his inventory and file a copy with the district office.

SEC. 3.7 *Rubber footwear may be exchanged.* Any retailer, distributor, or manufacturer may exchange rubber footwear for other rubber footwear of the same type and quantity without certificates.

Prohibited Acts under this Order

SEC. 3.8 *Unlawful transfer of rubber footwear or certificate is prohibited.* (a) No person shall transfer or acquire rubber footwear (or offer to do so) except in accordance with this order.

(b) No person shall use, possess or transfer certificates unless permitted by this order, or authorized by the Office of Price Administration.

(c) Whenever this order requires the giving up of certificates upon the transfer of rubber footwear, no person shall transfer rubber footwear of any type other than the type described on the certificate. However, olive drab, clay, or khaki colored rubber footwear classified as type 5 in section 3.13 may be sold at retail for type 4 certificates.

SEC. 3.9 *Other prohibitions in General Ration Order 8.*[1] General Ration Order 8 contains provisions, applicable to this and all other Ration Orders, which prohibit, among other matters:

(1) Making false or misleading statements in a ration document or to the Office of Price Administration;

(2) Altering, defacing, mutilating, or destroying a ration document;

(3) Forging or counterfeiting a ration document;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated ration document;

(5) Wrongfully withholding a ration document;

(6 Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Transferring a rationed commodity at an illegal price;

(8) Bribing, hindering, or interfering with rationing officials;

(9) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

Appeals and Suspension Orders

SEC. 3.10 *Persons affected may appeal.* Any person directly affected by the action of a board, District Director or Regional Administrator taken with respect to any matter before him under this order may appeal from the action in the way permitted by Procedural Regulation No. 9.[2] (Uniform Appeals Procedure.)

SEC. 3.11 *Violators may lose right to rationed products.* Any person who violates this order may, by administrative suspension order, (Procedural Regulation No. 4[3]) be prohibited from acquiring or transferring rationed products for such period as the Administrator deems necessary or appropriate in the public interest and to promote national security.

Definitions and Types of Rubber Footwear

SEC. 3.12 *Words used with special meaning are explained.* (a) When used in this order, the word:

"Acquire" means to accept a transfer.

"Board" means a war price and rationing board or the war price and rationing board having jurisdiction over a certain person or establishment, as the language indicates, or the war plant area boards authorized to act on applications under this order.

"Certificate" means a rubber footwear purchase certificate (OPA Form R-605 or R-605 Revised).

"Consumer" means any person acquiring or seeking to acquire rubber footwear for personal use, or for the use of his employees.

"Distributing establishment" means an establishment, other than a manufacturing establishment or part of it, over 50 percent of whose transfers of rubber footwear, in dollar volume, are transfers to persons other than consumers.

"Distributor" means any person operating a distributing establishment, or selling to others than consumers.

"District Director" means the person in charge of the district office.

"District office" means a district office of the Office of Price Administration or a particular district office having jurisdiction over a certain person or establishment, as the language indicates.

"Employee" means, in addition to the persons commonly included in this word, inmates, residents, and members of any charitable institution or any institution supported in whole or in part by public funds.

"Employer" means a person having employees.

"Establishment" means a business or operation, other than a public warehouse, conducted at or from a particular place at which rubber footwear is sold or stored, except that a manufacturing establishment may be conducted at or from more than one place.

"Manufacturer" means a person operating a manufacturing establishment.

"Manufacturing establishment" means a business manufacturing, processing, or assembling rubber footwear. All factories, warehouses, storage places, salesrooms and distributing agencies owned by the same person may constitute one manufacturing establishment, except that no retail establishment shall be included in this definition.

"Multiple certificate" means a certificate which permits a person to transfer or acquire two or more pairs of rubber footwear of the same type.

"Person" means an individual, institution, corporation, partnership, association, business trust, or any organized group or enterprise, and includes the United States or any of its agencies and any government or any of its political subdivisions or agencies.

"Retail establishment" means an establishment at least 50 percent of whose transfers, in dollar volume, of rubber footwear are transfers to consumers.

"Retailer" means a person operating a retail establishment or making a sale at retail.

"Rubber footwear" means all men's protective waterproof or snow and water repellent rubber boots and rubber work shoes, except those which have been worn, of the types listed in section 3.13, manufactured under any process which joins the sole and upper in a single unit manufactured wholly or in part of latex, crude, reclaimed, scrap, or synthetic rubber including seconds, rejects, and damaged rubber boots and rubber work

[1] 8 F.R. 3783, 5677.
[2] 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929.
[3] 8 F.R. 1744, 2035.

shoes, but excluding all men's and boys' rubber boots and rubber work shoes below size six, all olive drab, clay or khaki colored above-the-knee height boots, all stocking-foot waders, all lumbermen's overs with tops other than rubber, and all arctics, gaiters, work rubbers, dress rubbers, clogs, and footholds.

"Sale at retail" means a transfer of rubber footwear to a consumer, including diverting to consumer use rubber footwear held for sale, transfer, storage, carriage, or repair whether or not a change in ownership or possession results.

"Supplier" means a retailer, distributor, or manufacturer who transfers rubber footwear to others than consumers.

"Transfer" means convert to use, sell, lease, lend, trade, exchange, give, ship, deliver, physically transfer to another in any manner, or make any transaction involving a change in possession, right, title, or interest.

"Worn", as applied to rubber footwear means rubber footwear which has been used as footwear so that it cannot reasonably be sold as new.

(b) Words of the masculine gender shall also denote the feminine and neuter genders; and words of the singular shall also denote the plural and vice versa.

(c) When any right or duty is conferred or imposed upon an establishment by this order it applies to the owner of the establishment and vice versa.

SEC. 3.13 *Rubber footwear is divided into six types.* (a) Rubber boots are divided into the four types listed below and are typically worn instead of shoes and typically without laces, though occasionally worn over a shoe or slipper and partially laced. (All measurements in this section are along the back of the boot and include the heel.)

(1) *Type 1.* Hip height boots (with or without steel toes). All body hip, and thigh (crotch-height) boots and sporting boots of similar heights.

(2) *Type 2.* Above-knee height boots (with or without steel toes). All Storm King boots and all other over-the-knee height but below hip or below thigh (crotch-height) boots.

(3) *Type 3.* Below-knee height heavy boots (with or without steel toes). All industrial short boots and all other boots of below-the-knee height except light and medium-weight boots classified in Type 4.

(4) *Type 4.* Below-knee height light boots (without steel toes). All light and medium-weight short boots, including those manufactured according to specifications of the War Production Board for the manufacture of civilian rubber footwear (War Production Board Supplementary Order M-15-b-1, as amended [4]) farm-weight boots, over-the-shoe boots, and all other light-weight constructions of this height.

(b) Rubber pacs, bootees, and work shoes are divided into the two types listed below and are worn instead of shoes, typically laced, over the instep, and are below-the-knee in height.

(1) *Type 5.* Pacs and bootees, ten inches or more in height (with or without steel toes). All rubber mine pacs and mine bootees and all other rubber footwear of this class laced over the instep ten inches or more in height.

(2) *Type 6.* Pacs, bootees, and work shoes below ten inches in height (with or without steel toes). All rubber work shoes, pacs, and bootees less than ten inches in height.

Effective Dates

SEC. 3.14 *Ration Order 6 is revoked.* Ration Order 6A takes the place of and revokes Ration Order 6 [5], as amended (§§ 1404.1 to 1404.71 inclusive) except that any penalties or liabilities incurred or any violations which occurred or rights which arose before the effective date of this order shall be governed by Ration Order 6 and its amendments in effect at the time the penalties or liabilities were incurred, the violations occurred or the rights arose and shall be treated as still remaining in force for the purpose of allowing or sustaining any proper action or prosecution with respect to such penalties, liabilities or violations, and all administrative exception orders issued under Ration Order 6 shall have the same force and effect as though issued under Ration Order 6A.

This ration order shall become effective June 5, 1943.

NOTE: All reporting and record-keeping requirements of this order, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8940; Filed, June 1, 1943; 5:16 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 6]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES, ORDER OF REVOCATION

Ration Order 6 (§§ 1404.1 to 1404.71, inclusive) is hereby revoked, except that any violations which occurred, or rights or liabilities which arose before the effective date of this order shall be governed by Ration Order 6 and its amendments in effect at the time the violations occurred or the rights or liabilities arose.

This order of revocation shall become effective June 5, 1943.

(Pub. Law 671, 76th Cong.; Pub. Laws 89, 507 and 421, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1-N, 7 F.R. 7730; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8947; Filed, June 1, 1943; 5:17 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 52]

MILEAGE RATIONING; GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. § 1394.8353 is added with a preceding centerhead to read as follows:

Reduction of Rations in Critical Shortage Areas

§ 1394.8353 *Restrictions on certain rations and transfers in the restricted area.* Notwithstanding any other provisions contained in Ration Order No. 5C the following provisions in respect to rations issued for use for passenger automobiles shall be effective in the Restricted Area from 12:01 a. m., June 2, 1943, until the Office of Price Administration, Washington, D. C., otherwise directs:

(a) In the allowance and issuance of supplemental rations the Board shall compute the allowed mileage as provided in § 1394.7704 and, notwithstanding the reduction in unit value of Class B and C book coupons, shall issue rations based on such allowed mileage in accordance with Table IA or IIA in § 1394.7705, as the case may be.

(b) In the allowance and issuance of fleet or official rations or a ration issued pursuant to § 1394.7757 or § 1394.7758 the Board shall compute the allowed mileage as provided in § 1394.7754 and, notwithstanding the reduction in unit value of Class B and C book coupons, shall issue rations based on such allowed mileage in accordance with Table IA or IIA in § 1394.7705, as the case may be.

(c) When renewing a supplemental, fleet or official ration, or a ration pursuant to the provisions of § 1394.7757 or § 1394.7758 the Board shall not allow mileage or issue a ration which will in any way compensate for any loss in mileage due to the reduction in the unit value of Class B and C book coupons made June 2, 1943.

(d) No Board shall issue any further rations pursuant to §§ 1394.7052 or 1394.8053 to compensate for mileage lost by reason of reduction in the unit value of Class B or C book coupons made June 2, 1943.

(e) No additional mileage shall be allowed pursuant to the provisions of § 1394.7707, and upon the renewal of any ration which has been issued pursuant to that section no mileage shall be allowed

---

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

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441.

[4] 7 F.R. 967, 2344, 2345, 2346, 2449, 2595, 2782, 3389, 4448, 5019, 5296, 5592, 5603.

[5] 7 F.R. 7749, 7967, 8363, 8809, 9084, 9736, 10581, 10781; 8 F.R. 548, 1892, 5317.

in excess of an average of 360 miles per month.

(f) No rations shall be issued pursuant to §§ 1394.7853 and 1394.7854, for travel on pass, leave or furlough.

(g) Every dealer who has in his possession any Class B or C book coupons which he has received before June 2, 1943, in exchange for valid transfers of gasoline made in the Restricted Area, shall surrender such coupons before June 9, 1943, either to a distributor in exchange for a valid transfer of gasoline or summarized on Form OPA R–541, to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to the dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After June 8, 1943, no distributor shall accept from any dealer or distributor located in the Restricted Area any Class B or C book coupons originally accepted in exchange for a transfer of gasoline to a consumer before June 2, 1943.

(h) On and after June 2, 1943, but not later than June 21, 1943, every distributor who has in his possession or control Class B or C book coupons received by him in exchange for transfers of gasoline made within the Restricted Area at a time when such coupons had, at the place of transfer, a value of three gallons of gasoline each, shall list all such coupons on a separate deposit slip and deposit them for credit at a value of three gallons each, in appropriate ration bank accounts maintained by him.

(i) The term "Restricted area" means the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except the portions which lie within the corporate limits of the Cities of Sharon, Sharpsville, Farrell and Wheatland), Rhode Island, Vermont, Virginia (except the portions which lie within the corporate limits of the Cities of Bristol and Bluefield), and the District of Columbia and the portion of the State of West Virginia which lies within and east of the counties of Mineral, Grant and Pendleton.

This amendment shall become effective 12:01 a. m., June 2, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–8945; Filed, June 1, 1943; 5:15 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 5 to Supp. 1]

MILEAGE RATIONING, GASOLINE REGULATIONS

Supplement 1 to Ration Order 5C is amended in the following respects:

1. Section 1394.8401 (a) (1) (i) is amended by substituting a comma for the final period and adding the following provision: "except that within the Restricted Area Class B and C book coupons shall have a value of two and one-half gallons of gasoline."

2. Section 1394.8401 (a) (1) (iii) is added to read as follows:

(iii) "Restricted area" means the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania (except the portions which lie within the corporate limits of the Cities of Sharon, Sharpsville, Farrell and Wheatland), Rhode Island, Vermont, Virginia (except the portions which lie within the corporate limits of the Cities of Bristol and Bluefield), and the District of Columbia and the portion of the State of West Virginia which lies within and east of the counties of Mineral, Grant and Pendleton.

This amendment shall become effective at 12:01 a. m. on June 2, 1943, and shall continue in full force and effect until amended by the further order or direction of the Office of Price Administration.

(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. 1, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43–8946; Filed, June 1, 1943; 5:15 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 4,[2] Amdt. 5]

LARD AND RICE IN PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

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

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441.

[2] 8 F.R. 3417, 4190, 5987, 5988, 6274.

Restriction Order 4 is amended in the following respects:

1. Section 1407.5009 (b) (1) and (2) are amended to read as follows:

(1) Lard—½ pound during a calendar week of any quota period.

(2) Rice—6 pounds during a calendar week of any quota period.

2. Section 1407.5009 (c) (1) is amended by deleting the phrase "thirteen dollars and thirty-three cents ($13.33)" before the phrase "of the dollar value of rice" and by inserting in its place the phrase "six dollars and sixty-seven cents ($6.67)."

3. Section 1407.5009 (c) (2) is amended by deleting the phrase "one and three-fourths (1¾)" before the phrase "pounds of lard" and by inserting in its place the phrase "three and one-half (3½)".

4. Section 1407.5009 (d) (1) is amended by deleting the phrase "twenty dollars ($20.00)" before the phrase "of the dollar value of rice" and by inserting in its place the phrase "six dollars and sixty-seven cents ($6.67)".

5. Section 1407.5009 (d) (2) is amended by deleting the phrase "one and three-fourths (1¾)" before the phrase "pounds of lard" and by inserting in its place the phrase "three and one-half (3½)".

This amendment shall become effective on May 17, 1943 at 8:00 a. m.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., W.P.B. Dir. No. 1, Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7671, Supp. Dir. No. 1–J, 7 F.R. 8831, E.O. 9280, 7 F.A. 10179, F.D. No. 3, 8 F.R. 2005)

Issued this 17th day of May 1943.

JAMES P. DAVIS,
Acting Director,
Office of Price Administration
for Puerto Rico.

[F. R. Doc. 43–8929; Filed, June 1, 1943; 4:11 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 376,[1] Amdt. 1]

CERTAIN FRESH FRUITS AND VEGETABLES

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

Maximum Price Regulation No. 376 is amended in the following respects:

1. Section 5 (b) is amended to read as follows:

(b) Sales and deliveries by a farmer of any listed commodity grown on his farm to a country shipper. This regula-

[1] 8 F.R. 5810.

tion shall apply to any sales and deliveries by a farmer directly to wholesalers, retailers, and commercial, industrial and institutional users, except sales and deliveries to processors, such as but not limited to, canners, packers, manufacturers or dehydrators.

2. Section 12 is amended to read as follows:

SEC. 12 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

This amendment shall become effective June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved: May 25, 1943.

JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-8938; Filed, June 1, 1943; 5:18 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amdt. 37]

PUERTO RICO

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

Maximum Price Regulation No. 183 is amended in the following respects:

1. Sections 1418.1 (a) (12) and (21) are amended to read as follows:

(12) On and after May 8, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person in the course of trade or business, shall buy or receive wheat flour, laundry soap, toilet soap and soap chips listed or described in § 1418.14 (q), Table XVI and § 1418.14 (r), Table XVII in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (q), Table XVI and § 1418.14 (r), Table XVII; and no person shall offer, solicit or attempt to do any of the foregoing. On and after May 27, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive certain sausage listed and described in § 1418.14 (s), Table XVIII, in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (s), Table XVIII; and no person shall offer, solicit, or attempt to do any of the foregoing.

(21) On and after May 27, 1943, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive soda crackers or vanilla crackers listed and described in § 1418.14 (hh), Table XXIX in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (hh), Table XXIX, and no person shall offer, solicit, or attempt to do any of the foregoing.

2. Section 1418.11 (a) (52) is added to read as follows:

(52) "Imported soda crackers" means crackers imported into the Territory of Puerto Rico from the continental United States.

3. Section 1418.14 (s) Table XVIII is amended by deleting the words "canned Vienna sausage" in the title and substituting the words "certain sausage".

4. Section 1418.14 (s) (1) is amended by deleting the words "canned Vienna sausage" and substituting the words "certain sausage".

5. Section 1418.14 (s) Table XVIII is amended by adding two items to the category "Dry sausages originating in the United States", to read as follows:

	Sales to wholesalers	Sales at wholesale	Sales at retail
Dry sausages originating in the United States:	*Pound*	*Pound*	*Pound*
* * *	*	*	*
Salami	$0.475	$0.55	$0.72
Gotenburg	.475	.55	.72

6. The brands listed in Table XXIX of § 1418.14 (hh) are incorporated under a new category 1 and a new category 2, is added, all to read as follows:

	Container, type and size	To wholesalers (per dozen containers)	To retailers (per dozen containers)	At retail (per container)
1. Locally produced soda crackers and vanilla crackers.				
*	*	*	*	*
2. Imported soda crackers:				
National	5 lb. tin	$13.50	$14.60	$1.40

This amendment shall become effective as of May 27, 1943.

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

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8941; Filed, June 1, 1943; 5:17 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 397,[1] Amdt. 1]

FLAXSEED

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

Maximum Price Regulation 397 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3 *Applicability.* This regulation applies to all sales and deliveries within the forty-eight states and the District of Columbia of domestic and imported flaxseed, except flaxseed sold and used for planting a 1943 and 1944 crop, and medicinal and food purposes.

2. Section 5 (a) (3) is amended to read as follows:

(3) At interior points, on track, shall be the maximum price at that basing point mentioned in subparagraph (1) which less rail freight charges from said interior point to said basing point and less 3 cents per net bushel handling charges at the terminal basing point will give the highest maximum price at said interior point.

This amendment shall become effective June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved:

JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-8930; Filed, June 1, 1943; 4:11 p. m.]

Chapter XIII—Petroleum Administration for War

[PAO 7 as Amended June 1, 1943]

PART 1545—PETROLEUM SUPPLY

Section 1545.3 *Petroleum Administrative Order 7* is hereby amended to read as follows:

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

(2) "Motor fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "District One" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New

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

[1] 8 F.R. 4122, 4351, 4781, 4788, 5486, 5739, 5742, 5819, 6000, 6001, 6139, 6359, 6646, 6614, 6621, 6964.

[1] 8 F.R. 6840.

Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia.

(4) "District Two" means the States of Ohio, Kentucky, Tennessee, Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma.

(5) "District Three" means the States of Alabama, Mississippi, Arkansas, Louisiana, Texas, and New Mexico.

(6) "Zone 6" means the States of West Virginia, New York, and Pennsylvania, except the entire eastern part of the State of New York up to and including the Counties of Cayuga, Tompkins, and Chemung and the entire eastern part of the State of Pennsylvania up to and including the Counties of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York.

(b) *Prohibited movement of motor fuel.* (1) No person may deliver or otherwise supply, directly or indirectly, motor fuel by barge from within District Three to any person in Zone 6 and no person within Zone 6 may accept a barge delivery of motor fuel from within District Three, except the delivery by barge of motor fuel from within District Three to Zone 6 for transshipment from Zone 6 to any point in District One outside of Zone 6.

(2) No person may deliver or otherwise supply, directly or indirectly, motor fuel by barge from any point within the State of Pennsylvania to any point within the State of West Virginia, and no person within the State of West Virginia may accept a barge delivery of motor fuel from within the State of Pennsylvania.

(3) No person may deliver or otherwise supply, directly or indirectly, motor fuel by barge from within District Two to any person in the State of West Virginia, and no person within the State of West Virginia may accept a barge delivery of motor fuel from within District Two.

(c) *Directed deliveries.* The Petroleum Administrator for War may from time to time issue directions to any person with respect to the delivery of motor fuel from within District Two or District Three to District One.

(d) *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 Petroleum Administrator for War. Such appeal shall be filed in quadruplicate and shall be addressed to the Director of Transportation, Interior Building, Washington, D. C., Ref: PAO 7.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(f) *Effective date.* This order shall continue in effect until revoked.

(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 1st day of June 1943.

R. K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-8960; Filed, June 2, 1943; 11:13 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 1—GENERAL REGULATIONS AFFECTING THE PUBLIC

Part 1, Chapter I, Title 34, is hereby amended and revised to read as follows:

Sec.
1.78 Naval harbors closed to foreign vessels.
1.118 Alcoholic liquors.
1.124 Authority to photograph naval subjects.
1.128 Reciprocal visits to commercial plants by nationals of the United States and Canada.
1.165 Merchant crews.
1.397 Conditions precedent to furnishing information of service in Navy.
1.1515 Observance of laws.
1.1545 Visitors on vessels under construction.
1.1552 Defense of Pearl Harbor.
1.1697 Deserters; rewards.
1.1706 Deserters; accomplices.
1.1995 Work at Navy yards and stations for private parties.
1.1996 Rules for docking private vessels at Navy yards.
1.3000 Insignia to be worn on uniform by persons not in service; definition of "occasion of ceremony."
1.3001 Public exhibit of naval material.
1.3002 Commercial advertising.
1.3003 San Clemente Island Naval Defensive Sea Area.
1.3004 Mail transportation in Navy planes.
1.3005 Photographs of naval subjects.
1.3006 Photographs and sketches of military or naval subjects.
1.7202 Outside competition; restrictions.
1.7203 Admission fees and restrictions.
1.7501 Relations with civil activities.

AUTHORITY: §§ 1.78 to 1.7501, inclusive, issued under the authority contained in R.S. 1547; 34 U.S.C. 591. (Exceptions are noted in parentheses following portions affected).

NOTE: In §§ 1.78 to 1.124, and 1.165 to 1.1996, inclusive, the numbers to the right of the decimal point correspond with the respective article numbers in United States Navy Regulations, Navy Department, Dec. 17, 1920, as amended to May 15, 1943.

§ 1.78 *Naval harbors closed to foreign vessels.* (a) It has been ordered that the following-named harbors:

Great Harbor, Culebra;
Quantanamo Naval Station, Cuba;
Pearl Harbor, Hawaii;
Guam;
Subic Bay, Philippine Islands;
Kiska, Aleutian Islands;

are not, and that they shall not be made, subports of entry for foreign vessels of commerce, and that said harbors shall not be visited by any commercial or privately owned vessel of foreign registry; nor by any foreign national vessel, except by special authority of the United States Navy Department in each case. (E.O. 1613, Sept. 23, 1912)

(b) The air space over each of the harbors named in paragraph (a) is reserved and set aside for governmental purposes as a prohibited area within which civil aircraft are not authorized to be navigated. At no time shall civil aircraft of any kind be navigated within the air space reservations above defined except by special authority of the United States Navy Department in each case. Navigation of aircraft within such air space reservations otherwise than in conformity with this order shall be subject to the penalties provided by section 11 of the "Air Commerce Act of 1926" (49 Stat. 574; 49 U.S.C. 181). (E.O. 5281, Feb. 17, 1930; E.O. 7138, Aug. 12, 1935)

(c) For the proper control, protection, and defense of the naval station, harbor, and entrance channel at Pearl Harbor, Territory of Hawaii, the Secretary of the Navy is authorized, empowered, and directed to adopt and prescribe suitable rules and regulations governing the navigation, movement, and anchorage of vessels of whatsoever character in the waters of Pearl Harbor, Island of Oahu, Hawaiian Islands, and in the entrance channel to said harbor, and to take all necessary measures for the proper enforcement of such rules and regulations. (37 Stat. 341; 33 U.S.C. 475) [Pars. 1, 2, 4] (See § 1.1552)

§ 1.118 *Alcoholic liquors.* The introduction, possession, or use of alcoholic liquors for drinking purposes or for sale is prohibited within navy yards, marine barracks, naval stations, and other places ashore under the jurisdiction of the Navy Department which are located in States, Territories, or insular possessions in which the possession or use of such liquors for drinking purposes is not permitted by law. [Par. 2]

§ 1.124 *Authority to photograph naval subjects.* The making, for other than official use, of photographs, photographic plates or films, or moving-picture films of naval vessels or parts thereof; of navy yards and stations, or of any establishments under the jurisdiction of the Navy; or of any device belonging to the Navy or intended for use thereof, shall be governed by such detailed instructions as may be issued by general order. [Par. 1] (See §§ 1.3005–1.3006)

§ 1.128 *Reciprocal visits to commercial plants by nationals of the United States and Canada.* (a) The Joint War Production Committee of Canada and the United States has recommended to the President of the United States and to the Prime Minister of Canada a policy for the facilitation of war production of the two countries. The aforesaid policy included the following statements:

(1) That administration barriers and other regulations or restrictions of any

character which prohibit, prevent, delay, or otherwise impede the free flow of necessary munitions and war supplies between the two countries should be suspended or otherwise eliminated for the duration of the war;

(2) That the two Governments should take all measures necessary for the fullest implementation of the foregoing principles.

(b) The President of the United States has approved the above-mentioned policy and has requested that affected departments and agencies of the Government of the United States abide by the letter and spirit of such policy so far as lies within their power.

(c) The prevailing restrictions upon visits of Canadian nationals to domestic commercial plants are considered to be burdensome and to constitute an impediment to the progress of the joint war production of the Governments of the United States and Canada. Imperative inspections, technical discussions, exchange of ideas and manufacturing processes, etc., must not be encumbered by delay, formalities, and the inconvenience which foreign nationality necessarily evokes.

(d) Accordingly, effective March 1, 1943, and for the duration of the war, Canadian nationals will be considered as and accorded the same privileges as citizens of the United States with respect to the matter of visits to commercial manufacturing plants, or government owned privately operated plants, engaged upon naval work or equipment. For the purposes herein provided, Canadian nationals are intended to mean Canadian citizens or British subjects permanently residing in Canada, who are representatives of Canadian manufacturing plants or who represent agencies controlled by the Canadian Government.

(e) Article 128, U. S. Navy Regulations, is hereby modified, to be effective upon the date previously mentioned and for the duration of the war, to the extent that applications for visits of such Canadian nationals need not be submitted to, nor authority required from, the Navy Department. Such visits shall, on and after the date specified, be administered within the jurisdiction of the Naval Inspection Service. Upon being assured that the visits are for a purpose essential to maximum production or to the prosecution of the war, and upon presentation of proper identification, i. e., passport, employee's identification card, or other satisfactory evidence, Naval Inspectors may exercise the same latitude of discretion in the matter of visits by Canadian nationals as they now apply to visits of citizens of the United States. In acknowledgment of the primary responsibility of contractors for the security of naval production within their plants, the decision of whether or not such a visit will be permitted shall continue to be subject to the determination of the respective contractor. Except in cases of emergency, where time does not allow for correspondence, applications for visits by Canadian nationals should be directed to the company whose plant is to be visited within a reasonable time in advance of the proposed visit.

(f) The policy announced in paragraphs (a) and (b) is founded upon an agreement of mutual cooperation for a common purpose. The benefits to be derived therefrom are intended to be bilateral and reciprocal. To insure these advantages in converse the Canadian Government, contemporaneously, is adopting a policy, comparable to that herein established, for the administration of visits of United States citizens to Canadian plants.

§ 1.165 *Merchant crews.* Vessels under the jurisdiction of the Navy in foreign ports having merchant crews are amenable to navigation laws. Crews must be shipped and discharged before consuls and papers deposited with consuls, except in those cases where anticipated orders for prompt movement makes this course undesirable, in which case the consul is to be notified.

NOTE: For regulations of the Department of State concerning merchant vessels and seamen, see 22 CFR Parts 80–86, as amended.

§ 1.397 *Conditions precedent to furnishing information of service in Navy.* No information shall be furnished from the records of the Navy Department to attorneys or agents concerning the naval service of officers or enlisted men of the Navy, until such attorneys or agents shall file a power of attorney in the Department, showing that they have authority from the person whose record is desired, or his legal representatives, to request such information, and shall also file a statement of the purpose for which such information is desired. If such statement be deemed satisfactory to the Department, the information will be furnished, provided the attorney or agent submits to the Department the same proof of the identity of the person or persons he represents as is required when the application for such information is made by the person or persons themselves.

§ 1.1515 *Observance of laws.* (a) The commandant or commanding officer of any naval station or other naval reservation situated within the limits of any State, Territory, or District, which has been acquired by the United States through purchase or otherwise for naval purposes, and over which the United States has exclusive jurisdiction, shall require all persons within the limits of such stations or reservations strictly to observe all existing Federal laws, including the penal laws creating offenses not otherwise covered by any act of Congress, of the State, Territory, or District wherein the station is located in effect on April 1, 1935, and remaining in effect, which have been adopted as Federal laws by section 289 of the United States Criminal Code.

(b) Persons not in the naval service who commit offenses within the limits of such station or reservation, including the offenses contemplated by section 289 of the United States Criminal Code, are subject to trial in the United States District Court for the district in which the station is situated. (49 Stat. 394; 18 U.S.C. 463) [Pars. 1, 3]

§ 1.1545 *Visitors on vessels under construction.* (a) No visitors shall be allowed to go on board vessels of the Navy under construction except by the permission of the senior naval officer present; and no such permission shall be given to any one not known to be an American citizen of good standing and repute.

(b) Visitors representing foreign governments, or known to be other than American citizens, shall not be permitted to visit such vessels except by authority of the Chief of Naval Operations (Office of Naval Intelligence); and they shall in all cases be accompanied by a naval officer on duty at the navy yard or works where the vessel is building.

§ 1.1552 *Defense of Pearl Harbor.* (a) The area of water in Pearl Harbor, Island of Oahu, Territory of Hawaii, lying between extreme high-water mark and the sea, and in and about the entrance channel to said harbor, within an area bounded by the extreme high-water mark, a line bearing south true from the southwestern corner of the Puuloa Naval Reservation, a line bearing south true from Ahua Point Lighthouse, and a line bearing west true from a point three nautical miles due south true from Ahua Point Lighthouse, has been established as a defense sea area for purposes of national defense and no persons (other than persons on public vessels of the United States) are permitted to enter this defensive sea area and no vessels or other craft (other than public vessels of the United States) are permitted to navigate in this area, except by authority of the Secretary of the Navy. (E.O. 8143, May 26, 1939; 4 F.R. 2179)

(b) For the purpose of acting on requests of vessels registered, enrolled, or licensed under the laws of the United States, whose normal legitimate business requires entry into Pearl Harbor, the Commandant, Fourteenth Naval District is designated as the representative of the Secretary of the Navy, with authority to act on such requests.

(c) The Commandant of the Navy Yard, Pearl Harbor, is responsible for prescribing and enforcing such rules and regulations as may be necessary for insuring security and for governing the navigation, movements, and anchorage of vessels in the waters of Pearl Harbor and in the entrance channel thereto.

§ 1.1697 *Deserters; rewards.*[1] (a) When a person has been absent without authority for more than 24 hours and has not communicated with his commanding officer, giving reasons for his absence, a reward not exceeding $25 shall be offered by the commanding officer for the delivery of the straggler into the custody of the naval authorities at such place and within such time as may be prescribed in general or specific instructions issued by the Bureau of Naval Personnel or in case

[1] There is no law specifically authorizing a reward for apprehension and delivery of stragglers and deserters. There has been for years an appropriation for expenses of such apprehension. In the absence of law, the regulations approved by the President have the effect of law.

of a marine, by the Commandant, U. S. Marine Corps.

(b) When a person is declared a deserter, a reward not exceeding $50 shall be offered for the apprehension and delivery of such deserter into the custody of naval authorities, under such instructions as may be issued by the Bureau of Naval Personnel or, in case of a marine, by the Commandant, U. S. Marine Corps.

(c) Rewards paid for delivery of a deserter or straggler, in no case exceeding $50 or $25, respectively, shall be checked against the accounts of such deserter or straggler, and shall be in full satisfaction of all expenses for arresting and keeping and delivering such deserter or straggler, other than the expense of telegraphing. In extraordinary cases where, by reason of the distance to be traveled, the amount of such reward will not compensate, transportation may be furnished upon the order of the Bureau of Naval Personnel or the Commandant, U. S. Marine Corps, as the case may be, to the civil officer from the place of arrest to the place of delivery, and the return of such officer, in addition to the reward of $50 or $25, as the case may be.

§ 1.1706 *Deserters; accomplices.* Every person who entices or aids any person in the naval service to desert, or who harbors or conceals any such person, knowing him to be a deserter, or who refuses to give up such person on the demand of any officer authorized to receive him, is liable to punishment by imprisonment and fine, to be enforced in any court of the United States having jurisdiction. (Sec. 42, 35 Stat. 1097; 18 U.S.C. 94)

§ 1.1995 *Work at Navy yards and stations for private parties.* (a) No work shall be done by the Government force at a navy yard or station for private individual or corporations except by authority of the Secretary of the Navy upon an application specifying the nature of the work to be done, and accompanied by a certificate from the commandant that the necessary labor or appliances can not be procured in the vicinity from private contractors.

Commandants of navy yards and stations are, however, authorized to undertake, in advance of approval by the Department, work for private parties in cases where the delay incident to procuring authorization or the assistance or agencies of private contractors would lead to the loss of life or the loss of valuable property. And to undertake without reference to the Department work for parties doing work under contract with the Government, as provided by the terms of their contract or when such work does not exceed in cost more than $100 for any one job.

(b) In all cases, with the exception noted in the latter part of this paragraph, when work is authorized at a navy yard or station for private parties they shall deposit with the disbursing officer of the yard a sum sufficient to cover the estimated expenses to be incurred. The total cost shall be defrayed from such deposit. The special deposit for payment shall be made with the commandant of the yard or station by check, payable to the order of the disbursing officer. When this money is received by the disbursing officer of the yard he shall immediately take up the total amount on his books under "General account of advances", accounting for it in the same manner as he does all other funds received. After the work has been completed and the amount required to be deposited in the Treasury for final settlement determined, any balance of the special deposit remaining in the hands of the disbursing officer shall be returned by check to the party making the deposit. In case of an emergency, where the commandant deems it absolutely necessary, work of this character may be commenced under a job order issued under an appropriation; but immediate steps will be taken to obtain a deposit, and upon its receipt a return to the special-deposit system shall be made.

(c) In cases where the work is done by the Government on account of contractors for new vessels, and which is covered by special reservations for the purpose, the work shall be done on job orders under the appropriations concerned and the cost deducted from the voucher in final settlement, and special deposits will not be required.

(d) All work done for private parties will be divided into five classes and charged for as follows:

(1) *Work in connection with which the estimated material charge is less than 50 percent of the estimated labor.* At industrial yards this class of work will bear such charges as may be specifically required by the accounting instructions in force. At nonindustrial yards this class of work will be charged with direct labor, direct material, and a surcharge equal to 35 percent of the direct labor. The amount of this surcharge will be deposited in the Treasury to the credit of "Miscellaneous receipts."

(2) *Work in connection with which the estimated charge for material is more than 50 percent of the estimated charge for direct labor.* At industrial yards this class of work will bear such charges as may be specifically required by the accounting instructions in force, and a surcharge of 20 percent of the direct material. At nonindustrial yards, work of this class will be charged with the cost of direct labor, direct material, 20 percent of the direct material, and 35 percent of the direct labor. All surcharges of 20 percent and 35 percent made at nonindustrial yards will be deposited in the Treasury to the credit of "Miscellaneous receipts". In exceptional cases in which the Government's interest would otherwise suffer, the surcharge of 20 percent of direct material may, with the Department's specific approval in each case, be modified.

(3) *Work in connection with lifting, handling, or transportation of material by yard or station facilities or equipment.* At industrial yards, this class of work will bear such charges as may be specifically required by the accounting instructions in force, and a tool rate or rental as per schedule in existence for the navy yard or station concerned. At nonindustrial yards, work of this class will be charged with the cost of direct labor, direct material, a tool rate or rental as per schedule in existence at the navy yard or station concerned, and a surcharge of 35 percent of direct labor. The amount of this surcharge will be deposited in the Treasury to the credit of "Miscellaneous receipts."

NOTE: Where labor is performed, under any of the classes outlined in (1), (2), or (3), by employees carried on the yard rolls in shops or sections where no expense rate is in use, an additional surcharge of 50 percent of the direct labor shall be added.

(4) *Work at the experimental model basin.* No change will be made in the existing practice for the charge on this class of work. This class of work will be charged with the cost of direct labor, direct material, and an overhead rate of 60 percent of the direct labor.

(5) *Docking work.* No change will be made in the existing instructions covering charges for this class of work.

(e) It is to be understood that the use of yard or station facilities for the work in question will be permitted only when available, and in all cases their operation will be by the regular navy yard or station employees. In doubtful cases the question as to which method of charging should be employed will be decided by the commandant. Private parties may likewise be permitted the use of yard electric current, compressed air, pressure water, and steam for operating apparatus of their own. Where metering is impossible a tool-hour charge will be made, based on schedule in force or arrived at by agreement. Private parties will not ordinarily be permitted the use of yard hand tools or yard hand-power tools; where, under exceptional conditions, they are permitted the use of such tools, particularly of electric or pneumatic hand-power tools, charges therefor will be made as for appliances, and tools per schedule in force, a separate charge for each tool; electric current or compressed air for hand-power tools will be charged for separately or may be combined with the tool rate of the schedule.

(f) These instructions and the rates of tool charges of the schedule in force at each navy yard and station will apply under all ordinary circumstances. Should exceptional conditions render it advisable to depart therefrom the commandant will make suitable recommendation to the department.

(g) All charges other than those posted under direct labor (as defined in paragraph (d)), indirect expense, as per accounting instructions in force, and material shall be turned into the Treasury as a miscellaneous receipt.

(h) The United States will assume no responsibilty for any damage or injuries that may result from the use of navy-yard dry docks, tugs, or floating facilities when they are turned over to private parties. All claims against the United States for or on account of any such damage or injuries, from whatsoever cause arising, must, before permission for the use of the dry docks, tugs, or floating facilities is given and as a condition precedent thereto, be distinctly and expressly waived, in writing, by a responsible representative of the private

firm or corporation by whom the dry docks, tugs, or floating facilities are to be used. The foregoing provisions shall not apply in an emergency when it is necessary to rescue life or relieve distress at sea.

(i) Schedule of charges to private parties for use of tools and other equipment of navy yards and stations:

(1) All facilities, equipment, appliance and tools not specifically provided for below:

Class 1 (first cost under $200): 75 cents per day; minimum charge, 40 cents. In the case of hand-power tools (pneumatic and electric) air and electricity will be an additional charge.

Class 2 (first cost from $200 to $1,000): $1.50 per day; minimum charge, 40 cents. In the case of hand-power tools (pneumatic and electric) air and electric current will be an additional charge.

Class 3 (first cost over $1,000 to $3,000): 60 cents per hour.

Class 4 (first cost over $3,000 to $9,000): $1.20 per hour.

Class 5 (first cost over $9,000): $\frac{\text{First Cost}}{7,500}$ per hour.

NOTE: "First cost" is that shown on the yard or station plant account as "first cost." When fuel or power is necessary to the operation of items in classes 1 to 5, it will be charged for as material.

(2) Special items not to be charged for under (1):

Electric current per kilowatt hour: Fixed charges to be determined annually for fiscal year by Bureau of Yards and Docks, as approved by the Secretary of the Navy.

Pneumatic power per thousand cubic feet: Fixed charges to be determined annually for fiscal year by Bureau of Yards and Docks, as approved by the Secretary of the Navy.

Water: To be charged as material.

Products of Title Z shops will be charged as material.

Yard tugs: 5 cents per hour per ton of tug's displacement; minimum charge, $25. (This charge includes fuel and operators.)

One horse and wagon or cart: 50 cents per hour.

Two horses and wagon: 75 cents per hour.

Motor trucks:

¼-ton truck: 40 cents per hour.
½-ton truck: 50 cents per hour.
¾-ton truck: 60 cents per hour.
1-ton truck: 75 cents per hour.
2 to 4-ton truck: $1 per hour.
5-ton truck: $1.50 per hour.

(In addition, fuel actually used will be charged as material.)

Diving apparatus: $2 per hour; minimum charges, $5.

(3) Cranes, railroad cars, locomotives, floating derricks, pile drivers, shear legs, barges, hoisting engines, portable boilers, rigging gear, etc., will be charged for as "appliances and tools" under (1) (but in addition, the fuel actually used will be charged as material).

(4) The time of the operator is not included in any rate, except as noted under tugs.

(5) No charge will be made for the dry-dock crane when used in connection with docking a vessel.

(6) The time of rental shall be computed to include the entire time any apparatus or appliance is away from the navy yard in the service of a private party, and to include the time necessary to prepare the apparatus or appliance for service and the time necessary to restore it to its normal condition, excepting the time that may be necessary to execute repairs incident to its use while in such service. Repairs at cost will be charged to the party in whose service the need for repairs arises.

(7) When necessary to get up steam, warm up furnaces, break out or rig apparatus, or make similar preparations for the special use of private parties, the time so consumed, as well as the time of moving to and from the scene of operation and the time necessary for securing the apparatus will be included in computing the hours used.

(8) A fraction of an hour will be charged as an hour in each case, and no charge of less than 1 hour will be made.

(9) Charges for work done for private parties at United States experimental model basin are not affected by the foregoing paragraphs.

NOTE: For work for private parties, see §§ 8.665, 8.714.

§ 1.1996 *Rules for docking private vessels at Navy yards.* Charges for the work of docking private vessels at Navy yards are not covered by preceding instructions and will follow the rules laid down in succeeding paragraphs.

(a) No private vessel will be permitted to use a Government dock except in an emergency and when there is no private dock in the vicinity available for the purpose.

(b) Application for the use of the dock must be made to the Bureau of Ships, and will be subject to the approval of the Secretary of the Navy. It should be made through the commandant of the station when circumstances permit, and should state the purpose for which docking is required, the number of days in dock believed to be necessary, that there is no private dock available, and that the Government's rules in relation to the use of the Government docks are understood and accepted. Such statements will be confirmed by the commandant before forwarding an application, if practicable, or before work is proceeded with if authorized.

(c) The United States will assume no responsibility for any damage or injuries to a vessel, crew, or appurtenances while entering, leaving, or in the dock, or while at the yard. All claims against the United States for or on account of any such damage or injuries, from whatsoever cause arising, must, before permission to use the dock is given and as a condition precedent thereto, be distinctly and expressly waived, in writing, by a responsible representative of the vessel.

(d) The vessel docked will be held responsible for all the damage, except reasonable wear and tear, which may be done to the dock or other Government property as the result of the docking, whether this damage be done by the vessel itself, or its employees, or by employees of contractors while doing work on it. Any excess of the deposit mentioned in paragraph (h) over and above the actual charge will be held until such damages have been liquidated in full.

(e) Such police and fire regulations as the commandant may direct will be observed during the whole time that a vessel may lie at the yard or in the dock, both by those on board and by employees of private firms permitted to work on the vessel.

(f) Vessels allowed to enter the dock must furnish tugs at their own expense, of such number and character as the commandant may consider necessary to insure proper handling in entering or leaving the dock.

(g) The schedule charges will cover the cost of placing the vessel in the dock, of maintaining it there as long as may be necessary, and of removing it from the dock. No other work on the vessel will be done by the Government without special authority from the Secretary of the Navy, except that of rigging staging for cleaners and painters, and the cleaning, painting, and minor items ordinarily incidental to docking. All such work will be charged for at actual cost (labor, material, and indirect) plus 10 per cent. If a vessel is docked with cargo on board, each ton in weight of such cargo shall be charged for at the regular tonnage rates; the charge for cargo to be in addition to the regular charges based on registered tonnage.

(h) Prior to the vessel's entering the dock there must be deposited with the disbursing officer of the yard a sum sufficient to cover the cost of docking and undocking, lay day charges, and all work done on the vessel by Government employees. This amount is to be determined by estimates of the naval constructor, approved by the commandant. Upon completion of the work, any excess of this deposit over and above the docking charges, the sum charged to cover work other than docking, and the cost of repairing any damage done to the Government property will be returned to the party depositing it. In case additional work is authorized an additional deposit to cover cost of same will be required before the work is commenced. The docking charges will be based on the gross tonnage of the vessel for steamers and on the net tonnage for sailing vessels to the nearest whole ton, and a tonnage certificate will be supplied by the vessel, the same being subject to verification by the Navy Department should the latter so desire.

(i) No vessel will be docked for less than the actual cost (labor, material, and indirect) of work to the Government, plus 10 per cent. In case the charges figured at the scheduled rates are insufficient to cover the actual cost of the work, the latter amount plus 10 per cent will be charged. Where there is more than one dock at the navy yard and the rates of docking in such docks are not uniform, the rates charged will be those for the dock actually used.

(j) Vessels will occupy such wharves at the navy yard as the commandant may direct. The date having been agreed upon for entering the dock, the owner shall be responsible for having the vessel present for docking. If the vessel is not so present, the day in question and each subsequent day may be charged against the vessel as a lay day, provided that the dock was prepared and held waiting for the vessel.

(k) In case a dock has been pumped out and blocks prepared for receipt of the vessel, which for any reason is not docked therein, the actual cost (labor, material, and indirect) of such work, plus 10 per cent, will be deducted from the deposit made with the yard disbursing officer.

(l) If on account of public necessity a private vessel upon which work has not been completed is undocked, it shall be redocked at the earliest practicable moment, and subject to the provisions of paragraph (i) above, no charge shall be made for such undocking and redocking, or for wharfage during the period held waiting. If, however, the vessel temporarily undocked as above described shall thereafter proceed elsewhere to complete the unfinished work in dock, the amount actually expended for all work, including docking, plus 10 percent, will be charged.

(m) The time in dock will be counted from the time the vessel's bow crosses the dock sill going in until it crosses the sill going out, or from the time the dock is pumped dry (keel blocks showing) until the time of commencing to flood, depending upon which method more nearly agrees with local practice. The docking charges will cover the first 24 hours. If work in excess of 8 hours on any day is done on the vessel subsequent to the day of docking, however, the rate charged for such day in dock may be doubled; this action to be also governed by local practice. Sundays and holidays will not be charged for as lay days unless work is done on the vessel, nor will any charge be made for lay days on which all work is prevented by bad weather. The day of undocking will be charged as a lay day, provided more than 24 hours shall have elapsed since docking. Where the use of dock is dependent on tides, each 24 hours may be counted as between the time of high tide on one day and that of the corresponding high tide on the following day.

(n) Particulars as to the various Government docks and the rates for use of same for private vessels have been issued by the department for the guidance of the commandants of the several navy yards. The rates given are subject to change, and commandants will submit recommendation to the Bureau of Construction and Repair (now Bureau of Ships) if any local conditions warrant such change.

(o) Vessels building for the United States Navy, or for other departments of the Government, or for foreign Governments, will, if docked at navy yards at contractor's expense, be considered as private vessels and charged for accordingly. If, however, any vessel building for the Navy Department can not be docked for the routine cleaning and painting as required by the contract under which she is building in local private docks by reason of size, the charges for docking will be the actual cost of the work as for a Government vessel.

§ 1.3000 *Insignia to be worn on uniform by persons not in service; definition of "occasion of ceremony."* (a) Section 125 of the National Defense Act, approved June 3, 1916, as amended by section 8 of the Naval Appropriation Act, approved June 4, 1920 (39 Stat. 216, 41 Stat. 836; 10 U.S.C. 1393) provides that members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States, Army, Navy, or Marine Corps, regular or volunteer, may, upon occasions of ceremony, wear the uniform duly prescribed by such societies to be worn by the members thereof.

(b) It further provides that instructors and members of duly organized cadet corps at certain institutions of learning and under certain conditions may wear the uniform duly prescribed by the authorities of such institutions.

(c) This Act further provides that the uniform worn by members of the above military societies or by members and instructors of the cadet corps mentioned therein shall include some distinctive mark or insignia to be prescribed by the Secretary of War or the Secretary of the Navy to distinguish such uniforms from the uniforms of the Army, Navy, or Marine Corps.

(d) Accordingly, the following mark is hereby designated to be worn by all persons wearing the Naval or Marine Corps uniform as provided in (a), (b), and (c): A diamond, 3½ inches long in the vertical axis and 2 inches wide in the horizontal axis, of any cloth material, white on blue, forestry green, or khaki clothing and blue on white clothing. This figure shall be worn on all outside clothing on the right sleeve, at the point of the shoulder, the upper tip of the diamond to be one-fourth inch below the shoulder seam.

(e) Within the meaning of the above cited Acts, an "occasion of ceremony" shall be construed to be an official function which a person attends in his capacity as a war veteran or as a member of a military society as described in the Act of June 3, 1916. (Sec. 125, 39 Stat. 216, sec. 8, 41, Stat. 836; 10 U.S.C. 1393) [G. O. 8, May 13, 1935]

§ 1.3001 *Public exhibit of Naval material.* (a) Navy materials may be made available for public exhibit under the following circumstances:

(1) Under the provisions of the act of May 22, 1896, as amended (34 U.S.C. 546), which permits the loan or gift of condemned or obsolete materials not needed in the service of the Navy Department, to soldiers' monument associations, posts of the Grand Army of the Republic, posts of the American Legion, and other recognized war veterans' associations, State museums, municipal corporations, and to incorporated museums operated and maintained for educational purposes only, whose charter denies them the right to operate for profit.

(2) To comprise special exhibits not contemplated by the acts mentioned in (1) above.

(b) The policy of the Navy Department in this regard is that:

(1) Except for items coming under the provisions of paragraph (a) (1) above which the Department determines shall be disposed of as a gift, all articles, equipment, or materials authorized for exhibition purposes must remain under the control of the Navy Department.

(2) The Government shall be placed at no expense in connection with such loan or gift. In all cases, costs of preparation, handling, and shipment of the property shall be borne by the agency requesting the material, unless legal authority exists for the Navy Department to make disbursements in any particular case. When the property will remain in the custody of naval personnel during an exhibit, necessary transportation, subsistence, or shelter for personnel will likewise be borne by the requesting agency.

(3) The exhibit must be under such auspices and so displayed as to emphasize its educational value and attract wide attention.

(4) The exhibit must not be directly or indirectly for the benefit of any private individual or corporation.

(5) In all cases of loans, the agency making the request must furnish in advance a surety bond to cover the return of the property in as good condition as shipped.

(c) All requests for naval material for exhibition purposes, or for the loan or gift of condemned or obsolete material covered by the acts cited in paragraph (a) (1) above, will be forwarded with appropriate recommendations via official channels to the Navy Department. Such request will give full particulars as to the approximate period for which the material is desired. Requests approved by cognizant Bureaus will be submitted to the Secretary of the Navy for approval, then forwarded to the Bureau of Supplies and Accounts for final action.

(d) Requests which contemplate the gift of property having possible historical interest will be referred to The Curator, Navy Department, for recommendation before action is taken by the cognizant Bureau.

(e) Materials concerned will be accounted for in accordance with instructions in the Bureau of Supplies and Accounts Manual. [G. O. 125, Oct. 13, 1939]

§ 1.3002 *Commercial advertising.* (a) The Navy Department will not object to commercial firms advertising that their products are or have been supplied to or used by the Navy, *Provided:*

(1) That no information held as confidential by the Navy is divulged.

(2) That the advertising constitutes a statement of fact with no misleading or otherwise objectionable features.

(3) That no mention is made of the fact that a product has undergone or is undergoing test at the instance of or under the cognizance of the Navy Department, and that there are included no data derived from tests made in Government laboratories or on board naval vessels.

(4) That no statement is made that the product is used by the Navy to the exclusion of other similar products.

(5) That all copy, text, and photographs to appear are submitted for review prior to release.

(b) The following regulations govern the use of naval insignia, uniforms, and personnel in advertisements or publicity stories:

(1) *Insignia.* Reproductions of naval insignia may be used in advertising and publicity: *Provided,* That the dignity of such insignia is not compromised,

(2) *Uniforms.* Actual uniforms may be used for illustrations: *Provided,* That the dignity of such uniforms is not compromised. There is no objection to the use of professional models photographed in naval uniforms: *Provided,* That the foregoing regulations are observed.

(3) *Personnel.* Navy personnel may be used under the following conditions:

(i) Name, ship, or station shall not be mentioned.

(ii) The action may not in any way reflect discredit upon the Navy.

(iii) The action or pose shall in no way infer the products advertised are endorse by the Navy to the exclusion of other products.

(iv) Testimonials from Navy personnel are not banned per se, but the person giving the testimonial cannot be specifically identified. The use of name, initials, or rank of Navy personnel appearing in testimonial advertising is not permitted. However, it is permissible to use the expression "says a Navy Captain," or "says a Sergeant in the Marine Corps," etc. Care should be taken to phrase testimonials from Navy personnel so as to make clear that the views expressed are those of individuals and not of the Navy Department.

(v) The use of pictures of Navy heroes of World War II, living or dead, for any purposes other than news, magazine articles, or factual information is considered contrary to the best traditions of the United States Navy.

(vi) Should an advertiser contemplate the use of Navy heroes in a manner not covered by the foregoing, he should be requested to submit photographs and text material to the Office of Public Relations, Pictorial Section, Washington, D. C., for review prior to publication.

(c) In each case in which any bureau or office of the Navy Department or other agency in the naval service receives an inquiry on this subject, it will reply in the sense of the foregoing.

(d) So far as practicable, the review of advertising copy by naval authority will be carried out by the commandant of the naval district within which the advertising company is located.

(e) When there is doubt as to the propriety of the copy of photographs, reference should be made to the Office of Public Relations, Pictorial Section, Navy Department, Washington, D. C. [G.O. 178, July 29, 1942]

§ 1.3003 *San Clemente Island Naval Defensive Sea Area.* (a) Effective July 1, 1937, there will be established the United States Fleet Training Base, San Clemente Island, California.

(b) The base will be organized and administered as a unit of the Naval Operating Base, San Diego, California, the aviation facilities thereof being assigned as a part of the Naval Air Station, San Diego.

(c) The President, on September 6, 1940, signed Executive Order No. 8536, (5 F.R. 3606), revising Executive Order No. 7747 dated November 20, 1937; thereby extending the San Clemente Island Naval Defensive Sea Area to a distance of one nautical mile from low-water mark.

(d) Water around the island for a distance of one nautical mile from low-water mark shall be restricted to naval use. [G.O. 120, Aug. 11, 1939; G.O. 136, Sept. 16, 1940]

§ 1.3004 *Mail transportation in Navy planes.* No mail other than official Government mail and bona fide correspondence addressed to or originating from the personnel of naval vessels or stations and naval units shall be transported in Navy planes making flights outside the continental limits of the United States except by express authority of the Secretary of the Navy. In no case shall mail so carried be marked or stamped in such a manner as to indicate that it was transported in naval aircraft. [G.O. 92, Jan. 23, 1937]

§ 1.3005 *Photographs of naval subjects*—(a) *Basic considerations.* (1) In conformity with the provisions of Article 124, United States Navy Regulations, 1920, detailed instructions are hereby issued governing photography within naval jurisdiction in order to permit prompt release and publication of photographs and motion pictures portraying nonconfidential Navy matter beneficial alike to the public and to the Navy.

(2) The following considerations are basic:

(i) The administration must be decentralized insofar as consistent with the security of information which, in the interest of National Defense, should be permanently or temporarily limited in circulation.

(ii) The responsibility for the supervision of the taking of photographs must be placed upon the officer in command at the place where the object is photographed.

(iii) The protection of confidential matter from compromise by means of photography must depend upon knowledge of the confidential nature of material and upon the physical covering of any confidential item within the field of even a distant camera.

(iv) Photographs may be released by the officer in command at the place where the object is photographed except as restricted by paragraph (g) (2) of this section. Cases of doubt should be referred to Secretary of the Navy (Director of Public Relations).

(b) *Responsibility*—(1) *Designation of responsible officer.* Subject to these instructions and orders from higher naval authority, commanding officers of naval vessels, naval inspectors, commandants of navy yards, and commanding officers of other shore stations shall have full cognizance of and responsibility for the making of photographs within their naval jursidiction whether by naval personnel or by other than naval personnel.

(2) *Supervision.* The taking of all photographs within naval jurisdiction shall be supervised by those in authority at the place where the photographs are taken. However, commanding officers are directed to obtain photographs at times of emergency, disaster, and combat action. Security shall be maintained by proper handling of negative material in accordance with current instructions regarding the disposition of classified matter.

(3) *Higher authority.* When competent authority higher than the commanding officer of a ship or station authorizes the taking of photographs, by despatch or official letter, such authorization in no way relieves the local authority from responsibility regarding supervision, consorship, and release of photographs taken except as specified in the order authorizing the photographs.

(4) *Source of information on restricted subjects.* The general policy with respect to matter considered confidental is contained in the United States Navy Regulations. Attention is invited to Article 75½, 76, 113, 124, and 128, United States Navy Regulations, 1920. More detailed instructions as to the current policy with respect to publicity regarding naval vessels and naval aeronautics are issued from time to time by the Secretary of the Navy in letter form. Further detailed instructions regarding specific confidential equipment are issued from time to time by the chiefs of the bureaus having cognizance thereof.

(5) *Reference to Navy Department in cases of doubt.* Where there is doubt as to the advisability of making or releasing any photograph for publication, reference, with recommendation, will be made to the Secretary of the Navy (Director of Public Relations). When an official Navy still photograph is referred to the Navy Department for review, the original negative and two prints will be forwarded to the Chief of the Bureau of Aeronautics. All copies of negatives and photographs of combat action against the enemy which show loss of or damage to U. S. combatant ships, or fleet operations knowledge of which must be kept in the limited distribution category, should be forwarded via the Commander in Chief, United States Fleet, who will take appropriate action as to further disposition. All still negatives and prints made by commercial photographers shall remain under naval jurisdiction until such negatives have been released. In the case of commercial photographers one additional print should be forwarded to the Secretary of the Navy (Director of Public Relations) for the Department files.

(6) *Designation of released photographs.* (i) When a still photograph made by a commercial photographer is released, a file copy of the photograph and a record with the following information will be kept:

Title and office file number_____
Date_____
To_____
(Name of receiver and company, if any)
By_____
(Signature of releaser)
Station _____
(Ship or office)
Taken by_____
(Source of photograph)

(ii) When an "official Navy photograph," except of pictures of personnel, is issued to any person or activity outside naval jurisdiction, it shall bear the

following statement written or stamped on the back:

Watch Your Credit

No objection to reproducing or publishing this photograph provided this credit line

Official U. S. Navy Photograph

is used.

This photograph may be used for commercial advertising if accompanying copy and layout are submitted, prior to publication, to the

Office of Public Relations
Photographic Section
Navy Department
Washington, D. C.

(iii) When an "Official Navy Photograph" of personnel is issued the following statement shall be written or stamped on the back:

Released Official Navy Photograph

If published,
credit line must read

"Official U. S. Navy Photograph"

(7) *Immediate release of unseen photographs.* (i) When the supervision of the taking of photographs has been such as to preclude the inclusion of subjects prohibited for release, the officer granting permission to take these pictures may release them immediately for publication without prior inspection of the prints and negatives, subject to subsequent compliance with paragraph (b) (6). The provisions of this paragraph do not relieve the officer releasing the unseen photographs from his responsibility as specified in paragraph (b) (1).

(ii) Unofficial pictures taken outside naval jurisdiction by Naval Personnel do not require review by Naval authority.

(8) *Disposal of old photograph files.* After a photograph has been retained in file for 1 year, the photograph may be eliminated from file by forwarding the file prints, and records of release to the following offices:

(i) Photographs filed in photographic laboratories under the cognizance of the Bureau of Aeronautics will be handled in accordance with the provisions of the Bureau of Aeronautics Manual.

(ii) Technical photographs to cognizant bureaus.

(iii) Other photographs, in released or unreleased status, to the Secretary of the Navy (Director of Public Relations), including all prints and negatives.

(c) *Photographs by Naval personnel*—(1) *Official photographers.* A commanding officer, or higher authority, may grant persons in the naval service permission to act as the official photographers for the activity under his jurisdiction. Such permission does not relieve the authorizing official from responsibility for supervision of photographs taken. The development of negatives and printing will be accomplished under naval jurisdiction.

(2) *Privately owned cameras.* Cameras are permitted to naval personnel on board naval ships for taking pictures outside naval jurisdiction. While on board cameras will be in custody of the commanding officer. Under no circumstances will they be used aboard ship without official permission and competent supervision. (See paragraph (b) (7) (ii)). Use of or the possession of privately owned cameras at shore stations shall be in accordance with such local regulations as may be prescribed. (See paragraph (d) (2) (ii).)

(d) *Civilian photographers (still pictures)*—(1) *Identification cards.* In order to facilitate identification of persons known to be engaged in photographic work and to have a legitimate interest in naval subjects, commandants of naval districts may issue annual photographer's identification cards to persons of United States citizenship, good only for the calendar year in which issued. These cards will not constitute authorization for taking pictures. The identification card will bear the photograph and signature of the person to whom issued, both stamped with the seal of the issuing office.

(2) *Naval transportation of commercial photographers.* (i) Permission for civilians to take photographs which involves taking passage on a naval ship or aircraft will be granted only by special authority of the Navy Department, except that in cases of natural catastrophe or other emergency where prompt action is indispensable, the Senior Officer may authorize the passage of photographers on a naval ship or aircraft. In such event full report of the circumstances will be made to the Navy Department.

(ii) All unofficial photographs, still or motion picture, taken by naval personnel within naval jurisdiction with their own equipment shall be subject to review. If, in judgment of the reviewing authority, such photos are of public interest, prints or copies shall be released as "Official Navy Photos" without recompense to the photographer. However, the unclassified portions of the original film may be returned to the owner, at the discretion of the reviewing authority, for his unrestricted use. Classified portions which may be of use to the naval establishment will be turned over to the cognizant bureaus for their noncommercial use.

(3) *Responsibility for photographs taken during passage.* Commanding officers of ships and aircraft on which civilian photographers are taking passage are responsible, in accordance with the provisions of this section, for all photographs taken by such photographers.

(4) *Agreements between competing photographers.* In order not to adversely affect the interests of organizations engaged in photographic work, requests to make photographs featuring naval subjects will not be made known to competitors. But if more than one request is received equal privileges will be granted to all applicants at the discretion and convenience of the naval authorities concerned. Should it be impracticable for more than one photographer to cover the subject, the photographer selected will be chosen by lot with the understanding, before he is chosen, that he is required to cover the event equitably for all parties who have requested permission. The terms of this equitable agreement shall be set forth before choice by lot is made, and failure of the chosen party to comply fully with such agreement will bar him from further photographic privileges.

(5) *Agreement between naval authority and photographers.* Before permission to take photographs (still) within naval jurisdiction is granted, it will be expressly agreed by the civilian photographer that:

(i) The Navy will be given one copy of every photograph (still) taken for its noncommercial use without reference to and entirely independent of any copyright.

(ii) Two prints of each photograph taken will be submitted for censorship—one print for the censoring authority's file and one print for return to photographer if released by censor, except one print only required under conditions stated in paragraph (b) (7) (i). The custody of all negatives will remain in naval jurisdiction until release is completed.

(iii) All prints not released by the censor and their negatives will become the property of the Navy for noncommercial use.

(iv) Only those photographs specifically released by the censor will be made public.

(v) In event any photograph in this category is to be used in connection with an advertisement, all copy and text to appear with the photograph will be submitted in duplicate to naval authority for censorship prior to release of the advertisement. (See § 1.3002)

(6) *Liability of civilian photographer under Espionage Act.* Civilian photographers shall be informed that the retention of negatives or prints or the publishing of photographs in violation of their agreements or failure to deliver negatives or prints to proper naval authority upon demand may render them liable to prosecution under the Espionage Act.

(7) *Protective measures for prevention of compromise of confidential matter.* In order to protect the interests of the Navy without adversely affecting the interests of organizations engaged in photographic work, whenever a civilian photographer ("still" or "motion picture") is authorized to take pictures of a naval subject an officer or other qualified expert will be detailed to act in an advisory capacity to the photographer in order to prevent the disclosure of objects which the Navy does not wish to be photographed. Experience has shown that a majority of the pictures requiring censorship could have been released for publication were it not for inadvertent disclosure of confidential matter in the background. Attention is invited to paragraph (a) (2) (iii) of this section.

(8) *Artists, sketchers, and draftsmen.* The provisions of this section will apply wherever applicable to artists, sketchers, and draftsmen.

(e) *Motion pictures, commercial*—(1) *Authorization for naval cooperation.* The Secretary of the Navy (Director of Public Relations) may authorize naval cooperation with commercial motion-picture producers in recognition of the value to both the public at large and the naval service in the production of accurate portrayals of naval life. The co-

operation between the motion-picture producers and the Navy will involve, on the part of the motion-picture producer, agreement in writing to adhere to the restrictions and requirements imposed by this section and, on the part of the Navy, assistance to the motion-picture producers in the technical supervision of the taking of the picture to prevent the inclusion of matter not desired to be made public. The procedure for censorship of these pictures depends upon whether they are feature motion pictures, newsreels, or other films.

(2) *Feature motion pictures.* A feature motion picture for the purpose of this section is interpreted to be any motion picture over 4,000 feet in length.

(i) The Secretary of the Navy (Director of Public Relations) requires that the scenarios of feature motion pictures involving any naval cooperation or the portrayal of naval personnel or naval subjects, be reviewed by that office prior to production.

(ii) The naval authority designated to cooperate with the producing company will provide, in the interest of security, for naval supervision of all footage taken within naval jurisdiction and where practicable, for prompt local provisional censorship of such footage as may be considered questionable for release by the supervisor. The local provisional censorship is for the purpose of promptly bringing to the attention of both the producing company and the Navy Department film which is questionable and is not for the purpose of censoring script or dialogue. One print of all the questioned footage for the given production will be forwarded as confidential matter by the naval authority concerned to the Secretary of the Navy (Director of Public Relations). The producing company will be informed when the questioned film is forwarded.

(iii) All feature motion pictures produced with naval cooperation, or involving naval personnel or naval subjects, will be submitted by the Producing Company to the Secretary of the Navy (Director of Public Relations) for review and censorship by that office in the Navy Department, Washington, D. C., prior to release.

(iv) Whenever a feature motion picture is produced with naval cooperation, the Navy Department reserves the right to acquire without cost a number of positive prints of such feature motion pictures equal to the number of positive prints called for in the current contracts for the lease of motion pictures, and to use them in any manner it may see fit, except that these prints shall not be used commercially nor shall they be exhibited at shore stations until out of their prerelease status.

(3) *Newsreels.* Newsreels of naval subjects for which naval cooperation is granted will be accorded naval supervision in accordance with paragraph (d) (7) of this section. A lavender print of scenes made by newsreels of Navy subjects will be forwarded to Commandant, Third Naval District, unless otherwise directed, and the film so submitted will not be released until it has been approved, in accordance with existing orders and instructions issued by the Navy Department. This lavender print will be shipped to the Navy Department and retained for its own use and will not be released for commercial purposes without express permission of the Company having proprietary right to the original negative.

(4) *Latitude allowed commercial motion picture producers.* In view of the strict control exercised over motion pictures taken in naval jurisdiction, and in order to meet the legitimate requirements of motion-picture producers for scenes of a spectacular nature, motion-picture photographers of simple fleet maneuvers, aircraft in flight, distant views of ships firing, interior views of living quarters and similar scenes which do not disclose information of a confidential nature may be permitted subject to final censorship.

(5) *Training films.* All companies producing motion pictures or film strips for the Navy Department for primary use in connection with training shall deliver the original negative to the Bureau of Aeronautics for such noncommercial use as the Navy Department may require. In the case of classified material all negatives, prints, or lavenders will be delivered to the Bureau of Aeronautics in accordance with the provisions of paragraph (e) (7) of this section. A duplicate negative of unclassified material may be retained by the producing company for reproduction purposes for nontheatrical use, except that previously released film available in library material will ordinarily have no restrictions placed upon it for theatrical use. Release of material not previously reviewed will be subject to the approval of the Secretary of the Navy (Director of Public Relations).

(6) *Other films (except technical films).* Documentaries, short subjects, and all other short films (except technical films), produced wholly or in part with naval cooperation, shall be submitted for review to the Secretary of the Navy (Director of Public Relations). If possible, advance scripts or outlines should be submitted prior to start of production. The Navy Department reserves the right to acquire prints in accordance with paragraph (e) (2) (iv) of this section, or a lavender print of all footage made with naval cooperation.

(7) *Censored material.* When the Secretary of the Navy (Director of Public Relations) or the Commandant, Third Naval District, censors and condemns any footage, the producing company will promptly submit all prints, lavenders and negatives of that footage to the censoring authority, together with a signed statement that all prints, lavenders, or negatives of any nature made from the disapproved footage have been surrendered to naval authority.

(f) *Technical photographs*—(1) *Technical photographs required by contract.* Photographs (still and motion pictures) and sketches or drawings required by Navy contracts in connection with the manufacture or construction of articles or structures for the Navy will be handled as part of the contract and under the same restrictions as apply to drawings and other matter under the contract or under special classification. None of the above may be published, distributed, displayed or released to the contractor's files without approval by the Secretary of the Navy (Director of Public Relations).

(2) *Technical photographs not required by contract.* Photographs of articles other than those of a strictly commercial character being manufactured for or under construction for the Navy, taken by or on order of the contractors and not required by the terms of the contract, will be subject to the supervision and control of the Navy inspector concerned. When a photograph of this category is released to the contractor for unrestricted use or publication, the provisions of paragraph (b) (6) of this section will be complied with, and in addition, one copy of the released photograph, with the release date written on the back, may be forwarded at the discretion of the naval inspector to the Bureau having cognizance.

(g) *General guide*—(1) *Standards of censorship.* The censorship of photographs requires the use of sound judgment on the part of the responsible officers in order to permit the prompt release and publication of such photographs and motion pictures as will be beneficial alike to the public and to the Navy, while at the same time protecting subjects which are of a classified nature. It must be kept in mind that to publish a list of the specific items which are considered most confidential would be the first step leading to compromise. As a consequence it is necessary to designate classified items in fairly broad categories and administer the security thereof in accordance with a uniform policy. Photographs listed in paragraph (g) (2) will not be released except by the Secretary of the Navy (Director of Public Relations).

(2) *Photographs not to be released without reference to Navy Department.* (i) Photographs which disclose classified information. The source of information on specific items is indicated in paragraph (b) (4) of this section.

(ii) Naval dry docks or ships therein.

(iii) Ships under construction and mechanical devices intended for use thereon.

(iv) Any picture taken on board ship showing details of armament, fire control equipment, interior views or special details of construction.

(v) Underwater body views of naval vessels.

(vi) Any phase of naval gunnery or any details of ordnance equipment.

(vii) Fleet dispositions and tactical maneuvers.

(viii) Landing force operations and equipment.

(ix) Smoke screens.

(x) Naval radio and sound equipment.

(xi) Aerial photographs or photographs from an elevated position of U. S. navy yards, stations and bases; U. S. Army posts, forts, depots, and stations; foreign ports and harbors.

(xii) Aerial photographs or photographs from an elevated position of strategic areas as designated by the Secretary of the Navy and air space reserva-

tions as designated by the President of the United States.

(xiii) Loss of or damage to U. S. combatant ships resulting from enemy action.

(xiv) Fleet operations knowledge of which must receive only limited distribution.

(3) *Photographs which may be released.* Photographs taken on occasions of ceremony; of athletic events; of personnel, single or group; or other proper subjects involving personnel or naval life.

(h) *General.* (1) Official Navy photographs of potential strategic or historic value without regard to release status, will be forwarded to the Chief of the Bureau of Aeronautics.

(2) All commercial photographs shall be handled in accordance with provisions set forth in paragraph (d) of this section.

(i) *Marine Corps.* (1) The foregoing instructions will apply to the Marine Corps in principle but with the following organizational modifications:

(i) In all photography that concerns the internal affairs of the Marine Corps, such as recruiting, training, and allied activities (except aeronautics), the Commandant, U. S. Marine Corps (Director of Public Relations) is delegated cognizance equivalent to that of the Secretary of the Navy (Director of Public Relations). Similarly, in applicable cases, the term "Navy", or "Navy Department" shall be construed as "Marine Corps" or "Headquarters, U. S. Marine Corps."

(ii) All photographs released by the Marine Corps will be titled as in (b) (6) (ii) and (iii) above, except that "U. S. Marine Corps" will be substituted for "U. S. Navy"; and references for authorized publication will be made to the Commandant, U. S. Marine Corps, Washington, D. C. [G.O. 179, Aug. 26, 1942].

§ 1.3006 *Photographs and sketches of military or naval subjects.* (a) An act of Congress approved June 25, 1942 (Pub. Law. 627, 77th Cong.), reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, except in the performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any navy yard, naval station, or of any military post, fort, camp, station, arsenal, airfield, or other military or naval reservation or place used for national defense purposes by the War or Navy Department, or of any vessel, aircraft, installation, equipment, or any other property whatsoever, located within any such post, fort, camp, arsenal, airfield, yard, station, reservation or place or in the waters adjacent thereto, or in any defensive sea area established in accordance with law; or whoever, except in performance of duty or employment in connection with the national defense shall knowingly and willfully make any sketch, photograph, photographic negative, blueprints, plan, map, model, copy, or other representation of any vessel, aircraft, installation, equipment, or other property relating to the national defense being manufactured or under construction or repair for or awaiting delivery to the War, or Navy Department or the government of any country whose defense the President deems vital to the defense of the United States under any contract or agreement with the United States or such country or otherwise on behalf of the United States or such country, located at the factory, plant, yard, storehouse, or other place of business of any contractor, subcontractor, or other person, or in the waters adjacent to any such place shall be punished as provided herein.

SEC. 2. Notwithstanding the provisions of section 1, the Secretary of War or the Secretary of the Navy is authorized, under such regulations as he may prescribe, to permit photographs, sketches, or other representations to be made when, in his opinion, the interests of national defense will not be adversely affected thereby.

SEC. 3. Any person found guilty of a violation of this Act shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 4. The provisions of this Act shall apply in the Philippine Islands as well as in all other places within the territory or jurisdiction of the United States.

SEC. 5. This Act shall be effective only for the duration of the present war as determined by proclamation of the President.

(b) In accordance with the authority contained in section 2 of the above quoted Act, the Secretary of War and the Secretary of the Navy have prescribed certain regulations for the administration of the said Act. Such regulations which have been prescribed have been duly published in the FEDERAL REGISTER (7 F.R. 7307), are in full force and effect in pursuance of the said Act, and appear hereafter as follows:

Sketches, photographs, photographic negatives, blueprints, plans, maps, models, copies or other representations, may be made of any area, place, property, or thing, described in the Act of Congress approved June 25, 1942 (Pub. Law 627, 77th Cong.), only upon the expressed permission of the Secretary, or his authorized representative, having jurisdiction of the subject matter. Such permission will be granted only if the interests of national defense will not be adversely affected thereby.

The authorized representatives who may grant the necessary permission are:

WAR DEPARTMENT

Any commanding general of a defense command, theater of operations, department or service command, Director of War Department Bureau of Public Relations or any Commander of a post, camp or station.

NAVY DEPARTMENT

Fleet commanders or commanders of any major subdivision thereof, commanders of sea frontiers, district commandants, the Director of the Office of Public Relations, commanding officers of ships, aircraft squadrons, or stations, or, an officer of the United States Marine Corps having a command equivalent to any of the foregoing.

(c) The Naval representatives designated in the aforementioned regulations shall, in the administration of the functions therein imposed, at all times to be guided by the provisions of General Order No. 179. (See § 1.3005)

(d) Should a violation of the law herein stated occur within the jurisdiction of the Naval Establishment, evidence of the violation such as cameras, photographs, photographic films, sketches, etc., should be acquired whenever possible. If, in the judgment of the responsible commander having custody of such evidence, or in the determination of the Navy Department should such officer request a decision of the Department, a criminal prosecution is desired, all evidence should be transmitted to the Federal authorities responsible for such prosecution. If, in the judgment of the responsible Commander having custody of such evidence, or, in the determination of the Navy Department should such officer request a decision of the Department, no criminal prosecution is desired, the evidence obtained should be forwarded to the Navy Department for disposition.

(e) The attention of personnel is directed to the broad scope of this law which, literally, prohibits the taking of any photograph of Naval subjects without authority. It is, therefore, expected that citizens, innocent of wrongful intent, will transgress the law's comprehensive provisions. Personnel are therefore obliged to exercise tact, discretion, and sound judgment in their administration of the law as it affects the Naval Establishments. [G. O. 180, Sept. 10, 1942]

§ 1.7202 *Outside competition; restrictions.* Participation by ship or station teams in athletic sport and by individuals in professional boxing and similar contests over which commander in chief, commandants, or commanding officers have no jurisdiction shall not be allowed. No men shall be allowed to accept money for services as members of athletic teams. (Sec. 35, 39 Stat. 188, 612; 34 U.S.C. 449) [Art. E–7202, Bu. Pers. Manual]

§ 1.7203 *Admission fees and restrictions.* (a) As a matter of policy, the charging of admission fees for entertainments including motion-picture exhibitions or athletic contests held on a naval reservation or on board a vessel of the Navy is not permitted unless the proceeds therefrom are to be devoted to charity and the sanction of the department is obtained.

(b) In no case shall admission fee be charged to boxing bouts held on board vessels of the Navy or on naval reservations. When boxing bouts are held on board vessels of the Navy or on naval reservations within the territorial limits of a State having laws prohibiting boxing, the general public shall not be admitted to such boxing bouts. [Art. E-7203, Bu. Pers. Manual]

§ 1.7501 *Relations with civil activities.* (a) All activities of whatever nature carried on within the limits of a naval station or on board vessels of the Navy shall be under naval control.

(b) All naval authorities should cultivate and maintain cordial and friendly relations with any organization which desires to contribute to the welfare of the personnel of the Navy outside of naval stations and on shore generally.

(c) Commandants of all naval districts, including the Commandants of the Severn and Potomac River Naval Commands, will submit annually on the 31st day of December a summarized list of naval clubs and other social activities within the district under their command which furnished recreational facilities for enlisted personnel while on shore on

liberty or leave, giving the location of such activities with any pertinent comment. [Art. E–7501, Bu. Pers. Manual]

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43–8956; Filed, June 2, 1943; 10:41 a. m.]

PART 2—OFFICER PERSONNEL

Part 2, Chapter 1, Title 34, is hereby amended and revised to read as follows:

Sec.
2.1631 Appointments made subject to examination.
2.1636 Candidates for assistant surgeon.
2.1637 Candidates for assistant dental surgeon.
2.1638 Candidates for assistant paymaster.
2.1639 Candidates for chaplain.
2.1640 Candidates for assistant civil engineer.
2.1641 Appointment of warrant officers.
2.1643 Persons not presenting themselves for examination.
2.1644 Penalty for giving false certificates, etc.
2.1645 Acceptance and oath.
2.1646 Nurse Corps.
2.8002 Benefit guide.
2.8003 Indebtedness and note endorsing.

AUTHORITY: §§ 2.1631 to 2.8003, inclusive, issued under R.S. 1547; 34 U.S.C. 591.

NOTE: In §§ 2.1631 to 2.1646, inclusive, the numbers of the right of the decimal point correspond with the respective article numbers in the United States Navy Regulations, Navy Department, Dec. 17, 1920, as amended to June 1, 1943.

§ 2.1631 *Appointments made subject to examination.* (a) No person shall be appointed to any office in the Navy unless he is a citizen of the United States nor until he shall have passed a physical, a mental, and a professional examination.

(b) The physical examination shall precede the mental and professional, and if a candidate be physically unfit he shall not be examined otherwise.

(c) The oath to be taken by any person appointed to any office of honor or profit in the naval service shall be as prescribed in section 1757 of the Revised Statutes. (5 U.S.C. 16)

(d) Each candidate shall, before appointment, be required to submit, in addition to his sworn statement, satisfactory proof of citizenship, which proof will be filed with the record of his examination.

§ 2.1636 *Candidates for assistant surgeon.*[1] (a) Appointees to the grade of assistant surgeon must be between the ages of 21 and 32 at the time of appointment. Their physical, moral, mental, and professional qualifications must be approved by a board of medical officers.

(b) Acting assistant surgeons may be appointed for temporary service after such examination as the Secretary of the Navy may prescribe.

§ 2.1637 *Candidates for assistant dental surgeon.* (a) Appointees to the grade of assistant dental surgeon must be between the ages of 21 and 32 at the time of appointment. They must be graduates of standard medical or dental colleges and trained in the several branches of dentistry. Before appointment they must successfully pass mental, moral, physical, and professional examinations before medical and professional examining boards.

(b) The professional board shall consist of one medical officer, who shall be senior member thereof, and two officers of the dental corps.

§ 2.1638 *Candidates for assistant paymaster.*[1] (a) A candidate from civil life for original appointment to the Supply Corps of the Navy must be not less than 21 nor more than 26 years of age. His physical, mental, and moral qualifications must be examined and approved by a board of officers of the Supply Corps.

(b) The physical examination of the candidates shall be conducted by a board of medical officers, who shall report the result thereof to the board of officers of the Supply Corps, certifying as to the physical qualifications of the candidate for appointment as assistant paymaster, and such report shall form a part of the record of said board of officers of the Supply Corps.

(c) Before entering upon the duty of his office, every officer of the Supply Corps shall give good and sufficient bond to the United States, to be approved by the Secretary of the Navy, faithfully to account for all public funds and property which he may receive. Unless otherwise required by the Secretary of the Navy, such bond shall be in the sum of $10,000. Bonds will not be required of officers of the Supply Corps who are not accountable for public funds or public property unless specifically required by the Secretary of the Navy, except that officers of the Supply Corps on duty on the Asiatic Station[2] shall be bonded at all times regardless of duty to which assigned, such bond to be executed prior to departure from the United States. (R.S. 1383, 49 Stat. 326; 34 U.S.C. 64)

(d) All such bonded officers shall give a new bond, with sufficient surety, every four years, or whenever required to do so by the Secretary of the Navy; and all such bonds shall be examined every two years for the purpose of ascertaining the sufficiency of the surety thereon. (R.S. 1384, 41 Stat. 147; 34 U.S.C. 65)

(e) A chief pay clerk or pay clerk who is a candidate must be between the ages of 21 and 35. He shall fulfill such requirements as the Secretary of the Navy may prescribe.

§ 2.1639 *Candidates for chaplain.*[1] (a) A candidate for the office of chaplain must be not less than 21 nor more than 35 years of age at the time of his appointment. He must be a regularly ordained minister of good standing in his denomination. His moral character, general fitness, and experience shall be established to the satisfaction of a board of chaplains, which shall conduct a written examination to determine his mental attainments. The physical examination of the candidate shall be conducted by a board of medical officers.

(b) Original appointments shall be made to the grade of acting chaplain after such examination as may be prescribed by the Secretary of the Navy, and while so serving acting chaplains shall have the rank of lieutenant (junior grade).

(c) After three years' service each acting chaplain before receiving a commission in the Navy shall establish to the satisfaction of the Secretary of the Navy by examination by a board of chaplains and medical officers of the Navy his physical, mental, moral, and professional fitness to perform the duties of chaplain in the Navy with the rank of lieutenant (junior grade). Acting chaplains shall be commissioned as chaplains when advanced to the rank of lieutenant.

§ 2.1640 *Candidates for assistant civil engineer.*[1] A candidate from civil life for the office of assistant civil engineer must be not less than 22 nor more than 30 years of age, must be a graduate in engineering from a technical school or university of approved standing, and must show evidence that he is proficient in the practice of his profession. He shall be required to pass a physical examination and such mental and professional examinations as the Secretary of the Navy may direct.

§ 2.1641 *Appointment of warrant officers.* (a) Appointments as warrant officers shall be made only after competitive professional examination before boards consisting of at least three commissioned officers, from candidates who fulfill all requirements prescribed by the Navy Department.

(b) The qualifications to be possessed by candidates for appointment as warrant officers shall be prescribed by the Bureau of Naval Personnel after consultation with other bureaus concerned. The Bureau of Naval Personnel shall determine the time and manner of holding examinations for warrant officers.

(c) Chief pay clerks, pay clerks, and acting pay clerks will be required to furnish bond for the faithful performance of their duties in the sum of $5,000, and will be responsible under said bond for all money and stores in their custody.

§ 2.1643 *Persons not presenting themselves for examination.* Any person who fails to present himself for examination

---

[1] Modified for the duration of the present war with respect to Naval Reserve Officers serving on active duty who are candidates for appointment to the Medical, Supply, Chaplain, and Civil Engineer Corps of the regular Navy, to permit the following procedure in those instances where it is impracticable to convene local boards to conduct the normal physical or written examinations, or both:

(a) The physical examination shall be conducted by at least one medical officer of the regular Navy or of the Naval Reserve; the report of such examination will be made on Bureau of Medicine and Surgery Form "Y" and will be forwarded directly to that Bureau for review by a board of medical examiners; such latter board will then submit a final report in the manner prescribed by Naval Courts and Boards.

(b) The examination to establish other than physical qualifications will consist only of an examination of the record of the candidate by a board composed of the appropriate staff corps to be convened at the Navy Department.

[2] Now extended to all officers outside the continental limits of the United States.

for appointment at the time specified after having obtained permission shall not thereafter be examined except upon authority of the Secretary of the Navy.

§ 2.1644 *Penalty for giving false certificates, etc.* Any candidate who gives a false certificate of age, time of service, or character, or makes a false statement to a board of examiners, shall be regarded as disqualified.

§ 2.1645 *Acceptance and oath.* Every person, on receiving an appointment from the Navy Department to any office in the Navy, shall immediately forward a letter of acceptance, together with the oath of office duly signed and certified.

§ 2.1646 *Nurse Corps.* (a) The Nurse Corps (female) consists of one superintendent and of as many assistant superintendents, chief nurses, nurses, and reserve nurses as may be needed. The superintendent of the Nurse Corps, who must be a graduate of a hospital training school having a course of training of not less than two years, is appointed by the Secretary of the Navy for a term of office which may be terminated in his discretion.

(b) All nurses in the corps are appointed by the Surgeon General with the approval of the Secretary of the Navy. They must be graduates of hospital training schools having a course of instruction of not less than two years. The appointments of superintendent, assistant superintendents, chief nurses, nurses, and reserve nurses are subject to an examination as to their professional, moral, mental, and physical fitness.

§ 2.8002 *Benefit guide.* (a) The pamphlet Benefit Guide for Officers and Enlisted Men, United States Navy and United States Naval Reserve, is published by the Bureau (of Naval Personnel) and contains all information regarding benefits to which beneficiaries of officers and enlisted men of the Regular Navy and Naval Reserve are entitled. This pamphlet describes all papers, documents, etc., that are necessary to substantiate claims, and also gives a list of charitable organizations which furnish emergency aid to families of deceased officers and men.

(b) The many cases handled by the Bureau show that in the majority of cases the beneficiaries are unaware or have incorrect information of the benefits accruing to them, sometimes to their inconvenience and pecuniary loss.

(c) A copy of the guide will be furnished on application. It should be forwarded to the beneficiary for his information and use. (R.S. 161; 5 U.S.C. 22) [Art. C-8002, Bu. Pers. Manual]

§ 2.8003 *Indebtedness and note endorsing.* (a) The assistance of all naval personnel is desired in reducing correspondence on the subject of the personal indebtedness of officers and men.

(b) The Bureau (of Naval Personnel) will not act as a collecting agency.

(c) Commanding officers will investigate each indebtedness complaint and take such action as the case warrants. The Bureau desires that these matters be handled locally.

(d) Every discouragement should be offered to firms selling on the installment plan or other forms of credit articles not classed as necessities. Such firms understand that they have recourse to civil action; that few naval men have property which can be attached; some are unaware of the fact that the pay of naval men cannot be garnisheed.

(e) In cases of judgment by civil courts against naval personnel, appropriate action will be taken by commanding officers or by this Bureau.

(f) Officers frequently find themselves involved in financial difficulties through having endorsed notes for irresponsible members of the naval service. If officers are unwilling or unable to make good the sum involved in a note defalcation, they should never endorse it.

(g) Cases growing out of the ordinary kind of indebtedness meet with a certain amount of sympathy in the Bureau, though chronic cases are tried by general court-martial.

(h) The Bureau has no intention of discouraging officers in seeking financial assistance from their brother officers to meet legitimate needs. It does desire, however, to impress on all officers a full realization of the responsibility that they assume when they endorse a note. (R. S. 161; 5 U.S.C. 22) [Art. C-8003, Bu. Pers. Manual]

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 43-8957; Filed, June 2, 1943; 10:41 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 120-B]

PART 95—CAR SERVICE

BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of June, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 120 of April 30, 1943, and of Service Order No. 120-A of May 3, 1943, suspending Service Order No. 120 until further order of the Commission; and it appearing that an emergency exists requiring immediate action; *It is ordered,* That:

Section 95.11 *Bituminous coal.* (Service Order No. 120) is hereby reinstated and made effective at 6:00 p. m. War Time June 1, 1943, until further order of the Commission, and is hereby amended by eliminating paragraph (b) dealing with bituminous coal moving all-rail to Canada, paragraph (c) (1) is hereby amended to read as follows:

(1) Coal specifically consigned for export;

And by adding the following exception to paragraph (c):

(7) Coal loaded in cars at the mine tipple on and after June 1, 1943, which mine has not suspended operations or which has resumed operations since June 1, 1943: *Provided,* That the billing covering such cars will carry a reference to this amendment (120-B) "mine in operation" as authority that such cars of coal are exempt from the provisions of this order.

It is further ordered, That copies of this order shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, upon all State commissions, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register. The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-8961; Filed, June 2, 1943; 11:28 a. m.]

[Service Order 121-B]

PART 95—CAR SERVICE

ANTHRACITE COAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of June, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 121 of May 1, 1943, and of Service Order No. 121-A of May 3, 1943, suspending Service Order No. 121 until further order of the Commission; and it appearing that an emergency exists requiring immediate action; *It is ordered,* That:

Section 95.12 *Anthracite coal.* (Service Order No. 121) is hereby reinstated and made effective at 6:00 p. m. War Time June 1, 1943, until further order of the Commission, and is hereby amended by eliminating paragraph (b) dealing with anthracite coal moving all-rail to Canada, and paragraph (c) (1) is hereby amended to read as follows:

(1) Coal specifically consigned for export;

And by adding the following exception to paragraph (c):

(7) Coal loaded in cars at the mine tipple on and after June 1, 1943, which mine has not suspended operations or which has resumed operations since June 1, 1943: *Provided,* That the billing covering such cars will carry a reference to this amendment (121-B) "mine in operation" as authority that such cars of coal are exempt from the provisions of this order.

It is further ordered, That copies of this order shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, upon all State commissions, and upon the Association

of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-8962; Filed, June 2, 1943; 11:28 a. m.]

Chapter II—Office of Defense Transportation

[Exemption Order ODT 21-2A]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART M—CERTIFICATES OF WAR NECESSITY

Pursuant to Executive Orders 8989 and 9156, Exemption Orders ODT 21-2 (7 F.R. 9438) and 21-6 (8 F.R. 2607) are hereby superseded, and *It is hereby ordered,* That:

§ 521.3506 *Partial exemption of certain motor vehicles.* The following described commercial motor vehicles are hereby exempted from the provisions of General Order ODT 21, as amended:

(a) Any rental car hired for a period of time in excess of thirty (30) consecutive days when the person from whom such rental car is hired does not furnish any motor fuel for its operation;

(b) Any driveaway commercial motor vehicle operated by a manufacturer or dealer, or by a duly authorized driveaway carrier;

(c) Commercial motor vehicles operated in the course of movement from a place of storage to another place of storage, or to a place of storage upon repossession or upon seizure by competent governmental authority;

(d) Any commercial motor vehicle used exclusively in testing tires, tubes, fuels, lubricants, coolants, parts, or equipment by the United States or any agency thereof, the District of Columbia, a State or any agency or political subdivision thereof, or by any person designated, authorized, required, or requested to conduct such tests by the military or naval forces of the United States, or State military forces organized pursuant to Section 61 of the National Defense Act, as amended;

(e) Any commercial motor vehicle used exclusively in the course of training military or naval personnel in the proper maintenance or servicing of motor vehicles or other equipment of the armed forces;

(f) Any commercial motor vehicle used exclusively for the experimental testing of synthetic or natural rubber tires by manufacturers or producers of such tires; and

(g) Any commercial motor vehicle operated in the course of manufacture or assembly for the purpose of testing such vehicle or in the course of movement within or between plants engaged in its manufacture or assembly.

§ 521.3507 *Definitions.* As used herein the term "rental car" means any rubber-tired vehicle, propelled or drawn by mechanical power, built, rebuilt, or converted primarily for the purpose of transporting persons, having a seating capacity of less than ten (10) passengers (including driver), which is available for hire without the service of a driver being provided with the vehicle, and which when under hire is or is to be driven by the person to whom it is hired, or by an employee, representative, or agent who has not been procured, arranged for, or designated by the person from whom such vehicle has been hired.

(Gen. Order ODT 21, as amended, 7 F.R. 7100, 9006, 9437, 10025, 8 F.R. 551, 2510)

This exemption order shall become effective on June 2, 1943.

Issued at Washington, D. C., this 2nd day of June, 1943.

JOSEPH B. EASTMAN, *Director, Office of Defense Transportation.*

[F. R. Doc. 43-8958; Filed, June 2, 1943; 11:01 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter Q—Alaska Commercial Fisheries

AREAS OPEN TO SALMON TRAPS

PART 205—ALASKA PENINSULA AREA FISHERIES

Effective only through December 31, 1943, § 205.17 *Areas open to salmon traps* is hereby amended as follows:

1. Paragraphs (c) and (f), and subparagraph (1) are hereby suspended.

2. Paragraphs (a) and (n) are amended to read as follows:

(a) Unimak Island: Along the coast on the west and south sides of Ikatan Bay (1) from a point on False Pass (Isanotski Strait) at 54 degrees 48 minutes 54 seconds north latitude, 163 degrees 22 minutes 18 seconds west longitude, to a point at 54 degrees 46 minutes 44 seconds north latitude, 163 degrees 21 minutes 32 seconds west longitude, (2) from a point at 54 degrees 45 minutes 18 seconds north latitude, 163 degrees 17 minutes 30 seconds west longitude, to a point at 54 degrees 45 minutes 15 seconds north latitude, 163 degrees 14 minutes 20 seconds west longitude, and (3) from a point at 54 degrees 46 minutes 6 seconds north latitude, 163 degrees 11 minutes 42 seconds west longitude to a point on Louisiana Cove at 54 degrees 45 minutes 58 seconds north latitude, 163 degrees 8 minutes 52 seconds west longitude.

* * * * *

(n) Unga Island: East coast within 2,500 feet of a point at 55 degrees 11 minutes 42 seconds north latitude, 160 degrees 27 minutes 38 seconds west longitude.

* * * * *

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

Paragraph (a) of § 223.19 *Areas open to salmon traps,* is hereby suspended through December 31, 1943.

PART 227—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

Paragraph (j) of § 227.15 *Areas open to salmon traps,* is hereby suspended through December 31, 1943.

PART 229—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

Paragraph (f) of § 229.15 *Areas open to salmon traps,* is hereby suspended through December 31, 1943.

The amendments contained in this document shall be in full force and effect immediately from and after the date of its publication in the FEDERAL REGISTER.

(Sec. 1, 44 Stat. 752, 48 U.S.C. 221)

OSCAR L. CHAPMAN, *Assistant Secretary.*

MAY 24, 1943.

[F. R. Doc. 43-8890; Filed, June 1, 1943; 2:33 p. m.]

Notices

WAR DEPARTMENT.

EXEMPTION FROM RENEGOTIATION OF CONTRACTS

Authority for exemption from renegotiation under section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as Amended by section 801 of the Revenue Act of 1942.

Pursuant to subsection 403 (i) (2) (iii) of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, and the delegation to me from the Secretary of War, dated November 4, 1942, the chief of any technical service and the Commanding General, Army Air Forces, are hereby authorized:

(1) To exempt from renegotiation under section 403, as amended, any contract, letter contract, letter purchase order, letter order, or letter of intent, which has been terminated for the convenience of the Government, and any agreement making a negotiated settlement of the whole or any part of the amount due from the Government by reason of the termination of any such instrument, whenever he finds that the provisions of such settlement agreement are adequate to prevent the realization of excessive profits from the performance of any such instrument; and

(2) To delegate to any officer or civilian employee under his direction the authority and discretion to make such exemptions in accordance with para-

graph 1 and under such conditions as he may prescribe.

ROBERT P. PATTERSON,
Under Secretary of War.

MAY 21, 1943.

[F. R. Doc. 43-8889; Filed, June 1, 1943; 2:24 p. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

KINGS RIVER PROJECT, CALIF.

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 24, 7943.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388):

KINGS RIVER PROJECT

MOUNT DIABLO MERIDIAN, CALIF.

T. 11 S., R. 26 E.,
Sec. 36, unsurveyed.
T. 12 S., R. 26 E.,
Secs. 1 to 3, inclusive, 7 to 20 inclusive;
Sec. 21, lots 1 to 7, inclusive, N½NE¼, SE¼NE¼, W½NW¼, W½SW¼, SE¼SW¼;
Secs. 22 to 28, inclusive; secs. 34 and 35;
Sec. 36, lots 1, 2, 6, 7, W½NE¼, NW¼, N½SW¼.
T. 10 S., R. 27 E.,
Sec. 25;
Sec. 36, W½.
T. 11 S., R. 27 E.,
Sec. 1, lots 1, 2, 4, SE¼NE¼, SW¼NW¼, S½;
Sec. 11;
Sec. 12, N½, SW¼, W½SE¼, NE¼SE¼;
Secs. 13 to 15, inclusive;
Secs. 22 to 28, inclusive;
Secs. 31 to 35, inclusive.
T. 12 S., R. 27 E.,
Secs. 3 to 9, inclusive.
T. 10 S., R. 28 E.,
Secs. 17, 19, 20, 29;
Sec. 30, lots 1, 2, E½, E½NW¼;
Sec. 31, E½SE¼.
T. 11 S., R. 28 E.,
Sec. 6, lots 1, 2, 4, 5, 6, 7, S½NE¼, E½SW¼, SE¼;
Secs. 7, 18, 19, all;
Sec 30, lots 2, 3, 4, E½, E½W½;
Sec. 31.
T. 12 S., R. 29 E.,
Sec. 14, NE¼NE¼, S½N½, S½;
Sec. 15, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 16, N½, SE¼;
Secs. 21 and 22.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: May 15, 1943.
FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

MAY 26, 1943.

[F. R. Doc. 43-8891; Filed, June 1, 1943; 2:33 p. m.]

[Dockets Nos. 476-FD, 622-FD]

RAILWAY FUEL COMPANY

ORDER DENYING APPLICATIONS

Upon the basis of the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that the applications of the Railway Fuel Company for exemption from the provisions of the Bituminous Coal Code should be denied, and pursuant to sections 4-A and 4 II (1) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That, effective fifteen (15) days from the date hereof, the applications of the Railway Fuel Company are denied.

Dated: June 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-8954; Filed, June 2, 1943; 10:44 a. m.]

[Docket No. 42-FD]

REPUBLIC COAL COMPANY

ORDER DENYING APPLICATION

Upon the basis of the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that the application of the Republic Coal Company for exemption from the provisions of the Bituminous Coal Code should be denied, and pursuant to sections 4-A and 4 II (1) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That, effective fifteen (15) days from the date hereof, the application of the Republic Coal Company is denied.

Dated: June 1, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-8953; Filed, June 2, 1943; 10:44 a. m.]

General Land Office.

[Air-Navigation Site Withdrawal 203]

NEVADA

AIR-NAVIGATION SITE WITHDRAWAL

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U.S.C., title 49, sec. 214), and section 1 of the act of June 28, 1934, 48 Stat. 1269 (U.S.C., title 43, sec. 315): *It is ordered*, As follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, for use in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 203:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 36 E.,
Sec. 5, that part west of west line of right of way of State Highway;
Sec. 6, S½SE¼;
Sec. 7, N½NE¼;
Sec. 8, that part of N½ west of west line of right of way of State Highway, N½SW¼.

The areas described aggregate approximately 734 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of the Acting Secretary of the Interior effective November 30, 1937, withdrawing these and other lands pending the establishment of a grazing district.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

[SEAL] ABE FORTAS,
Acting Secretary of the Interior.

MAY 27, 1943.

[F. R. Doc. 43-8900; Filed, June 1, 1943; 2:36 p. m.]

[Public Land Order 129]

IDAHO-WASHINGTON

REVOCATION OF EXECUTIVE ORDER WITHDRAWING PUBLIC LANDS

By virtue of the authority contained in section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and pursuant to Executive Order No. 9337 (8 F.R. 5516) of April 24, 1943: *It is ordered*, As follows:

The Executive order of May 25, 1915, withdrawing certain public lands in the States of Idaho and Washington for reservoir sites in connection with the Palouse Project, is hereby revoked. This revocation shall not affect any other order withdrawing or reserving these lands.

[SEAL] ABE FORTAS,
Acting Secretary of the Interior.

MAY 25, 1943.

[F. R. Doc. 43-8899; Filed, June 1, 1943; 2:34 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Gar-

ments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations. Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable Determination and Order or Regulation, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Famous Sternberg, Incorporated, 950 Poeyfarre Street, New Orleans, Louisiana; Men's and boys' clothing; 5 percent (T); effective May 31, 1943, expiring May 31, 1944.

Herrmann Handkerchief Company, 8th and Water Streets, Lebanon, Pennsylvania; Handkerchiefs; 5 percent (T); effective June 3, 1943, expiring June 3, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Allen Garment Company, Franklin, Kentucky; Men's and boys' cotton work shirts; 10 percent (T); effective June 2, 1943, expiring June 2, 1944.

Davis Manufacturing Company, Lykens, Pennsylvania; Women's sportswear and dickeys; 30 learners (E); effective June 2, 1943, expiring December 2, 1943.

Fremont Manufacturing Company, Mt. Pleasant Mills, Pennsylvania; Jumpers; 10 learners (T); effective June 2, 1943, expiring June 2, 1944.

U. P. Dress Manufacturing Company, Gold Street, Negaunee, Michigan; Dresses; 15 learners (E); effective June 2, 1943, expiring December 2, 1943.

Gloves Industry

The Glove Corporation, Elwood, Indiana; Work gloves; 15 learners (A. T.); effective June 2, 1943, expiring November 2, 1943.

Newton Glove Manufacturing Company, Newton, North Carolina; Work gloves; 5 percent (A. T.); effective May 31, 1943, expiring December 14, 1943.

Hosiery Industry

Elliott Knitting Mills, Incorporated, Hickory, North Carolina; Seamless hosiery; 10 percent (A. T.); effective June 2, 1943, expiring November 2, 1943.

Millheim Hosiery Mills, Incorporated, Millheim, Pennsylvania; Seamless hosiery; 10 percent (A. T.); effective June 2, 1943, expiring December 2, 1943.

Signed at New York, N. Y., this 1st day of June 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-6948; Filed, June 2, 1943; 9:38 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5828]

PENNSYLVANIA ELECTRIC COMPANY

NOTICE OF APPLICATION

MAY 28, 1943.

Notice is hereby given that on May 27, 1943, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Pennsylvania Electric Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in the States of Maryland and Pennsylvania, with its principal business office at Johnstown, Pennsylvania, seeking an order authorizing it to acquire all of the utility assets and facilities of Erie County Electric Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in said state, with its principal business office at Erie, Pennsylvania.

Pennsylvania Electric Company proposes to acquire from The United Gas Improvement Company, the parent of Erie County Electric Company, all of the stock of the latter at a total cost to Pennsylvania Electric Company of $6,921,500, with a further contingent cost to Pennsylvania Electric Company of a sum not in excess of $215,559.

Following the acquisition of the stock of Erie County Electric Company, Pennsylvania Electric Company, proposes to acquire all of the assets and franchises of the former in consideration of the surrender of such stock by Pennsylvania Electric Company for cancellation and the assumption by it of the obligations of Erie County Electric Company; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 17th day of June, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-8952; Filed, June 2, 1943; 9:38 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-32, Amdt. 1]

I. C. T. BUS COMPANY

COORDINATED OPERATION BETWEEN PROVIDENCE, R. I., AND NEW BEDFORD, MASS.

New England Transportation Company, Union Street Railway Company, and Milton Schoenberg, Leonard Schoenberg, and Hyman Schoenberg, operating as I. C. T. Bus Company.

Upon further consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers and an amendment thereto, filed with this Office by New England Transportation Company, Boston, Massachusetts, Union Street Railway Company, New Bedford, Massachusetts, and Milton Schoenberg, Leonard Schoenberg, and Hyman Schoenberg operating as I. C. T. Bus Company, East Providence, Rhode Island, pursuant to § 501.49 of General Order ODT 11 as amended (7 F.R. 4389, 11099), *It is hereby ordered*, That:

1. Special Order ODT B-32 (7 F.R. 9643) be and it is hereby amended by deleting the words Milton Schoenberg wherever they appear and substituting therefor Milton Schoenberg, Leonard Schoenberg, and Hyman Schoenberg.

Issued at Washington, D. C., this 1st day of June 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc 43-8959; Filed, June 2, 1943; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional, State and District Office Orders.

LIST OF ORDERS FIXING COMMUNITY CEILING PRICES, ETC.

NOTE: The following orders have been filed with the Division of the Federal Register.

REGIONAL ORDERS

	F. R. Doc. No.
Region I:	
Order G-6 under §§ 1340.259 of RMPR 122	43-8552
Amdt 1	43-8553
Order G-7 under RMPR 122, Amdt 1	43-8551
Region II:	
Correction to Order G-6 under MPR 329 as amended	43-8554

STATE AND DISTRICT ORDERS UNDER GEN. ORDER 51

Altoona Order 3	43-8608
Birmingham Order 3	43-8607
Boise Order 1	43-8547
Boise Order 2	43-8548
Boise Order 3	43-8549
Boise Order 4	43-8550
Charlotte Order 3	43 8599
Chicago Order 3	43-8601
Cincinnati Order 1, Amdt. 1	43-8513
Cincinnati Order 2	43-8517
Colorado Order 6	43-8466
Colorado Order 7	43-8467
Colorado Order 8	43-8468
Dayton Order 3	43-8461
Detroit Order 4	43-8600
Fargo-Moorhead Order 2	43-8555
Fargo-Moorhead Order 3	43-8556
Fort Worth Order 2	43-8597
Fort Worth Order 3	43-8598
Green Bay Order 1	43-8546
Green Bay Order 2	43-8469
Houston Order 1, Amdt. 1	43-8501
Houston Order 3	43-8502
Indianapolis Order 3	43-8518
Jackson Order 1	43-8508
Jackson Order 2	43-8509
Jacksonville Order 3	43-8602
Knoxville Order 1	43-8515
Knoxville Order 2	43-8516
La Crosse Order 1	43-8510
La Crosse Order 2	43-8512
Los Angeles Order 3	43-8498
Louisville Order 2	43-8475
Lubbock Order 2	43-8503
Maryland Order 3	43-8609
Montana Order 6	43-8604
Montana Order 7	43-8603
Montana Order 8	43-8605
Montgomery Order 2	43-8463
Omaha Order 2	43-8500
Rochester Order 2	43-8499
Sioux City Order 3	43-8505
South Carolina Order 2	43-8511
Trenton Order 3	43-8610
Tulsa Order 2	43-8606
Twin Cities Order 1 (revised)	43-8506
Twin Cities Order 2	43-8504

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-13]

STANDARD POWER AND LIGHT CORPORATION

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of May 1943.

The Commission having entered its order in the above styled and numbered proceeding on June 19, 1942, pursuant to Section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing Standard Power and Light Corporation to liquidate and terminate its existence, and to proceed with due diligence to file a plan for its prompt liquidation and the termination of its existence, in a manner consistent with the provisions of the Act;

Notice is hereby given that on May 22, 1943, Standard Power and Light Corporation filed an application requesting the entry of an order by this Commission under section 11 (c) of the Act extending for one year the time within which to comply with said order of June 19, 1942.

All interested persons are referred to said application, which is on file in the office of the Commission, for full details concerning the contents thereof.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application and for other purposes;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on June 14, 1943 in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by the Commission's Rules of Practice, Rule XVII on or before June 7, 1943.

At said hearing there will be considered (1) whether Standard Power and Light Corporation has exercised due diligence in its efforts to comply with the Commission's order of June 19, 1942, and (2) whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Standard Power and Light Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 43-8893; Filed, June 1, 1943; 2:38 p. m.]

[File No. 70-721]

NEW YORK WATER SERVICE CORPORATION AND FEDERAL WATER AND GAS CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of May, A. D. 1943.

Notice is hereby given that joint applications or declarations (or both) have been filed with this Commission by Federal Water and Gas Corporation, a registered holding company, and its subsidiary company, New York Water Service Corporation, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations of this Commission promulgated thereunder. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Federal Water and Gas Corporation, the owner of all of the outstanding common stock of New York Water Service Corporation, such stock consisting of 26,015 shares of the par value of $100 per share, proposes to donate 21,015 shares of said stock to New York Water Service Corporation.

New York Water Service Corporation, upon acquisition of the stock so to be donated to it, proposes to retire said stock and to reduce the amount of its capital by $2,101,500 in accordance with the provisions of sections 36 and 38 of the Stock Corporation Law of New York, under the laws of which state it is incorporated, after first obtaining the consent thereto of the New York Public Service Commission. New York Water Service Corporation proposes first to credit to its capital surplus the said amount of $2,101,500 resulting from such reduction of capital and then to transfer said amount to its reserve for possible adjustments of utility plant and reserve for depreciation, any portion of such reserve not hereafter required for such adjustments to be returned to capital surplus.

It is stated that the proposed reduction in capital by New York Water Service Corporation is designed solely to permit the payment of dividends on the preferred stock of said corporation and that the proposal will be abandoned in the event that any holder of preferred stock objects to said reduction of capital and asserts a possible statutory right of cash payment for his stock. It is further stated that such proposed reduction is an interim step pending compliance with this Commission's order of February 10, 1943 requiring a recapitalization of New York Water Service Corporation in which no recognition should be accorded to its common stock.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on June 17, 1943 at 10:00 o'clock a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Notice is hereby given of said hearing to the above named declarants and applicants and to all interested

parties, said notices to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transactions will be detrimental to the financial integrity of Federal Water and Gas Corporation or of New York Water Service Corporation;

2. Whether the proposed transactions will be detrimental to the carrying out of, or will in any manner tend to circumvent the provisions of the order of this Commission entered on February 10, 1943 (Holding Company Act Release No. 4113), in those proceedings under Section 11 of the Act above cited identified by the Commission's File Nos. 59–61, 54–66 and 59–35, wherein a recapitalization of New York Water Service Corporation was directed;

3. Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will end to circumvent any provisions of the Act or the Rules, Regulations or Orders promulgated thereunder; and

4. Whether, if the transactions proposed are authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms or conditions be imposed in connection with such authoriation and, if so, what such terms and conditions should be.

By the Commssion.

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

[F. R. Doc. 43–8895; Filed, June 1, 1943; 2:38 p. m.]

[File Nos. 54–75, 70–726]

THE COMMONWEALTH & SOUTHERN CORPORATION (DEL.)

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of May 1943.

In the matter of The Commonwealth & Southern Corporation (Delaware), File No. 54–75, The Commonwealth & Southern Corporation (Delaware), File No. 70–726.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Commonwealth proposes, subject to approval of the Commission, to pay a dividend of $3 per share, an aggregate of $4,446,000, on the outstanding shares of its preferred stock. The dividend was declared on May 25, 1943 and is payable, on the 28th day after approval by the Commission, to stockholders of record at the close of business on the 14th day after such approval.

Authorization of the proposed dividend is sought under section 11 of the Act and Rule U-46 as a step toward compliance by Commonwealth with the provisions of section 11 (b) (2) of the Act and the one-stock order of the Commission dated April 9, 1942. The application states that the Plan filed by Commonwealth with the Commission on April 20, 1943 (Holding Company Act Release No. 4294), proposing to change Commonwealth's capitalization to one class of stock, namely common stock, and the necessary restatement incidental thereto of the carrying value of Commonwealth's assets, so qualify Commonwealth's Earned Surplus Account as to subject the payment of dividends to the provisions of section 12 (c) of the Act and of Rule U-46. The proposed dividend payment is to be in lieu of the cash payment of $3 per share on the preferred stock provided for in the Plan, and upon payment of the preferred dividend Commonwealth will amend the Plan to eliminate therefrom the provision for the $3 cash payment to preferred stockholders.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, and that the declaration shall not become effective nor the application be granted except pursuant to further order of this Commission; and

It further appearing to the Commission that the issues presented by this application or declaration (or both) involve questions of law and fact common to the issues involved in the pending section 11 (e) proceedings pertaining to the Plan heretofore described and that they should be consolidated and heard together;

It is ordered, That the proceedings with respect to the application or declaration (or both) be consolidated with the proceedings with respect to the Plan filed April 20, 1943 pursuant to section 11 (e), and that a hearing on the application or declaration (or both) be held in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 A. M., E. W. T., on the 7th day of June 1943, in such room as may be designated at such time by the Hearing Room Clerk in Room 318 and that such hearing be consolidated with the hearings specified in our order of May 8, 1943 (Holding Company Act Release No. 4294) to be held at the same time and place in respect of said Plan.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by the Commission's Rules of Practice, Rule XVII, on or before June 5, 1943.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to The Commonwealth & Southern Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by said application or declaration (or both) or the matters otherwise to be considered as set forth in our order of May 8, 1943, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the payment of the proposed dividend is consistent with all applicable requirements of the Act, the Rules thereunder, and the Commission's order of April 9, 1942;

(2) Whether any terms and conditions are necessary in the public interest and for the protection of investors and consumers to prevent the circumvention of the provisions of the Act or of the Rules, Regulations or Orders thereunder.

By the Commission.

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

[F. R. Doc. 43–8892; Filed, June 1, 1943; 2:38 p. m.]

[File No. 70–577]

ILLINOIS IOWA POWER COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION OR DECLARATION (OR BOTH)

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of May 1943.

Illinois Iowa Power Company, a registered holding company, having requested permission to withdraw the application or declaration (or both) in the above styled and numbered proceeding filed on July 15, 1942 relating to its proposed acquisition of all or part of the publicly held preferred stock of Kewanee Public Service Company;

It is ordered, That Illinois Iowa Power Company be and it is hereby permitted to withdraw said application or declaration (or both) and that the same be and it is hereby deemed to be withdrawn.

By the Commission.

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

[F. R. Doc. 43–8894; Filed, June 1, 1943; 2:38 p. m.]

[File Nos. 70-282, 70-709]

COMMUNITY POWER & LIGHT COMPANY ET AL.

ORDER AMENDING ORDER AND DISMISSING COLLATERAL APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 31st day of May, A. D., 1943.

In the matter of Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company et al., File No. 70-282; in the matter of Southwestern Public Service Company, File No. 70-709.

Community Power and Light Company, General Public Utilities, Inc., and Southwestern Public Service Company, each of said named companies being a registered holding company, and companies subsidiary thereto having heretofore filed applications and declarations, and amendments thereto, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and other sections of said Act (File No. 70-282), whereby said applicants sought approval of a plan for the reorganization of the holding company system of which each of said companies constituted a part and authorization for certain particular transactions embraced within said plan or incidental thereto, and the Commission, after appropriate proceedings, having made and entered its findings and opinion thereon, and having on July 8, 1942 entered its order approving said plan subject to certain reservations of jurisdiction and subject to certain conditions recited therein, and having thereafter on September 14, 1942 made certain supplementary findings in said proceeding and having on said date last mentioned entered an order supplemental and amendatory of said order of July 8, 1942 by which supplemental order the issuance and sale of certain securities by Southwestern Public Service Company (into which said Community Power and Light Company and General Public Utilities, Inc. were merged) were authorized subject to certain conditions in said later order set forth, it having been particularly provided by said order as a condition thereof, among others, that so long as any of the 6½% Cumulative Preferred Stock of Southwestern Public Service Company should remain outstanding that company should provide for a sinking fund for the retirement of such preferred stock in the amounts and to the extent and in the manner set forth in Appendix "A" attached to and made a part of said order;

Southwestern Public Service Company having on April 22, 1943, filed a declaration (File No. 70-709) pursuant to Rule U-42 of this Commission whereby said declarant sought approval by this Commission of the proposed acquisitions and retirements by it, from time to time, of such amounts of its outstanding 6½% Cumulative Preferred Stock as might be necessary for satisfaction of the sinking fund requirements in respect of such stock imposed by the order of this Commission of September 14, 1942, as hereinabove recited;

Southwestern Public Service Company having now requested by amendment to its declaration last above mentioned that in lieu of the approval of acquisitions and retirements of preferred stock sought by said declaration, the Commission enter a further order supplementing and amending said order of September 14, 1942, so that acquisitions, redemptions, and retirements by said company of said preferred stock effected for the purpose of satisfying the sinking fund requirements so imposed shall be exempt from any requirement of the Public Utility Holding Company Act of 1935 and of any rule or regulation of this Commission promulgated pursuant to said Act that a registered holding company shall acquire, retire, or redeem any security of which it is the issuer only after an application in respect thereof has been approved by this Commission or a declaration in respect thereof has been permitted to become effective;

The Commission having considered said request and the record in this proceeding and finding that the granting thereof, subject to certain conditions hereinafter recited, is appropriate in the ordinary course of business of said Southwestern Public Service Company and is in the public interest and in the interest of investors and consumers;

And it further appearing to the Commission that the amendment of said order of September 14, 1942, presently requested will render further consideration of said declaration for approval (File No. 70-709) unnecessary and inappropriate;

It is hereby ordered, That Southwestern Public Service Company be, and it is hereby granted exemption from any requirement of said Act or any requirement of any rule or regulation of the Commission promulgated pursuant thereto, presently or hereafter at any time in effect, that acquisitions, redemptions, and retirements by said company of its 6½% Cumulative Preferred Stock shall be made only after an application in respect thereof has been granted by the Commission or a declaration in respect thereof has been permitted by the Commission to become effective; *Provided*, That the exemption hereby granted be, and the same is hereby expressly limited and conditioned as follows:

(a) The exemption hereby granted shall extend only to acquisitions and retirements by Southwestern Public Service Company of the 6½% Cumulative Preferred Stock of that company made for the purpose of satisfying the sinking fund requirements imposed in respect of said stock by this Commission's order entered in this proceeding on September 14, 1942, and made in accordance with the provisions of Appendix "A" of said order from "Net Earnings of the Company Available for the Sinking Fund" as in said appendix defined or from earned surplus;

(b) The exemption provided by this order shall be limited to acquisitions, redemptions, and retirements of said 6½% Cumulative Preferred Stock to such aggregate amount as shall at the time of any such acquisition, retirement, or redemption be estimated by Southwestern Public Service Company to be not more than the amount of such sinking fund requirements for the following twelve months; and

(c) The exemption hereby granted shall continue until revoked or modified by the further order of this Commission.

It is further ordered, That the exemption hereby granted be, and the same is granted in addition to, and without prejudice to any other exemption which may now or hereafter be available to said Southwestern Public Service Company under any rule, regulation, or order of this Commission.

It is further ordered, That the order of this Commission entered herein on September 14, 1942, be, and the same is hereby amended and supplemented as of the date thereof by the terms and conditions of this present order hereinabove set forth.

And it is further ordered, That, the declaration of Southwestern Public Service Company, designated by the Commission's File No. 70-709, for the approval of certain acquisitions and retirements by said declarant of its preferred stock be, and the same is hereby dismissed.

By the Commission.

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

[F. R. Doc. 43-8950; Filed, June 2, 1943; 9:38 a. m.]

[File No. 70-719]

CONSOLIDATED ELECTRIC AND GAS CO. AND THE ISLANDS GAS AND ELECTRIC CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of May, A. D. 1943.

Notice is hereby given that joint declarations or applications (or both) have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Consolidated Electric and Gas Company ("Cegco"), a registered holding company, and The Islands Gas and Electric Company ("Islands"), a subsidiary of Cegco and also a holding company. All interested persons are referred to said documents which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Islands presently owns all of the outstanding capital stock (with the exception of five shares which are publicly held) of Manila Gas Corporation, a gas utility company operating in the City of Manila in the Philippine Islands.

Cegco proposes to file a consolidated federal income and excess profits tax return for the year 1942 in which it will claim as a war loss under section 127 of the Internal Revenue Code the sum of $1,750,000, represented to be the cost (for tax purposes) of the capital stock of

Manila Gas Corporation owned by Islands.

It is estimated that such action will result in a tax saving to the Cegco holding company system of approximately $1,417,000, none of which, however, will be realized by Islands. Cegco accordingly proposes to make donations to Islands of sums not to exceed in the aggregate the amount of such tax savings and to make an immediate donation to Islands in the amount of $800,000.

Islands, in turn, proposes to apply such $800,000 toward the reduction of its bonded debt as hereinafter set forth. The bonded debt of Islands presently consists of (1) its First Lien Collateral Trust 5½% Bonds, due October 1, 1943 (originally issued under the name of The Manila Gas Company) outstanding in the aggregate principal amount of $598,500 and (2) its Twenty-Five-Year 5½% Sinking Fund Secured Gold Bonds, Series A, due March 1, 1953 (originally issued under the name of The Islands Edison Company) outstanding in the principal amount of $2,363,500. The above mentioned collateral trust bonds of Islands are all owned by Cegco. Cegco also owns $1,545,000 of said outstanding Series A bonds of Islands, $35,000 principal amount of said latter bonds being held in the treasury of Islands, and the remaining $783,500 principal amount thereof being publicly held. The collateral trust bonds of Islands and the Series A bonds of Islands so owned by Cegco are pledged to secure certain bonded debt of Cegco.

Islands proposes to obtain the return of its said collateral trust bonds and Series A bonds so owned by Cegco in the aggregate principal amount of $2,143,500 by the issuance and delivery to Cegco, pursuant to the indenture presently securing said Series A bonds, of a new series of bonds, to be designated "Series B Bonds", in a like aggregate principal amount of $2,143,500, to mature March 1, 1953 and to bear interest at the rate of 4% per annum, which Series B Bonds Cegco will pledge to secure its own bonds in substitution for the Islands bonds presently held by it which it will surrender to Islands. Islands, upon receipt of said collateral trust bonds and said Series A Bonds from Cegco, will cancel said Series A Bonds and will, for the time being, pledge said collateral trust bonds under the indenture presently securing said Series A Bonds and hereafter to secure said Series B Bonds.

Upon the completion of the exchanges and substitutions of securities just described, and on or before the maturity date of Islands' said collateral trust bonds Islands will pay to the trustee of the indenture securing said Series A and said Series B Bonds the sum of $598,500 in payment of said collateral trust bonds so pledged and will also pay to such trustee the further sum of $204,587.50, which two sums last mentioned will together be sufficient and will be used, for the redemption of the remaining Series A Bonds of Islands, namely, those outstanding in the hands of the public, those Series A Bonds in the treasury of Islands to be surrendered by it for cancellation.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations or applications (or both), and that said declarations or applications (or both), shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declarations or applications (or both) under the applicable provisions of the Act and the rules of the Commission thereunder be held on June 14, 1943 at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before June 12, 1943, his request or application therefore as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Consolidated Electric and Gas Company and The Islands Gas and Electric Company by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the issuance of securities by Islands complies with the requirements of section 7 of the Act;

(2) Whether the proposed acquisitions of securities comply with the requirements of the applicable provisions of section 10 of the Act and particularly with the provisions of subsection 10 (c) (2) thereof;

(3) Whether the proposed transactions will be detrimental to the financial integrity of Cegco, Islands or any other company in the Cegco holding company system;

(4) Whether the proposed allocation of the anticipated tax saving among the companies in the Cegco holding company system is fair;

(5) Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or the Rules, Regulations or Orders promulgated thereunder; and

(6) Whether, if the transactions proposed are authorized by the Commission, it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers and, if so, what such terms and conditions should be.

By the Commission.

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

[F. R. Doc. 43-8949; Filed, June 2, 1943; 9:38 a. m.]

[File No. 70-727]

OGDEN CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of June, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Ogden Corporation, a registered holding company.

Notice is further given that any interested person may, not later than June 10, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may be granted or may become effective 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 U-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 application and declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Ogden Corporation, a registered holding company, proposes to pay out of surplus of May 31, 1943, a dividend on its Common Stock at the rate of 75¢ per share, payable on June 28, 1943, to holders of record at the close of business on June 14, 1943. The aggregate amount of this dividend will be $2,552,789.15. At April 30, 1943, the Earned Surplus of Ogden Corporation was $1,267,036.98, and its Capital Surplus was $4,526,214.04. Ogden Corporation has requested that the Commission enter an order permitting this declaration to become effective on or before June 14, 1943.

By the Commission.

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

[F. R. Doc. 43-8951; Filed, June 2, 1943; 9:39 a. m.]