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Washington, Saturday, July 10, 1943

*The President*

**EXECUTIVE ORDER 9360**

**SUSPENSION OF EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE DEPARTMENT OF THE INTERIOR ON PUBLIC WORKS WITHIN THE UNITED STATES**

WHEREAS the Department of the Interior is engaged in public-work activities within the United States which are essential to the prosecution of the war; and

WHEREAS there exists an acute shortage of laborers and mechanics; and

WHEREAS the efficient and speedy accomplishment of such activities requires that laborers and mechanics therefor be employed in excess of eight hours a day; and

WHEREAS, by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U.S.C., title 40, sec. 321), the services of all laborers and mechanics employed by the Government of the United States upon any public work of the United States, is limited to eight hours in any one calendar day, except in case of extraordinary emergency; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend for the duration of the emergencies proclaimed by me on September 8, 1939,<sup>1</sup> and May 27, 1941,<sup>2</sup> the above-mentioned provisions of law prohibiting more than eight hours of labor in any one day by laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the Department of the Interior on any public work within the United States which is designated by the Secretary of the Interior as essential to the prosecution of the war: *Provided*, That the wages of all laborers and mechanics so

employed by the Department of the Interior shall be computed on a basic day rate of eight hours of work with overtime to be paid at time and one-half for all hours of work in excess of eight hours in any one day.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
July 7, 1943.

[F. R. Doc. 43-11007; Filed, July 8, 1943; 3:48 p. m.]

*Regulations*

**TITLE 6—AGRICULTURAL CREDIT**

**Chapter I—Farm Credit Administration**

**PART 10—FEDERAL LAND BANKS**

**INSURANCE REQUIREMENTS FOR BANK AND COMMISSIONER LOANS**

Part 10 of Chapter I, Title 6, Code of Federal Regulations is hereby amended to read as follows:

- |           |   |
|-----------|---|
| Sec.      |   |
| 10.183    | Buildings on which insurance must be maintained by mortgagor; amount and type of insurance. |
| 10.187    | Acceptable insurers.  |
| 10.188    | Losses to be made payable to mortgagor; exception.  |
| 10.189    | Subsequent owner deemed "mortgagor" under certain circumstances.                            |
| 10.190    | Mortgagor's option to use loss proceeds for reconstruction.                                 |
| 10.190-50 | Circumstances under which mortgagor's option to use loss proceeds does not obtain.          |
| 10.191    | Manner in which mortgagor's option to use loss proceeds shall be exercised.                 |
| 10.192    | Reconstruction of improvements in different form.   |
| 10.193    | Evidence that mortgagor can supply additional funds; meaning of term "reconstruction."      |
| 10.194    | Loss proceeds not to be disbursed in absence of evidence that prior liens will not attach.  |
| 10.195    | Application of loss proceeds to mortgage debt.  |
| 10.197    | Conditional release of loss proceeds.   |

AUTHORITY: §§ 10.183 to 10.197, inclusive, issued under the authority contained in sec. 12 "Ninth", 39 Stat. 370; 12 U.S.C. 771 "Ninth".

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<sup>1</sup> 4 F.R. 3851.

<sup>2</sup> 6 F.R. 2817.





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§ 10.183 *Buildings on which insurance must be maintained by mortgagor; amount and type of insurance.* On all buildings the value of which is a factor in determining the amount of a loan, insurance against fire and any other risks specified by the bank shall be required in amounts which the bank considers adequate. In determining the amount of insurance consideration should be given to the values established in the report of the land bank appraiser upon which the loan was based and to the relationship of the amount of the loan to the value of the farm. In any event, the amount of insurance shall not be less than the amount by which the bank loan exceeds 50 percent of the appraised normal agricultural value of the land. Insurance may be required on any (other) building(s), the value of which was not a factor in determining the amount of a loan, in such amounts and against such risks as shall be deemed advisable for the protection of the mortgagee's interest. In making insurance requirements, amounts of insurance should be specified for each of the principal factor buildings; in the discretion of the bank, an aggregate amount of insurance may be specified to cover a number of other factor buildings provided that each insurable building is insured for a part of the aggregate amount required.

Sections 10.184 and 10.185 are revoked.

§ 10.187 *Acceptable insurers.* Insurance required shall be evidenced by a lawful policy or policies issued by any insurance company, including any State supervised mutual insurance company, which is satisfactory to the bank; *Provided*, That such company be authorized to do such insurance business, and be subject to service of process in suits



brought, in the State in which the insured property is located, except that, when insurance is procured and paid for by the bank upon default under the mortgage, such insurance company may be one which is subject to service of process in suits brought in the State where the bank is located. The acceptance by a bank of insurance from an organization other than one provided for by this paragraph shall be subject to the approval of the Commissioner.

§ 10.188 *Losses to be made payable to mortgagee; exception.* Insurance shall be made payable to the bank and Corporation, as mortgagees, as their interests may appear at time of loss, and shall afford the bank and Corporation the same protection they would have under the New York standard mortgage clause but the bank may, in its discretion, permit individual losses of \$50 or under to be paid directly to the mortgagor for use in the prompt reconstruction of the buildings destroyed. The provisions of §§ 10.189 to 10.197, inclusive, of these regulations shall not be applicable to losses of \$50 or under which are paid directly to the mortgagor, with the permission of the bank, for use in reconstruction.

§ 10.189 *Subsequent owner deemed "mortgagor" under certain circumstances.* When a subsequent owner of a mortgaged farm has assumed the mortgage and, in the case of a land bank loan the stock interests of the original mortgagor in accordance with the provisions of section 12 (Sixth) of the Federal Farm Loan Act (12 U.S.C. 771 (6)), and is primarily liable therefor, the term "mortgagor" shall be deemed for the purposes of these regulations to refer to such subsequent owner.

§ 10.190 *Mortgagor's option to use loss proceeds for reconstruction.* At the option of the mortgagor and subject to the provisions of these regulations any sum received in settlement of a loss covered by insurance required by these regulations may be used to pay for the reconstruction of the buildings involved; *Provided*, That the bank may charge and collect from the mortgagor the reasonable cost of appraisal and of any investigation to determine the priority of the mortgage over any lien by reason of such construction, and may withhold from such sum the amount of any such charge not otherwise paid.

§ 10.190-50 *Circumstances under which mortgagor's option to use loss proceeds does not obtain.* The option of the mortgagor referred to in these regulations shall not apply in the case of any sum received (a) under a policy of insurance which was not provided or paid for by the mortgagor, or (b) in settlement of a loss on buildings not required by these regulations to be insured. Such option shall not apply to any sum with respect to which liability to the mortgagor is denied by the insurer, unless and until such denial be rescinded or until final judgment of a court of competent jurisdiction that the insurer is liable to the mortgagor. In either event the mortgagor shall initiate the steps other-

wise necessary under these regulations for the exercise of his option within 30 days after the establishment of the liability of the insurer to him for such loss.

§ 10.191 *Manner in which mortgagor's option to use loss proceeds shall be exercised.* The bank as promptly as possible after the receipt of the sum referred to in § 10.190 shall send to the mortgagor a notice in writing thereof. Within 30 days after such notice is sent, if the mortgagor desires to exercise his option, he shall so notify the bank in writing. With such notice to the bank or within 30 days thereafter, unless such time for good cause be extended by the bank, the mortgagor shall furnish the bank information in such form as shall be satisfactory to it covering the plans of the mortgagor for the reconstruction of the building involved in sound and serviceable form and condition, at least equal to that which existed immediately prior to the loss. Within said 30 days the mortgagor shall also furnish assurance satisfactory to the bank that such reconstruction will be completed within a reasonable time, and that there will be no unsatisfied liens for labor, material, and/or other expenses that will have priority over the mortgage when such reconstruction shall have been completed or when the said sum received shall have been paid by the bank to or for the account of the mortgagor.

§ 10.192 *Reconstruction of improvements in different form.* If the mortgagor desires to use the insurance money, in whole or in part, in order to replace the building involved with an insurable building of less expensive type, or to substitute any other insurable building, the said fund may be used for such purpose, provided the land bank is satisfied that the proposed building will be suitable and adequate to the agricultural needs of the farm.

§ 10.193 *Evidence that mortgagor can supply additional funds; meaning of term "reconstruction."* If the sum received (after making the deductions, if any, authorized by these regulations) be inadequate to enable the mortgagor to reconstruct as herein provided, and he desires nevertheless to do so, he shall furnish the bank assurance satisfactory to it that he will have the necessary additional funds. Where, under these regulations, a building may be repaired, replaced, or substituted, the operations involved shall be deemed to be covered by the words "reconstruct" or "reconstruction," as the case may require.

§ 10.194 *Loss proceeds not to be disbursed in absence of evidence that prior liens will not attach.* No sum so received shall be paid to or for the account of the mortgagor for the purpose of enabling him to reconstruct a building until the bank is satisfied that no lien by reason of reconstruction of the buildings covered by such insurance will have priority over the mortgage thereon. If, however, in any case the sum received be less than \$100, the bank may pay over such sum to or for the account of the mortgagor upon assurance satisfactory to the bank that such sum will be used for the recon-

struction of the building involved and that there will be no lien against such building which would have priority over the mortgage.

§ 10.195 *Application of loss proceeds to mortgage debt.* If the mortgagor fails or refuses to exercise his option in accordance with these regulations, or to comply with all of the conditions of these regulations with respect thereto, or if the mortgage be in process of foreclosure, or if the mortgagor be in default in such manner that the mortgage is subject to foreclosure, the sum received may be retained for application upon the indebtedness secured by such mortgage or as collateral security therefor. Any portion of the sum received which is not used for reconstruction or withheld for cost of appraisal and investigation in accordance with § 10.190 of these regulations may also be retained for application upon the indebtedness or as collateral security therefor.

Section 10.196 is revoked.

§ 10.197 *Conditional release of loss proceeds.* No insurance proceeds may be released unconditionally to a borrower or a junior lienor except for the purpose and under the conditions hereinbefore set forth, unless the remaining security meets the security requirements for a new loan. Exceptions to this requirement may be made only where it is clearly to the best interest of the mortgagee to do so. Where insurance proceeds are released unconditionally to a borrower or junior lienor the procedure governing the release of funds received from the sale of part of the security shall be followed so far as applicable.

These regulations shall become effective July 16, 1943.

[SEAL] W. E. RHEA,  
Land Bank Commissioner.

[F. R. Doc. 43-11052; Filed, July 9, 1943; 10:27 a. m.]

PART 12—FEDERAL FARM MORTGAGE CORPORATION

INSURANCE REQUIREMENTS FOR COMMISSIONER LOANS

Effective July 16, 1943, §§ 12.199, 12.200, and 12.201 of Title 6, Code of Federal Regulations, are revoked.

[SEAL] W. E. RHEA,  
Land Bank Commissioner.

[F. R. Doc. 43-11051; Filed, July 9, 1943; 10:27 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-13]

PART 701—AGRICULTURAL CONSERVATION PROGRAM<sup>1</sup>

COTTON

Pursuant to the authority vested in the Secretary of Agriculture under sections

<sup>1</sup> Subpart E-1943.



7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.401 (b) (4) is amended to read as follows:

§ 701.401 *Allotments, yields, and grazing capacities.* \* \* \*

(b) *Cotton.* \* \* \*

(4) "Acreage planted to cotton" means all land seeded to cotton, except that the acreage planted to cotton on any farm shall not exceed the largest of 110 percent of the cotton allotment, the acreage of cotton on the farm when performance is determined, or the acreage of cotton which reaches the stage of growth at which bolls are first formed: *Provided*, That any acreage on which all of the cotton produced is determined to staple 1½ inches or more in length will not be considered as planted to cotton. (Cotton produced from pure strains of Sea Island or American-Egyptian seed will be considered to staple 1½ inches or more in length, provided all such cotton is ginned on a roller gin.)

Done at Washington, D. C., this 8th day of July 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-11063; Filed, July 9, 1943; 11:17 a. m.]

#### Chapter X—War Food Administration

[FPO 5, Rev.]

##### PART 1206—FERTILIZER

###### DELIVERY AND USE OF FERTILIZER

###### Correction

The thirteenth entry for Ohio in the middle column of page 9275, issue of Wednesday, July 7, 1943, should read "4-12-4" instead of "4-12-41".

[FPO 10, Amdt. 1]

##### PART 1206—FERTILIZER

###### CHEMICAL FERTILIZER IN PUERTO RICO

###### Correction

In the document appearing on page 9275 of the issue for Wednesday, July 7, 1943, the redesignation of paragraph (i) *Obtaining fertilizer on a ration card* should read "(i)" instead of "(1)".

#### TITLE 10—ARMY: WAR DEPARTMENT

##### Chapter I—Aid of Civil Authorities and Public Relations

###### PART 7—MANUFACTURE OF DECORATIONS

Sections 7.1 to 7.11 inclusive are rescinded and new §§ 7.1 to 7.6 are substituted as follows:

Sec.

7.1 General.

7.2 Use of designs or likenesses of insignia in manufacture of articles for public sale.

Sec.

7.3 Sales, to whom authorized.

7.4 Sale by War Department for exhibition purposes.

7.5 Use and possession of articles and devices prescribed by War Department.

7.6 Photographing, printing, etc., of decorations, medals, badges, insignia, and identification cards.

AUTHORITY: §§ 7.1 to 7.6 issued under 42 Stat. 1286 as amended by 45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342 as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b.

SOURCE: These regulations are also contained in AR 600-90, 26 June 1943, the particular paragraphs being shown in brackets at end of sections.

§ 7.1 *General.* The Quartermaster General is designated as the procurement officer for all insignia used or authorized by the War Department for wear by military personnel. All articles of insignia prescribed for wear by such personnel as may be required to purchase their own insignia will be dispensed through Army exchanges and quartermaster sale stores. [Par. 2]

§ 7.2 *Use of designs or likenesses of insignia in manufacture of articles for public sale.* Designs or likenesses of War Department insignia, as distinguished from decorations, medals, and badges, may be incorporated in the manufacture of articles for public sale only after the designs of the articles to be manufactured have been approved, in writing, by the Secretary of War. No article to be manufactured which incorporates a design or likeness of War Department insignia and which proposes the use of strategic metal, will be approved. [Par. 3]

§ 7.3 *Sales, to whom authorized.* (a) Sales of miniature replicas, the fourragere, lapel buttons, clasps, bronze stars, and ribbons will be made only to persons exhibiting the decoration or service medal awarded by the War Department or the certificate of award or official copy of citation order.

(b) Sales of good conduct and service medals, War Department General Staff identification, aviation badges, badges for marksmanship, gunnery, bombing, etc., will be made only to persons exhibiting some official paper or document, such as discharge certificate or true copy thereof, a letter from an officer of the War Department, or other official document, containing definite proof of service or authority to wear.

(c) If the intending purchaser is unable to furnish the evidence required, he should be directed to make application to The Adjutant General for the required proof.

(d) Insignia, including buttons, as distinguished from decorations, medals, and badges prescribed or authorized by the War Department, may be sold by authorized dealers only to persons who present official War Department identification indicating their right to wear such insignia.

(e) Insignia of grade, arm or service may be purchased by members of the State Guard who present official identification of such membership issued by a State adjutant general. The sale of buttons, cap devices, and other insignia

authorized for use on uniforms of Federal forces to members of the State Guard is prohibited. [Par. 4]

§ 7.4 *Sale by War Department for exhibition purposes—(a) Decorations.* See § 78.7

(b) *Service medals.* See § 78.30.

(c) *Good Conduct Medals.* See § 78.37. [Par. 5]

§ 7.5 *Use and possession of articles and devices prescribed by War Department.* (a) The wearing of any decoration, medal, badge, or insignia prescribed or authorized by the War Department, by any person for whom such decoration, medal, badge, or insignia is not authorized or prescribed, or their use to misrepresent the identification or status of the person by whom worn, is prohibited. Any person who offends against this provision is subject to punishment by a fine not exceeding \$250, or by imprisonment not exceeding 6 months, or both. See act 24 February 1923 (42 Stat. 1286) as amended by act 21 April 1928 (45 Stat. 437); 10 U.S.C. 1425.

(b) Except as prohibited in paragraph (a) above, the possession by any person of any of the articles prescribed by the War Department, specified by the acts cited in paragraph (a) above, is authorized, unless such possession is used to defraud or misrepresent the identification or status of the individual concerned.

(c) The articles specified by the acts cited in paragraph (a) of this section, or any distinctive parts or colorable imitation thereof, will not be used by any organization, society, or other group of persons without prior approval of the Secretary of War. [Par. 6]

§ 7.6 *Photographing, printing, etc., of decorations, medals, badges, insignia, and identification cards.* (a) Unless such reproduction brings discredit upon the military service or is used to defraud or to misrepresent the identification or status of an individual, organization, society, or other group of persons, the photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any decoration, medal, badge, insignia, or similar article, or of any colorable imitation thereof, of the design prescribed by the Secretary of War for use by any officer of subordinate of the War Department, is authorized.

(b) The reproduction of the likeness of any identification card prescribed by the War Department is not authorized without prior approval of the Secretary of War.

(c) Except when used to illustrate the particular article offered for sale, the use for advertising purposes of any engraving, photograph, print, or impression in the likeness of any War Department decoration, medal, badge, insignia, or similar article is not authorized without the prior approval of the Secretary of War. [Par. 7]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 43-11050; Filed, July 9, 1943; 10:27 a. m.]



**TITLE 30—MINERAL RESOURCES**  
**Chapter VI—Solid Fuels Administration for War**

**PART 602—GENERAL ORDERS AND DIRECTIVES**  
**[Order 1]**

ORDER DIRECTING PRODUCERS, WHOLESALERS, DISTRIBUTORS AND DOCK OPERATORS, TO MAINTAIN AND FILE CERTAIN RECORDS AND INFORMATION

In order to administer the provisions of Executive Order No. 9332 (8 F.R. 5355) and Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832), it is necessary that certain records be maintained and information and data hereinafter described be filed with the Solid Fuels Administration for War, Washington, D. C.

Accordingly, this order is issued, pursuant to the provisions of Executive Order No. 9332 and Solid Fuels Administration for War Regulation No. 1.

§ 602.21 *Definitions.* (a) "Anthracite" means that coal generally referred to as Pennsylvania anthracite and which is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna and Wayne.

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

(c) "Producer" means all persons engaged in the business of mining or preparing anthracite.

(d) "Wholesaler" or "Distributor" means all persons who purchase any amount of anthracite for resale in not less than carload or bargeload lots, or for resale to others for further resale.

(e) "Dock operator" means all persons who purchase or handle for other persons any amount of anthracite, which has been shipped via water.

§ 602.22 *Information and reports to be filed; records to be maintained.* All producers, wholesalers, distributors and dock operators shall, with respect to anthracite, file not later than July 26, 1943, with the Solid Fuels Administrator for War, Department of the Interior, Washington, D. C., the information and data, required by the forms and in accordance with the instructions attached hereto and made a part hereof, and shall maintain such records, invoices, inventories, slips, copies of journal entries, debit, credit, or other memoranda necessary to file the information and data required by the attached forms.

§ 602.23 *Penalties.* Any person who wilfully violates or fails to comply with any provision of this order, or who by any act or omission, makes any statement or entry false in any material respect in any document or report required to be kept or filed under this Order, is guilty of a crime and on conviction may be punished by fine or imprisonment.

§ 602.24 *Effective date of order.* This order shall take effect on the date of issuance.

(E.O. 9332, 8 F.R. 5355; 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.; Solid Fuels Administration for War Regulation No. 1, 8 F.R. 5832)

Issued this 6th day of July 1943.

HAROLD L. ICKES,  
*Solid Fuels Administrator for War.*

[F. R. Doc. 43-11059; Filed, July 9, 1943; 10:47 a. m.]

**TITLE 32—NATIONAL DEFENSE**

**Chapter VI—Selective Service System**

[No. 194]

**DISCONTINUANCE OF DESIGNATED FORMS**

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. No. 8545, 5 F.R. 3779, E.O. No. 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:

Discontinuance of DSS Form 120, entitled "Individual Employment Data Record for Reemployment Committees," and DSS Form 129, entitled "Reemployment Committee Report on Released or Discharged Man," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing discontinuance 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.*

JULY 8, 1943.

[F. R. Doc. 43-11012; Filed, July 8, 1943; 4:18 p. m.]

**Chapter IX—War Production Board**

**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 1010—SUSPENSION ORDERS**

[Suspension Order S-358]

**B. A. CHAPLOW LUMBER COMPANY**

B. A. Chaplow Lumber Company is engaged in business at 8675 East Seven-Mile Road, Detroit, Michigan, as a retail vendor of lumber, coal, coke and builders' supplies.

Between September 8, 1942, and October 27, 1942, the company placed orders for substantial quantities of softwood lumber and extended to those orders preference ratings which had not been applied to any orders received by the company from its customers. The company later accepted a substantial portion of this softwood lumber which it had

incorrectly ordered. The erroneous extension of these preference ratings and the acceptance of softwood lumber on orders which did not bear valid preference ratings were violations of Conservation Order M-208 as amended and Priorities Regulation No. 3 as amended.

The company also failed to keep and preserve accurate and complete records of its transactions in lumber, and its inventory records of lumber were also inadequate. These actions constituted a violation of Priorities Regulation No. 1 as amended.

The responsible officers of the company had full knowledge of the provisions of Conservation Order M-208, Priorities Regulation No. 1 and Priorities Regulation No. 3; consequently, the violations of these three orders were wilful and have hampered and impeded the war effort of the United States and have diverted critical materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered, That:*

§ 1010.358 *Suspension Order No. S-358.* (a) B. A. Chaplow Lumber Company, its successors and assigns, shall not purchase, order or accept deliveries of any softwood lumber as defined in Conservation Order M-208 as amended, unless hereafter specifically authorized in writing by the War Production Board.

(b) No person shall sell, ship or deliver lumber on orders placed by B. A. Chaplow Lumber Company for delivery to it or to any other person, unless hereafter specifically authorized in writing by the War Production Board.

(c) Deliveries of material on orders or contracts placed directly or indirectly by B. A. Chaplow Lumber Company, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(d) No allocations shall be made to B. A. Chaplow Lumber Company, its successors or assigns, of any material, the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(e) Nothing contained in this order shall be deemed to relieve B. A. Chaplow Lumber Company, its successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(f) The provisions of this order shall not be applicable to lumber which is actually in transit to the respondent on the effective date of this order, nor which is received, used or required for use in filling orders bearing preference ratings of AA-1 or higher.

(g) This order shall take effect July 13, 1943 and shall expire October 13,



1943, at which date it shall have no further force and effect.

Issued this 8th day of July 1943.

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

[F. R. Doc. 43-11031; Filed, July 8, 1943;  
4.58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-359]

J. R. MINER

J. R. Miner of Bakersfield, California, while occupied as a carpenter and building contractor began the construction of a nine unit auto court located on U. S. Highway No. 99 at Garden Acres, near Bakersfield, California. This construction was begun after December 5, 1942 and the estimated cost was approximately \$10,000, which exceeded the amount permissible under Conservation Order L-41. At the time that he began construction, J. R. Miner was familiar with the provisions of that Order and hence the beginning of construction as aforesaid constituted a wilful violation of Conservation Order L-41. In view of the foregoing: *It is hereby ordered That:*

§ 1010.359 *Suspension Order No. S-359*—(a) Neither J. R. Miner, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant to continue or complete construction or alteration of said auto court located at Garden Acres, near Bakersfield, California, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve J. R. Miner from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 15, 1943.

Issued this 8th day of July 1943.

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

[F. R. Doc. 43-11032; Filed, July 8, 1943;  
4.58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-361]

NEWBURGH STEEL COMPANY

Newburgh Steel Company is a Michigan corporation engaged in the business of maintaining and operating a warehouse at 2995 Hubbard Avenue, Detroit, Michigan.

During June and July 1942 Newburgh Steel Company accepted, without having a quota therefor, deliveries of steel plate in the amount of 50 tons, and deliveries

of hot rolled bars in the amount of 80 tons.

These violations of Supplementary Order M-21-b have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered, That:*

§ 1010.361 *Suspension Order No. S-361*. (a) From the effective date of this order through September 30, 1943 Newburgh Steel Company, its successors and assigns, shall not accept deliveries of steel from any steel producer, for sale or resale in the form received, unless hereafter specifically authorized in writing by the War Production Board.

(b) For the purposes of this order, "steel" as used herein shall bear the same meaning as defined in paragraphs (b) of General Preference Orders No. M-21-b-1 and No. M-21-b-2, and shall include any steel purchased from idle or excess inventories as defined in paragraph (d) of General Preference Order No. M-21-b-1 and paragraph (i) of General Preference Order No. M-21-b-2, the provisions of those paragraphs to the contrary notwithstanding.

(c) Nothing contained in this order shall be deemed to relieve Newburgh Steel Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect as of the date of issuance and shall expire on September 30, 1943.

Issued this 8th day of July 1943.

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

[F. R. Doc. 43-11033; Filed, July 8, 1943;  
4.58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-362]

MORGAN COUNTY RURAL ELECTRIC  
ASSOCIATION

Morgan County Rural Electric Association is a non-profit corporation organized in 1937 to furnish electric energy to its members. It operates under the supervision of the Rural Electrification Administration. Its headquarters are at Fort Morgan, Colorado. It has erected about 500 miles of electric lines which serve its members, mostly farmers, located in several adjacent counties. From January 1, 1942, to September 30, 1942, the Association made withdrawals from stores and inventories of materials aggregating \$75,728.42, in violation of Preference Rating Order No. P-46. During the same period the Association accepted deliveries of materials before its inventory and stores of items of materials of the same class had been reduced to a practicable working minimum, in violation of Preference Rating Order No. P-46. During each calendar quarterly period from January 1, 1942, to September 30, 1942, the Association

accumulated inventories of materials for use in its operations of a value of \$105,842.46. Its practicable minimum working inventory reasonably necessary to carry on its operations did not then, and does not now, exceed \$10,000. This inventory was increased to \$107,838.00 by December 31, 1942, while an investigation of the Association was being made by War Production Board, with the knowledge of the Association. These acts constituted wilful and significant violations of Preference Rating Order No. P-46 and of Priorities Regulation No. 1, with which the superintendents, officers and directors of Morgan County Rural Electric Association were familiar during 1942.

Scarce materials were accumulated by the respondent to an extent unauthorized by the War Production Board, and these violations have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered, That:*

§ 1010.362 *Suspension Order No. S-362*. (a) Morgan County Rural Electric Association shall dispose of its inventories of supplies and materials through, or in the manner specifically authorized in writing by, the Denver Regional Office of the Utilities Inventory Control Branch of the Office of War Utilities of the War Production Board, to the extent that the inventories will be reduced to a practicable minimum working inventory, as prescribed in War Production Board Utilities Orders Nos. U-1 and U-1-c: *Provided*, That the reduced inventory shall not at any time exceed \$10,000 in the aggregate value, unless hereafter specifically authorized in writing by the War Production Board.

(b) Until the inventories of materials and supplies of Morgan County Rural Electric Association have been reduced to a practicable minimum working inventory, as above provided, deliveries of supplies and materials to the Association, its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board: *Provided, however*, That if at any time certain items of materials or supplies are not then in the inventory of the Association, and are required in its operations, the Association may be authorized to apply or extend ratings and to issue orders to obtain those items upon receiving specific authorization in writing from the Regional Director of the Denver Regional Office of the War Production Board. The Regional Director of the Denver Regional Office of the War Production Board is hereby delegated authority to authorize the purchase and receipt by Morgan County Rural Electric Association of materials or supplies required for its operations but not in its inventory, and to apply or extend the necessary ratings to consummate such purchases.



(c) Nothing contained in this order shall be deemed to relieve Morgan County Rural Electric Association, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect as of the date of issuance.

Issued this 8th day of July 1943.

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

[F. R. Doc. 43-11034; Filed, July 8, 1943;  
4.58 p. m.]

#### PART 1050—DISTILLED SPIRITS

[Amdt. 1 to General Preference Order M-69,  
as Amended Oct. 13, 1942]

Section 1050.1 (General Preference Order M-69) is hereby amended in the following respects:

1. By renumbering paragraphs (f) and (g) to read "(g)" and "(h)".

2. By adding a new paragraph (f) reading:

(f) *Directions as to use of materials.* War Production Board may from time to time issue directions to producers as to the kinds of raw materials which may be used in the production of distilled spirits or high wines.

Issued this 9th day of July 1943.

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

[F. R. Doc. 43-11070; Filed, July 9, 1943;  
11:47 a. m.]

#### PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b as Amended  
July 9, 1943]

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

§ 1041.2 *Preference Rating Order P-98-b.*

##### *Purpose and Scope*

(a) *Purpose.* The purpose of this order is to make available methods by which an operator may acquire deliveries of material for essential production and construction operations as well as for maintenance or repair purposes or as operating supplies. This order also applies to the use of material in certain construction operations and establishes uniform standards by which operators in the petroleum industry may obtain and use their necessary material requirements for the effective continuance of necessary petroleum industry operations.

From time to time supplementary orders or directions will be issued to operators covering the use of allotment

numbers, symbols or preference ratings or the delivery or use of material and informing them of modifications in the programs and policies of the War Production Board or the Petroleum Administration for War.

(b) *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) "Operator" means:

(i) Any person located in the United States, its territories or possessions to the extent that he is engaged in the petroleum industry (Domestic operator); or

(ii) Any person located in the Dominion of Canada to the extent that he is engaged in the petroleum industry and to whom and in whose name a copy of this order or of Preference Rating Order P-98, Extended and Amended, is or has been specifically issued and to whom a serial number has been assigned (Canadian operator).

(3) "Supplier" means any person with whom a delivery order is placed for delivery of material to an operator or to another supplier.

(4) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(5) Except as provided in Schedule B hereof, "petroleum industry" means any operation directly incident to:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline production);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, refining or compounding of finished or unfinished petroleum products (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and shall include for each of the above listed branches of the industry, to the extent applicable therein, the investigation into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories.

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

(7) "Production operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to production.

(8) "Construction operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to natural gasoline production, transportation, refining or marketing.

(9) "Maintenance or repair" means that use of material specified in Schedule A hereof.

(10) "Operating supplies" means any material (other than material used for maintenance or repair purposes) which is essential to and consumed in the petroleum industry and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense.

(11) "Research laboratory material" means material used exclusively for the purpose of carrying out investigations into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories, except that such material shall not include material for use in the construction of laboratory buildings or other structures.

(12) "Controlled material", "Class A product" and "Class B product" shall have the same meanings, respectively, as in CMP Regulation No. 1 of the War Production Board.

(13) "Allotment" means a determination by the Petroleum Administration for War or a further determination by any operator or secondary consumer as to the portion of its allotment of controlled materials which may be received by an operator or a secondary consumer, as the case may be.

(14) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(15) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in paragraph (j) of this order or which is specifically designated to be such by any regulation or order of the Petroleum Administration for War or the War Production Board.

NOTE: Paragraphs (12) through (15) redesignated July 9, 1943.

(c) *Restrictions on scope of order.*

(1) No operator may use an allotment number or symbol or apply a preference rating to secure delivery of any material which may be acquired under this order other than in accordance with the applicable provisions of this order: *Provided, however,* That an operator who, but for the terms of this subparagraph, would be required by Priorities Regulation No. 9 to utilize the method provided in that regulation to obtain priorities assistance for export, shall continue to obtain priorities assistance in the manner provided by Priorities Regulation No. 9, as amended from time to time.

(2) No operator may apply a preference rating to obtain delivery of any material specified or referred to on Schedule "C" except in conformity with the directions set forth on that schedule.



(3) Any allotment number or symbol issued or any preference rating assigned to any operator prior to May 15, 1943 shall not be considered revoked by the provisions of subparagraph (1) of this paragraph (c).

#### MRO Material

(d) Method of securing MRO material and laboratory equipment. (1) To secure delivery of research laboratory material or material for maintenance or repair purposes or as operating supplies—including without limitation controlled materials, Class A, or Class B products—an operator is hereby authorized to use allotment symbol MRO-P-98-b and a preference rating of AA-1, except for such material to be used in retail marketing (service station operations), to secure the delivery of which a preference rating of AA-5 is hereby authorized. Material delivered or to be delivered for use as research laboratory material, or for maintenance or repair purposes or as operating supplies is referred to as "MRO material".

(2) In placing an allotment symbol and preference rating on a delivery order for MRO material, the operator shall endorse upon such delivery order the certification provided in paragraph (1).

(3) Any operator requiring aluminum (in any of the forms or shapes constituting a controlled material) as essential MRO material, where the use of other material for this purpose is impracticable, may obtain such aluminum from a controlled materials producer or from an approved aluminum warehouse in amounts of not to exceed 100 pounds from all sources during any one calendar quarter, only by endorsing upon any delivery order the certification provided in paragraph (1).

Any operator requiring aluminum as essential MRO material (in any of the forms or shapes constituting a controlled material) in amounts in excess of 100 pounds from all sources during any one calendar quarter, where the use of other material for this purpose is impracticable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarter by a letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington, D. C., Ref: MRO. Such letter should contain substantially the information called for by paragraphs (d) (1) to (d) (6) of Supplementary Order M-1-1, as amended March 10, 1943. Such operator may place authorized controlled material orders, based on any allotment received pursuant to such application, with a controlled materials producer or an approved aluminum warehouse only by using the certification provided in paragraph (1).

(4) Prior to placing with a supplier a delivery order for MRO material bearing the certification provided in paragraph (1), each operator shall submit copies of delivery orders to the Petroleum Administration for War or the Office of Oil Controller, as follows:

(i) Where Schedule D is applicable, submission shall be made in the manner and to the places specified therein. If Schedule D is not applicable:

(ii) Where the total cost to the operator of all items on the delivery order is \$100.00 or more, but less than \$1000.00, and the cost of every item on the delivery order is less than \$500.00, one copy of such delivery order shall be submitted.

(iii) Where the total cost to the operator of all items on the delivery order is \$1000.00 or more and the cost of every item on the delivery order is less than \$500.00, two copies of such delivery order shall be submitted.

(iv) Where the cost to the operator of any item on the delivery order is \$500.00 or more, two copies of such delivery order shall be submitted.

No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than \$100.00.

When the delivery order is for MRO material to be used in production, a domestic operator shall submit such delivery order to the district office of the Petroleum Administration for War in the district where the material is to be used. When the delivery order is for MRO material to be used in any other branch of the industry, a domestic operator shall submit such delivery order: (a) to a district Office of the Petroleum Administration for War (in the district in which the material will be used or in which the purchasing office of the operator is located, as the operator may elect) where such delivery order is to be submitted in accordance with paragraphs (d) (4) (ii) or (d) (4) (iii); or (b) to the Washington Office of the Petroleum Administration for War where such delivery order is to be submitted in accordance with paragraph (d) (4) (iv). A Canadian operator shall, in every instance, submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each such delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which the material is to be used, the price, quantity and description of the material on the delivery order (including weight if a controlled material), and, where applicable, such additional information as may be necessary to enable the proper official to make an accurate determination of the operator's needs.

(5) No operator may place with a supplier any delivery order submitted in accordance with paragraph (d) (4) (iii) or (d) (4) (iv) until approval has been received from the Petroleum Administration for War or the Office of Oil Controller.

(6) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item or subdivide an ordinary purchase of any item or items for the purpose of making it appear that an item costs less than \$500.00; that the total cost of all items on the delivery

order is less than \$1000.00; or that the total cost of all items on the delivery order is less than \$100.00.

(e) Emergency provisions for securing MRO material. (1) If there has been an actual breakdown or suspension of operations and if the method specified in paragraph (d) for using the allotment symbol, preference rating or certification will not permit an operator to obtain MRO material on the date and in the quantity required, the operator may request authority to obtain delivery of such material by communicating by letter, telegram or telephone with the Petroleum Administration for War, Washington, D. C., Ref: P-98-b, supplying the following information:

(i) Date of actual breakdown or suspension of operations and exact explanation as to what extent operations are affected;

(ii) Description of equipment to be repaired and its function in maintaining continuous operation;

(iii) Price, quantity, and detailed description of necessary material (including weight if a controlled material) and number and date of delivery order(s) therefor.

Whenever any of the above information is furnished by telephone, the operator shall confirm such information within three days by a letter or telegram. No delivery order for MRO material for emergencies need be submitted.

(2) No operator may place with a supplier a delivery order, covering the delivery of material for which approval has been requested pursuant to paragraph (e) (1), until approval has been received from the Petroleum Administration for War or the War Production Board. In placing any such delivery order after receipt of approval, the operator shall use the certification provided in paragraph (1).

#### Material for Production Operations

(f) Method of securing material for production operations. (1) Any domestic operator, who during the year 1942 drilled 40,000 feet of hole or more, may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a production operation, only by submitting to the district office of the Petroleum Administration for War in the district where the material is to be used Form WPB-2565 [formerly PD-873] at least four months prior to the calendar-quarter in which such material is to be delivered. Notwithstanding this provision, any such operator may request interim assistance to obtain additional quantities of material for a production operation, or any domestic operator who during the year 1942 drilled less than 40,000 feet of hole, may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number or preference rating for a production operation, only by submitting to the district office of the Petroleum Administration for War in the district where the material is to be used Form WPB-2565 [formerly PD-873]



not less than one month prior to the time the operator proposes to initiate or to obtain delivery of material for such production operation.

(2) Any Canadian operator may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a production operation, only by submitting to the Office of Oil Controller of the Dominion of Canada Form WPB-2565 [formerly PD-873] not less than one month prior to the time the operator proposes to initiate or to obtain delivery of material for such production operation.

(3) Submission of Form WPB-2565 [formerly PD-873] to the Petroleum Administration for War or the Office of Oil Controller shall constitute an application for an allotment of controlled materials, an application for an allotment number and preference rating, and, subject to the applicable provisions of Petroleum Administrative Order No. 11, as amended and supplemented from time to time, an application for authority to use an allotment number and preference rating to secure delivery of material necessary for the production operation(s) specified on such form. The Petroleum Administration for War or the Office of Oil Controller may thereafter make an allotment and authorize the use of an allotment number and preference rating to secure delivery of material necessary for the production operation(s) specified on such form. Such allotment and authorization will be made on Form WPB-2565 [formerly PD-873].

(4) In the event that authority to use an allotment number and preference rating is granted to the operator, the operator may use such allotment number and preference rating by placing them upon the delivery order for material to be used in the production operation(s) specified on Form WPB-2565 [formerly PD-873] and by certifying the delivery order as provided in paragraph (1).

(5) Prior to placing with a supplier a delivery order bearing an allotment number and preference rating for the delivery of any material (other than MRO material) to be used in a production operation, each operator shall submit copies of delivery orders to the Petroleum Administration for War or the Office of Oil Controller, as follows:

(i) Where the total cost to the operator of all items on the delivery order is \$100.00 or more, but less than \$1000.00, and the cost of every item on the delivery order is less than \$500.00, one copy of such delivery order shall be submitted.

(ii) Where the total cost to the operator of all items on the delivery order is \$1000.00 or more or where the cost to the operator of any item on the delivery order is \$500.00 or more, two copies of such delivery order shall be submitted.

No delivery order need be submitted by an operator where the total cost to the

operator of all items on the delivery order is less than \$100.00.

A domestic operator shall submit such delivery order to the District Office of the Petroleum Administration for War in the District where the material is to be used. A Canadian operator shall submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each such delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the serial number of the Form WPB 2565 (formerly PD-873) which was returned to him as authority to acquire the material, the specific use to which the material is to be put, and the price, quantity and description of material on the delivery order.

(6) No operator may place with a supplier any delivery order submitted in accordance with paragraph (f) (5) (ii) until approval has been received from the Petroleum Administration for War or the Office of Oil Controller.

(7) In placing a delivery order bearing an allotment number and preference rating for material to be used in a production operation, no operator shall alter the customary designation of any item or subdivide an ordinary purchase of any item or items for the purpose of making it appear that an item costs less than \$500.00; the total cost of all items on the delivery order is less than \$1000.00; or the total cost of all items on the delivery order is less than \$100.00.

#### Material for Construction Operations

(g) *Authorization required for certain construction operations.* No operator may accept delivery of, acquire, or use material in a construction operation except in accordance with Schedule E hereof.

(h) *Method of securing material for construction operations.* (1) Any domestic operator may apply for authority to obtain delivery of material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a construction operation, only by submitting to the Petroleum Administration for War those forms at such times as may be specified in Schedule E hereof. Any Canadian operator may apply for authority to obtain delivery of material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a construction operation, only by submitting to the Office of Oil Controller of the Dominion of Canada those forms at such times as may be specified in Schedule E hereof.

(2) Submission of the proper form for a specific construction operation as specified in Schedule E hereof shall constitute an application for an allotment of controlled material, an application for an allotment number and preference rating, an application for authority to use an allotment number and preference rating, and, subject to the applicable provisions of Schedule E hereof, an application for authorization to accept delivery of or acquire material

and to initiate the construction operation(s) specified in the form submitted. The Petroleum Administration for War, the Office of Oil Controller, or the War Production Board may thereafter make an allotment and authorize the use of an allotment number and preference rating to secure delivery of material necessary for the construction operation(s) specified in or authorized pursuant to an application submitted in accordance with Schedule E hereof.

(3) In the event that authority to use an allotment number and preference rating is granted to the operator, the operator may use such allotment number and preference rating by placing them upon the delivery order for material to be used in the specified construction operation(s) and by certifying the delivery order as provided in paragraph (1).

(4) Preference ratings assigned to construction operation(s) may be applied or extended only for the purpose of acquiring those items of material specifically approved in connection with the construction operation(s) specified in or authorized pursuant to an application submitted in accordance with Schedule E hereof; and authorized controlled material orders may be placed only for the purpose of acquiring those items of controlled material specified for use in the construction operation(s).

(5) Any application upon the required form specified in Schedule E hereof for a construction operation located in the United States, its territories or possessions shall be submitted to the Petroleum Administration for War, Washington, D. C., or to such other place as may be specifically designated in Schedule E hereof. Any such application for a construction operation located in the Dominion of Canada shall be submitted to the Office of Oil Controller of the Dominion of Canada.

#### Allotments, Placement of Orders, General

(i) *Allotments in production or construction operations.* In certain instances an operator, who has obtained the necessary allotment of controlled materials for a production or construction operation, may require the manufacture and installation of certain Class A products or may undertake the construction operation through a construction contractor. In either case it may be necessary for the operator to allot a portion of his allotment to the Class A product manufacturer or to the contractor (each of whom then becomes a secondary consumer) for reallocation or the placement of controlled material orders. Any operator making such an allotment shall follow the procedures established therefor in CMP Regulation No. 1, except as otherwise modified by this order. A secondary consumer who receives any such allotment shall not be bound by the provisions of this order and must rely upon existing procedures other than those established by this order in securing necessary material.

(j) *Placement of delivery orders; application of preference ratings.* (1) An operator who has complied with the provisions of paragraph (d), (e), (f) or (h)



of this order may place a delivery order with any supplier for delivery of material authorized pursuant to such paragraph and may place upon such delivery order the allotment number or symbol and preference rating which have been duly authorized in accordance with the provisions of this order.

(2) Any delivery order rated under this order shall be identified by placing thereon the allotment number or symbol authorized pursuant to the provisions of this order. Any delivery order rated pursuant to this order and bearing the certification provided for in this order shall have the same status as an order bearing an allotment number or symbol and preference rating under CMP Regulation No. 3. The allotment symbol MRO-P-98-b shall constitute an allotment symbol for the purpose of CMP Regulation No. 3.

(3) Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order shall constitute an authorized controlled material order: *Provided*, That such delivery order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(4) The allotment number referred to in this paragraph (j) or endorsed upon any delivery order bearing the certification provided for in this order shall be the abbreviated allotment number prescribed by paragraph (c) (6) (ii) of CMP Regulation No. 1, including as the last two digits, the number of the month in which delivery is requested in place of the number identifying the quarter for which the allotment received is valid.

(k) *Use, cancellation, or reduction of allotments.* (1) When an allotment received by an operator is not reallocated, or authorized controlled material orders therefor are not placed, within 30 days of receiving the allotment, the operator shall promptly notify the Petroleum Administration for War in Washington, D. C., or the Office of Oil Controller in Toronto, Canada, of this fact and of the extent to which the allotment has not been reallocated or authorized controlled material orders therefor have not been placed. In the event that an operator elects not to use an allotment which has been received by him, he shall, within 30 days of receiving the allotment, notify the Petroleum Administration for War in Washington, D. C. or the Office of Oil Controller in Toronto, Canada of this fact and of the extent to which he has elected not to use the allotment, together with the reasons therefor.

(2) An operator who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. Where an allotment received by an operator is cancelled, he must cancel all allotments which he has made and all authorized controlled material orders which he has placed, on the basis of the allotment; and where an allotment received by an

operator is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. In the event that this course of action is impracticable, the operator shall immediately report to the Petroleum Administration for War or the Office of Oil Controller for instructions.

(l) *Certification.* An operator may use any allotment number or symbol or preference rating authorized pursuant to this order only by endorsing upon his delivery order a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

The undersigned purchaser certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

This certification may be used in lieu of any other certification required by any CMP regulation to be endorsed on a delivery order or to be furnished therewith. Any certification provided for in this order, so used, shall be construed to be a representation of facts in the same manner and to the same extent as any specific certification required by any CMP regulation.

(m) *Restoration of inventories.* An operator may, subject to the provisions of this order, use the allotment number or symbol and the preference rating duly authorized in accordance with the provisions of this order to restore to a practical working minimum his inventory of material where the inventory has been depleted through use of MRO material or material necessary to a production or construction operation: *Provided*, That no delivery of material which would result in surplus material, as defined in Preference Rating Order P-98-c, may be accepted by any operator.

(n) *Restrictions.* No operator may use the allotment number or symbol or the preference rating duly authorized in accordance with the provisions of this order:

(1) To obtain delivery of material in greater amounts or on earlier dates than required to fulfill the purpose authorized pursuant to the provisions of this order.

(2) To obtain delivery of material for any purpose other than a purpose authorized pursuant to the provisions of this order.

(3) To obtain delivery of material which can be secured without the use of an allotment number or symbol or preference rating.

(4) To obtain delivery of material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material, or by change of design.

(5) To obtain delivery of material in such amounts or at such dates that receipt of such amounts on the requested

dates would result in surplus material, as defined in Preference Rating Order P-98-c.

(6) To obtain deliveries of material on or after August 1, 1943 unless such operator is a participant in the PAW Materials Redistribution Program No. 2 in the event that participation by the operator in such program is required by the terms of the program.

(o) *Applicability of other orders and regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable orders or regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulation Nos. 2, 5, or 6 (or the limitations incorporated in any CMP regulation which otherwise would subject an operator to the provisions of CMP Regulation Nos. 2, 5, or 6) shall apply to an operator and no operator shall obtain any material under or be limited by the provisions of such regulations or limitations. The provisions of paragraphs (i), (s), (s-1) and (u) of CMP Regulation No. 1 shall not apply to an operator who secures delivery of material in accordance with the provisions of this order and no such operator shall to this extent be limited by the provisions of these paragraphs of CMP Regulation No. 1. None of the provisions of Limitation Order L-41, as amended from time to time, shall apply to an operator as such operator is limited by the provisions of such order.

(p) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

(q) *Communications.* All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(1) By any person located in the United States, its territories or possessions to: Petroleum Administration for War, Interior Building, Washington, D. C., Ref: P-98-b.

(2) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref: P-98-b.

Wherever communications are specifically directed to be addressed to a District Office of the Petroleum Administration for War such communications shall be addressed to the District Office for the appropriate area as specified in Schedule F hereof.

(r) *Violations.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the Petroleum Administration for War or the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or



using material under priority control and may be deprived of priorities assistance by the War Production Board.

NOTE: Paragraphs (q) and (r) redesignated July 9, 1943.

Issued this 9th day of July 1943.

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

#### SCHEDULE A

"Maintenance or repair" means, without regard to accounting practice, any use of material:

(1) In production, natural gasoline production, transportation or refining for any of the following purposes:

(i) The upkeep of material or equipment in a sound working condition;

(ii) The restoration of material or equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction, failure of parts or similar causes; or

(iii) Any other production or construction operation not exceeding in material cost \$500 for any one complete operation which has not been subdivided for the purpose of coming within this definition:

*Provided*, That upkeep or restoration shall not include any use of material for the improvement of material or equipment by the replacement of material which is still serviceable in the existing material or equipment; *And provided further*, That maintenance or repair shall not include the installation or replacement of pumping or other artificial lifting equipment or the deepening or plugging back of any well.

(2) In marketing for any of the following purposes:

(i) The upkeep of any structure or equipment in a sound working condition;

(ii) The restoration of any structure or equipment or part thereof to a sound working condition when such structure or equipment or part thereof has been rendered unsafe or unfit for further service by wear or tear, damage, destruction, failure of parts or similar causes; or

(iii) Any other construction operation in connection with any bulk plant (but not any service station or retail outlet) not exceeding in material cost \$500 for any one complete operation which has not been subdivided for the purpose of coming within this definition:

*Provided*, That upkeep or restoration shall not include any use of material for the improvement of any structure or equipment by the replacement of material which is still serviceable in the existing structure or equipment; *And provided further*, That maintenance or repair shall not include any construction operation in connection with a service station or retail outlet other than for upkeep or restoration purposes.

#### SCHEDULE B—NON-PETROLEUM INDUSTRY USES OF MATERIAL

Other than as specifically provided for in this schedule, use of the following material shall not be considered as a use of material in the petroleum industry:

(a) Material or equipment which is to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas.

(b) Material or equipment which is to be used for transportation by means of a tank truck or trailer, railroad rolling stock, or marine equipment; *Provided*, That:

(i) Where material is to be used on a tank truck or trailer and is specialized petroleum material or equipment which is actually to be attached to the truck or trailer and is neces-

sary to the containing, dispensing, measuring the movement, or distributing of petroleum, such use shall be considered a use of material in the petroleum industry.

(ii) Where material is to be used on railroad rolling stock and the rolling stock is owned or leased by the operator, used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission, such use shall be considered a use of material in the petroleum industry.

(iii) Where material is to be used on marine equipment and the marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the petroleum industry, and is not under the jurisdiction of the United States Maritime Commission, the Navy Department, or any other federal agency for the purpose of establishing methods by which material incident to the operation of the marine equipment may be made available, such use shall be considered a use of material in the petroleum industry.

(c) Material or equipment which is to be used in connection with a construction operation for "residential construction" or "multiple residential construction", as defined in Limitation Order L-41, as amended from time to time.

#### SCHEDULE C—SPECIAL DIRECTIONS CONCERNING CERTAIN MATERIAL AND EQUIPMENT USED IN THE PETROLEUM INDUSTRY

NOTE: Schedule C amended July 9, 1943.

An operator may apply a preference rating to obtain delivery of the material specified on Lists A, B and C of Priorities Regulation No. 3, as amended from time to time, only in accordance with paragraph (f) of Priorities Regulation No. 3. Each operator should acquaint himself fully with the new Priorities Regulation No. 3, before applying preference ratings made available by P-98-b.

#### SCHEDULE D

Because of the over-all materials situation, it has been necessary in exceptional instances to develop specialized treatment for certain types of material. In certain instances, special treatment is necessary only for the purpose of developing requirements to assure sufficient supplies to operators. Material of this character is treated in Part I of this schedule.

In other instances, the critical shortage of particular materials and the universal importance of such materials to the war program have required more complete control than ordinarily required by this order. Material of this character is treated in Part II of this schedule.

The schedule has been so arranged as to provide a flexible medium whereby as the status of important classes of material alters, particular classes can be added to or subtracted from the lists—thus adjusting the material demand and supply picture to the needs of petroleum industry operators.

#### PART I—MATERIAL REQUIRING SUBMISSION OF DELIVERY ORDER FOR INFORMATION ONLY

(a) Prior to placing with a supplier a delivery order (for the MRO material specified in (b) of Part I of this schedule) bearing the certification provided in paragraph (1), each operator shall submit for information purposes only (to the district office of the Petroleum Administration for War in the district where the material is to be used or the Office of Oil Controller) one copy of any delivery order for such material unless the total cost to the operator of all items on the delivery order is less than \$100.00. No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than \$100.00.

(b) Specified MRO material:

(i) Aluminum allotted pursuant to application made to the Aluminum and Magnesium Division of the War Production Board.

(ii) Rotary bits.

(c) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item specified in Part I, (b) of this schedule or subdivide an ordinary purchase of any item or items specified in Part I, (b) of this schedule for the purpose of making it appear that the total cost of all items on the delivery order is less than \$100.00.

#### PART II—MATERIAL REQUIRING PRE-SUBMISSION OF DELIVERY ORDER

(a) Prior to placing with a supplier a delivery order (for the MRO material specified in (b) of Part II of this schedule) bearing the certification provided in paragraph (1), each operator shall submit for approval two copies of any delivery order for such material where the total cost to the operator of all items on the delivery order is \$100.00 or more. No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than \$100.00.

When the delivery order is for the MRO material specified in Part II, (b) to be used in production, a domestic operator shall submit such delivery order to the district office of the Petroleum Administration for War in the district where the material is to be used. When the delivery order is for such MRO material to be used in any other branch of the industry, a domestic operator shall submit such delivery order: (a) to a district office of the Petroleum Administration for War (in the district in which the material will be used or in which the purchasing office of the operator is located, as the operator may elect) where the total cost of all items on the delivery order is \$100.00 or more and the cost of every item on the delivery order is less than \$500.00; or (b) to the Washington Office of the Petroleum Administration for War where the cost of any item on the delivery order is \$500.00 or more. A Canadian operator shall, in every instance, submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the specific use to which the material is to be put, the branch of the petroleum industry and the PAW district in which the material is to be used, the price, quantity and description of the material on the delivery order (including weight if a controlled material), and, where applicable, such additional information as may be necessary to enable the proper official to make an accurate determination of the operator's needs.

(b) Specified MRO material:

(i) Cast iron valves over 12 inches.

(ii) Industrial control instruments including relief and control valves and regulators.

(iii) Steel valves.

(c) No operator may place with a supplier a delivery order, covering the delivery of material for which approval has been requested pursuant to (a) of Part II of this schedule, until approval has been received from the Petroleum Administration for War.

(d) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item specified in Part II, (b) of this schedule or subdivide an ordinary purchase of any item or items specified in Part II, (b) of this schedule for the purpose of making it appear that an item costs less than \$500.00 or that the total cost of all items on the delivery order is less than \$100.00.



## SCHEDULE E

This schedule both describes and determines how to obtain the delivery of material for and authority to use material in construction operations.

Schedule E shall not determine the methods by which an operator obtains delivery of, acquires or uses MRO material or material for production operations. Requirements governing the use of priorities assistance to secure delivery of and use MRO material are treated in paragraphs (d) and (e) and Schedules A, C, and D. Requirements governing

the use of priorities assistance to secure delivery of material for production operations are treated in paragraph (f); the use of material in production operations is covered in PAO No. 11.

The requirements in this schedule with respect to applications for authorization to accept delivery of or acquire material and to initiate a construction operation (but not with respect to obtaining priorities assistance) do not apply to any Canadian operator.

For the purpose of this Schedule E, "material on hand" means any material

(1) which has been or can be obtained without priorities assistance (other than priorities assistance assigned by paragraph (b) (1) of M-208); or

(2) which has been acquired with priorities assistance (other than priorities assistance made available by this order to secure delivery of MRO material) for a purpose other than use in the construction operation for which application must be made on the appropriate form specified in Column (4) below; and

| (1)                           | (2)  | (3)   | (4)   | (5)  | (6)  |
|-------------------------------|--|---|---|--|--|
| Petroleum industry operations | Construction operations covered by this schedule   | Extent of authorization required and method of obtaining authorization  | Use form below to obtain authority to engage in a construction operation, if required | Use form below to obtain priorities assistance | Order which governs the need to obtain authority |
| Marketing.....                | Any construction operation, as defined in P-98-b, to the extent covered by PAO No. 12.   | (1) Authority is granted by PAO No. 12 to undertake certain construction operations and installations of equipment. As to such operations or installations, no action need be taken.<br>(2) Authority must be obtained before undertaking any construction operation or installation of equipment other than those specifically permitted by PAO No. 12. To request authority, file PAW Form 23 with the District Director of Marketing at the PAW District Office for the District in which the material will be used. | PAW Form 23.....  | Form WPB-617 [formerly PD-200].                | PAO No. 12.                                      |
| Natural gasoline production.  | Any construction operation as defined in P-98-b (any production operation as defined in PAO No. 11 directly incident to the extraction or recovery of natural gasoline and associated hydrocarbons). | Authority must be obtained under PAO No. 11 before engaging in any such construction operation. To request authority, file PAW Form 4 as follows:<br>3 copies with the Director of Natural Gas & Natural Gasoline, Petroleum Administration for War, Washington, D. C.<br>1 copy with the District Director of Natural Gas & Natural Gasoline, Petroleum Administration for War District Office.  | PAW Form 4.....   | Form WPB-617 [formerly PD-200].                | PAO No. 11.                                      |
| Refining or transportation.   | (a) Any construction operation, as defined in P-98-b, with an estimated material cost of less than \$3,000 for any one complete operation, which can be completed primarily with material on hand.   | Any operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation as described and limited in Column (2) (a) without obtaining any authority to do so.   | -----   | -----  | P-98-b Schedule E.                               |
|                               | (b) Any construction operation, as defined in P-98-b, with an estimated material cost of \$3,000 or more for any one complete operation, which can be completed primarily with material on hand.     | No operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation described and limited in Column (2) (b) unless he obtains prior authority to do so. To request such authority, file Form WPB-617 [formerly PD-200] with the Petroleum Administration for War, Washington, D. C.   | Form WPB-617 [formerly PD-200].   | -----  | P-98-b Schedule E.                               |
|                               | (c) Any construction operation, as defined in P-98-b, the delivery of material for which will require priorities assistance.   | No operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation described in Column (2) (c) unless he obtains prior authority to do so from the Petroleum Administration for War. To request such authority, file Form WPB-617 [formerly PD-200] with the Petroleum Administration for War, Washington, D. C.   | Form WPB-617 [formerly PD-200].   | Form WPB-617 [formerly PD-200].                | P-98-b Schedule E.                               |

## NOTES—READ CAREFULLY

a. Use of Form WPB-1548 [formerly PD-200B]. After an operator has filed a Form WPB-617 [formerly PD-200] and has been authorized to construct or has been granted priorities assistance, Form WPB-1548 [formerly PD-200B] should be used (1) to obtain priorities assistance for additional material; (2) to obtain greater quantities of material than authorized by the priorities assistance granted; or (3) to obtain a higher preference rating than the rating granted, if such is necessary to secure delivery of material at the time required.

b. Form WPB-617 [formerly PD-200] used for both authority and priorities assistance. Where both authority to initiate a construction operation and priorities assistance are required and Form WPB-617 [formerly PD-200] is prescribed for both purposes, it is only necessary to file such Form WPB-617 [formerly PD-200] once for both purposes.

c. Where to file Forms WPB-617 [formerly PD-200] and WPB-1548 [formerly PD-200B]. Domestic operators should file with the Washington office of the Petroleum

Administration for War; Canadian operators should file with the Office of Oil Controller.

d. When to file forms. PAW Form 23, PAW Form 4, and Form WPB-617 [formerly PD-200] (when it is used to obtain authority to initiate a construction operation) must be filed before construction or installation is begun. Where Form WPB-617 [formerly PD-200] is used to obtain priorities assistance only, it should be filed at the earliest possible opportunity and preferably with PAW Form 23 or PAW Form 4, if authority to initiate a construction operation in Marketing or Natural Gasoline Production is to be requested.

e. Filing of Form CMP-4C. Not required of operators except where specifically requested by the Petroleum Administration for War or the Office of Oil Controller.

(3) which will not be replaced in the operator's inventory by the use of priorities assistance made available by this order to secure delivery of MRO material.

For further definitions of the terms used in the table below consult the respective orders referred to therein.

In addition to the orders specified, the terms of any other applicable E, L, M, or U order shall apply.

## SCHEDULE F—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

District 1. (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Vir-

ginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia) Direct communications to Petroleum Administration for War, 1104 Chanin Building, 122 East 42nd Street, New York, N. Y. Ref: P-98-b.

District 2. (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota) Direct communications to Petroleum Administration for War, 1200 Blum Building, 624 South Michigan Avenue, Chicago, Ill., (or) 410 Beacon Building, 406 South Boulder Avenue, Tulsa, Okla. Ref: P-98-b.

District 3. (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico) Direct communications to Petroleum Administra-

tion for War, 245 Mellie Esperson Building, Houston, Tex. Ref: P-98-b.

District 4. (Montana, Wyoming, Colorado, Utah, Idaho) Direct communications to Petroleum Administration for War, 320 First National Bank Building, Denver, Colo. Ref: P-98-b.

District 5. (Arizona, California, Nevada, Oregon, Washington, Territories of Alaska or Hawaii) Direct communications to Petroleum Administration for War, 855 Subway Terminal Building, Los Angeles, Calif. Ref: P-98-b.

[F. R. Doc. 43-11076; Filed, July 9, 1943; 11:48 a. m.]



**PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM**

[Preference Rating Order P-98-c, as Amended July 9, 1943]

To facilitate sales of idle or excess materials, equipment and facilities by persons engaged in the petroleum industry to other persons engaged in the petroleum industry and to control the acquisition of materials by persons engaged in the petroleum industry, the following order is deemed necessary and appropriate in the public interest and to promote the national war effort:

§ 1041.3 *Preference Rating Order P-98-c*—(a) *Definitions*. (1) "Operator" means any person to the extent that he is engaged in the petroleum industry.

(2) "Surplus material" means with respect to each operator that quantity of any item of material, usable for purposes other than scrap, in the operator's possession or under his control which is determined to be surplus critical material in accordance with Schedule A, B, or C; or which (with respect to any material not identified as critical material) exceeds the quantity required or scheduled for use during the succeeding 90 days.

(3) All other definitions of Preference Rating Order P-98-b shall apply in this order.

(b) *Sales of material between operators*. (1) Notwithstanding the provisions of Priorities Regulation No. 1, as amended from time to time, any operator may sell or transfer to any operator material from the seller's or transferor's stocks or inventories, and any such sale or transfer shall be expressly permitted within the terms of Priorities Regulation No. 13, as amended from time to time.

(2) Notwithstanding the provisions of Priorities Regulation Nos. 1 and 13, as amended from time to time, any operator may sell or transfer to any supplier, for direct sale or transfer by the supplier to another operator, material from the stocks or inventories of the operator.

(3) Where any material is to be used by an operator outside of the United States, its territories or possessions, no operator may sell, transfer or accept delivery of such material under the provisions of this paragraph (b) unless Form PD-470 is filed with the Petroleum Administration for War prior to any such sale or transfer. For the purposes of this subparagraph Form PD-470 will be treated as an information form only and not as an application.

(c) *Restrictions on acquisition and use of materials*. (1) The provisions of CMP Regulation No. 2 and paragraph (f) of CMP Regulation No. 5 shall not be applicable to the sale, delivery, or transfer of material or the use of implementing documents under the provisions of this order. The following provisions of this paragraph (c) shall apply.

(2) No operator or supplier may deliver to any operator, and no operator may accept delivery of, any material for ultimate use in the United States, its territories or possessions, or the Dominion of Canada, in a quantity which if ac-

cepted by the operator would result in surplus material for that operator.

(3) No operator may submit a contract or purchase order, effect a sale or transfer authorized by the provisions of paragraph (b) of this order, or apply or extend priorities assistance to obtain delivery of any material for ultimate use in the United States, its territories or possessions or the Dominion of Canada in a quantity which if accepted by the operator would result in surplus material for that operator.

(4) On and after August 1, 1943, no operator who is required to make a certification of compliance under the provisions of the PAW-Materials Redistribution Program No. 2 may submit a contract or purchase order, effect a sale or transfer authorized by the provisions of paragraph (b) of this order, or apply priorities assistance to obtain delivery of any material unless such certification has been made.

(5) Any operator or supplier may deliver to any operator, and any operator may accept delivery of, material for ultimate use outside of the United States, its territories or possessions, or the Dominion of Canada only where the operator accepting delivery of such material secures priorities assistance in conformity with the provisions of Priorities Regulation No. 9 and Forms PD-311 or PD-311-c, as they may be amended from time to time.

(d) *Participation in Materials Redistribution Program*. Where any material is to be used by an operator in the United States, its territories or possessions, such operator shall file such applications as are required by the PAW-Materials Redistribution Program No. 2 and shall participate in such program to the extent required by its terms and provisions. Any operator required to make a certification of compliance under the provisions of the PAW-Materials Redistribution Program No. 2 may be deprived of priorities assistance where a determination has been made that such operator has surplus material which he has not made available for redistribution in accordance with such program.

(e) *Communications and appeals*. (1) All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(i) By any person located in the United States, its territories or possessions, or elsewhere other than the Dominion of Canada to: Petroleum Administration for War, Interior Building, Washington, D. C., Ref.: P-98-c.

(ii) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref.: P-98-c.

(2) Any person affected by this order or the applicable provisions of Part 1 of the PAW-Materials Redistribution Program No. 2, who considers that compliance therewith would work an ex-

ceptional and unreasonable hardship upon him, may file an appeal with the Petroleum Administration for War, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. Such appeal shall be made by filing a letter in triplicate with the Director of Materials, Petroleum Administration for War, Interior Building, Washington, D. C., Ref.: P-98-c. Action with respect to this order and the PAW-Materials Redistribution Program No. 2 may thereupon be taken as is deemed appropriate.

(f) *Applicability of orders and regulations*. Except as provided in paragraph (c) (1), this order does not authorize acquisition, receipt or use of any material by any person in violation of any inventory, quota or use restrictions imposed by any order or regulation. This order and all transactions affected thereby are subject to the applicable provisions of any regulation issued by the War Production Board, as amended from time to time.

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

(h) *Further limitations on use of priorities assistance*. The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

Issued this 9th day of July 1943.

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

**SCHEDULE A**

**DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE**

To determine surplus critical material for Schedule A: Subtract from the total quantity of any item of critical material (of a type identified on this schedule), that quantity by item which is required or scheduled for use during the succeeding 90 days.

| Critical material:           | Branch of industry used in |
|------------------------------|----------------------------|
| Carbon and alloy steel:      |                            |
| Tubular goods (oil country): |                            |
| Casing.....                  | P                          |
| Tubing—2" and up....         | P                          |
| Drill pipe.....              | P                          |
| Line pipe—2" and up....      | P, NG, R, T                |
| Wire rope.....               | P                          |
| API steel sucker rods.....   | P                          |

**SCHEDULE B**

**DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE**

To determine surplus critical material for Schedule B: Subtract from the total quantity of any item of critical material (of a type identified on this schedule), one-half of the quantity by item actually installed or put into service (use) in 1942.



|   |                                   |
|---|-----------------------------------|
|   | <i>Branch of industry used in</i> |
| Carbon and alloy steel:   |                                   |
| Condenser tubes.....  | NG, R                             |
| Boiler tubes.....   | R                                 |
| Still tubes.....  | R                                 |
| Copper:   |                                   |
| Wire (wire mill copper products).....                           | P, NG, R                          |
| Pipe and tubing (including tubes).....                          | NG, R                             |
| Copper base alloys:   |                                   |
| Pipe and tubing (including tubes).....                          | NG, R                             |
| Valves <sup>1</sup> (check, gate, globe, plus, relief, safety): |                                   |
| Steel 2" and up.....  | P, NG, R, T                       |
| Cast iron 12" and up.....                                       | P, NG, R, T                       |

SCHEDULE C

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule C: Total by item all critical material whether or not installed (of a type identified in this Schedule): (a) which has not been in productive service during the past 90 days and is not required or scheduled for such service during the succeeding 30 days; or (b) which has not been in productive service during the past 180 days.

|  |                                   |
|--|-----------------------------------|
|  | <i>Branch of industry used in</i> |
| Critical material:   |                                   |
| Compressors <sup>2</sup> :   |                                   |
| 75 HP or more (including direct driven).....                               | P                                 |
| 200 HP or more (direct driven only).....                                   | NG, R                             |
| 7½ HP or less (complete with storage tank).....                            | M                                 |
| Control instruments <sup>3</sup> :   |                                   |
| Industrial (including regulators and control valves).....                  | NG, R                             |
| Electric motors:   |                                   |
| 10 HP or more.....   | P, NG, R, T                       |
| 5 HP or more.....  | M                                 |
| Electric motor controls:   |                                   |
| 10 HP or more.....   | P, NG, R, T                       |
| 5 HP or more.....  | M                                 |
| Engines <sup>3</sup> :   |                                   |
| Multi-cylinder Gas and Gasoline 10 HP or more.....                         | P, NG, T                          |
| Diesel 150 HP or more.....   | P, NG, T                          |
| Heat exchangers (including complete shells).....                           | NG, R                             |
| Line pipe (oil or gas in place) 4" or over.....                            | P                                 |
| Line pipe (in place), 4" or over.....                                      | NG, T                             |
| Meters <sup>1,2</sup> Petroleum displacement type.....                     | M                                 |
| Pressure vessels and towers, 200 or more cubic feet contents.....          | NG, R                             |
| Pumps <sup>2,3</sup> , Dispensing motor driven meter type.....             | M                                 |
| Pumps <sup>2,4</sup> (steam or power driven):                              |                                   |
| Centrifugal.....   | NG, R, T                          |
| Horizontal reciprocating.....  | NG, R, T                          |
| Rotary.....  | NG, R, T                          |
| Pumps <sup>2,6</sup> (power driven only):                                  |                                   |
| Centrifugal.....   | M                                 |
| Rotary.....  | M                                 |
| Pumping units, Oil well (excluding standard rig front), 10 HP or more..... | P                                 |
| Tanks, <sup>5</sup> Steel storage, 65 gallons to 500 bbls.....             | M                                 |
| Tanks, Steel storage, 10,000 bbls. or larger.....                          | P, NG, R, T                       |
| Tanks, Steel storage, 500 bbls. or larger.....                             | M                                 |

Footnotes

(These footnotes are applicable to any footnoted material, regardless of the schedule in which such material is listed.)

Footnoted material is considered "critical material" for the purposes of this program only where:

(a) In the case of footnote<sup>1</sup>, the material is unused, reconditioned or rebuilt.

(b) In the case of footnote<sup>2</sup>, the material was sold new to any person (not necessarily to the required participant) at any time since December 31, 1937.

(c) In the case of footnote<sup>3</sup>, the material is not actually installed at the time a report under the Program is submitted.

(d) In the case of footnote<sup>4</sup>, the material has a new replacement cost (excluding the power unit) of \$600 or more.

(e) In the case of footnote<sup>5</sup>, the material has a new replacement cost (including the power unit) of \$200 or more.

The symbols P, NG, R, T, and M as used in the right-hand column above have the following meanings:

- P means Production (oil or gas).
- NG means Natural Gasoline Production.
- R means Refining.
- T means Transportation.
- M means marketing.

[F. R. Doc. 43-11077; Filed, July 9, 1943; 11:48 a. m.]

PART 1071—INDUSTRIAL AND COMMERCIAL REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

[Schedule I as Amended July 10, 1943, to Limitation Order L-126]

REQUIRED SPECIFICATIONS FOR SELF-CONTAINED DRINKING WATER COOLERS

§ 1071.3 Schedule I to Limitation Order L-126—(a) Definitions. For the purpose of this schedule:

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles self-contained

TYPE A—ELECTRIC BUBBLER STORAGE TYPE (FOR MARINE AND NAVY USE ABOARD SHIP—AIR-COOLED)

| Size | Capacity, minimum | Peak load capacity in 15 minute period minimum | Maximum fixture equipment authorized     |
|------|-------------------|--|--|
| 5    | 5 g. p. h.        | 1.87 gals.                                     | 1 bubbler assembly and 1 glass-filler.   |
| 10   | 10 g. p. h.       | 3.75 gals.                                     | 2 bubbler assemblies and 1 glass-filler. |
| 20   | 20 g. p. h.       | 7.50 gals.                                     | 2 bubbler assemblies and 1 glass-filler. |

NOTE. Type A cooler capacities are based on the use of a waste water pre-cooler using 60% spill. The above specified capacities are based on an ambient temperature of 100° F. while reducing water from 100° F. inlet to 50° F. outlet drinking water.

(2) Restrictions of materials. (i) In the manufacture of self-contained drinking water coolers, no producer shall use:

- (a) Aluminum;
- (b) Block tin tubing, or tin coatings;
- (c) Alloy steel, stainless steel, monel, or other nickel alloy metals, except in refrigerant and electric controls, and then only provided that such use is limited to the minimum amount practicable;

(ii) In the manufacture of self-contained drinking water coolers (exclusive of condensing units, motors, controls, and wiring) no producer shall use copper or copper base alloy except in the following parts:

- (a) Low sides,
- (b) Pre-coolers,
- (c) Bubblers,
- (d) Water valves,
- (e) Water lines,
- (f) Liquid and suction lines,
- (g) Refrigerant or temperature controls,

drinking water coolers for supplying drinking water for human consumption.

(2) "Self-contained" means a single cabinet or housing for a drinking water cooler containing or manufactured to contain two or more of the following assemblies:

- (i) Water cooling low side or evaporator with or without controls.
- (ii) Bubbler valve fountain assembly or assemblies, or glass- or pitcher-filler assembly or assemblies.
- (iii) Electric refrigeration condensing unit with or without controls.

(3) "Bubbler type" means any type of self-contained drinking water cooler which is designed primarily for supplying drinking water through or by means of a sanitary bubbler or drinking fountain.

(4) "Design of cabinet enclosure" means a particular combination of cabinet enclosure or housing, low side or evaporator, drain receptor or receptors, bubbler valve assemblies, and glass or pitcher filler assemblies. Any change in the size or location of any of these items constitutes a change in design.

(b) Required specifications. Pursuant to Limitation Order L-126 the following required specifications are hereby established for self-contained drinking water coolers:

(1) Types, sizes, and capacities. The following types, sizes, and capacities of self-contained drinking water coolers are hereby established:

(h) Glass- or pitcher-fillers; and the aggregate weight of copper or copper base alloy used in all of such parts contained in any such water coolers shall not exceed the respective maximum quantity set forth below:

TYPE A—ELECTRIC

|         |             |
|---------|-------------|
| Size:   | <i>Lbs.</i> |
| 5.....  | 11          |
| 10..... | 15          |
| 20..... | 20          |

(c) General restrictions. (1) On and after July 3, 1942, no producer may produce more than one design of cabinet enclosure for any one type and size cooler as established in paragraph (b);

(2) On and after April 6, 1943, no self-contained drinking water coolers which do not conform to the type, sizes and capacities established by paragraph (b) hereof shall be produced or delivered by any producer or accepted by any person from such producer.

(3) The foregoing subparagraphs (1) and (2) shall not prohibit:

(i) The delivery by a producer of such self-contained drinking water coolers (and the acceptance thereof) as were in his stock in finished form on July 3, 1942, or the assembly and delivery of



such coolers solely from parts which had on said date been cast, fabricated, formed, or processed in such manner that their manufacture or assembly in conformity with this schedule would be impractical; or the delivery of any parts, so fabricated on said date, by any producer to any other producer.

(ii) The production, delivery, and acceptance of self-contained drinking water coolers, for use aboard ship, delivered to or for the account of, and for direct use by, the United States Army, or Navy, the Maritime Commission, or the War Shipping Administration, where (a) such coolers are manufactured in accordance with plans which have already (prior to July 3, 1942) been drawn and accepted by or for the account of such an agency, or (b) such coolers are manufactured in accordance with the specifications issued prior to July 3, 1942, by such an agency (including performance specifications) requiring construction, design or materials not in accordance with the restrictions of this schedule; but in any case such coolers may vary from the restrictions of the schedule only to the extent required by such plans or specifications.

(iii) The delivery by a producer (and the acceptance thereof) of such self-

contained drinking water coolers, designated as Type B, Type C, or Type D, described in paragraph (b) (1) of this Schedule I as it read prior to April 6, 1943, as were in his stock in finished form on such date, or the assembly and delivery of such coolers solely from parts which had on said date been cast, fabricated, formed, or processed in such manner that their manufacture or assembly in conformity with this schedule would be impractical (or the acceptance of such coolers from such a producer).

Issued this 9th day of July 1943.

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

[F. R. Doc. 43-11072; Filed, July 9, 1943; 11:47 a. m.]

PART 1282—BABY CARRIAGES

[Schedule II to Limitation Order L-152]

§ 1282.3 *Schedule II to Limitation Order L-152.* Pursuant to paragraph (b) (3) of Limitation Order L-152, the following production quotas for carriages are hereby established for the period from July 1, 1943 to September 30, 1943, inclusive. Each manufacturer named is authorized to produce during that period the number of carriages set forth opposite his name.

|  | Number of carriages  |                      |          |           |
|--|----------------------|----------------------|----------|-----------|
|  | Group I              |                      | Group II | Group III |
|  | Maximum steel 6 lbs. | Maximum steel 9 lbs. |          |           |
| Aga Toy Co., New York, N. Y.                       |                      |                      |          | 3,000     |
| Allied Cabinet Corp., Chicago, Ill.                |                      |                      |          | 15,000    |
| Ammann-Goertz Co., New York, N. Y.                 |                      |                      |          | 500       |
| Baby Jeep Co., Winston-Salem, N. C.                | 10,000               |                      |          |           |
| Beiger Showcase & Fixture Co., Los Angeles, Calif. |                      | 6,000                | 120      | 20,000    |
| Bilt-Rite Baby Carriage Co., Brooklyn, N. Y.       |                      |                      |          | 25,000    |
| Louis P. Brantz Co., Philadelphia, Pa.             |                      | 8,500                |          |           |
| Collier-Keyworth Co., Gardner, Mass.               |                      |                      |          | 5,000     |
| George Cooper Mfg. Co., New York, N. Y.            | 6,000                |                      |          |           |
| Custom-Bilt Mfg. Co., Gardner, Mass.               | 2,400                |                      |          |           |
| Garton Toy Co., Sheboygan, Wisc.                   |                      |                      |          | 15,000    |
| Hartman Mfg. Co., St. Louis, Mo.                   |                      | 4,500                |          |           |
| C. H. Hartshorn Co., Gardner, Mass.                |                      | 4,500                |          | 2,500     |
| Hedstrom-Union Co., Gardner, Mass.                 |                      | 18,500               | 300      | 4,200     |
| Heywood-Wakefield Co., Gardner, Mass.              | 22,000               |                      |          |           |
| Kroll Bros., Chicago, Ill.                         |                      | 10,000               |          |           |
| Kuniholm Mfg. Co., Gardner, Mass.                  |                      | 23,000               |          | 15,000    |
| Mahr-Buffon Co., Minneapolis, Minn.                | 8,000                |                      |          |           |
| Pearl Mfg. Co., New York, N. Y.                    |                      | 1,000                |          |           |
| Perfection Mfg. Co., St. Louis, Mo.                |                      | 7,500                | 200      |           |
| Rex Baby Carriage Co., New York, N. Y.             | 1,000                |                      |          |           |
| Rockford Showcase Co., Rockford, Ill.              |                      |                      |          | 7,500     |
| S & E Mfg. Co., Fitchburg, Mass.                   |                      |                      |          | 2,200     |
| Shiner Radiant Co., Cleveland, Ohio                |                      |                      |          | 60,000    |
| O. W. Siebert Co., Gardner, Mass.                  | 36,000               |                      |          |           |
| South Bend Toy Co., South Bend, Ind.               | 5,000                |                      |          |           |
| Storkline Furn. Corp., Chicago, Ill.               | 16,000               |                      |          |           |
| Tam-Tot Mart, Washington, D. C.                    |                      |                      |          | 500       |
| Frank F. Taylor Co., Cincinnati, Ohio              |                      |                      |          | 60,000    |
| Thayer Co., Gardner, Mass.                         |                      | 21,000               |          | 15,000    |
| Valley City Furn. Co., Grand Rapids, Mich.         |                      |                      |          | 15,000    |
| Wear-Ever Carriage Co., New York, N. Y.            |                      | 4,000                |          |           |
| The Welsh Co., St. Louis, Mo.                      | 20,000               | 20,000               |          |           |
| E. A. Whitney Co., Leominster, Mass.               | 15,000               | 8,602                | 500      | 4,000     |

Issued this 9th day of July 1943.

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

[F. R. Doc. 43-11073; Filed, July 9, 1943; 11:47 a. m.]

PART 3020—HEAT EXCHANGERS

[General Limitation Order L-172, as Amended July 9, 1943]

Section 3020.1 *General Limitation Order L-172, as Amended* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the production of heat exchangers 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:

§ 3020.1 *General Limitation Order L-172—(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, and includes the Army and Navy of the United States, the Maritime Commission, the War Shipping Administration, the Office of Lend-Lease Administration and the Board of Economic Warfare.

(2) "Manufacturer" means any person who constructs, manufactures or assembles critical heat exchangers to the extent that he is engaged in such construction, manufacture or assembly; and shall include sales and distribution outlets and agencies controlled by such person. The term shall also include any person who purchases or otherwise acquires materials for manufacture or assembly into critical heat exchangers by his subcontractor, and resale by such person.

(3) "Critical heat exchanger" means any new equipment or apparatus consisting of an assembly, bundle or nest of one or more bare or finned tubes (metallic or non-metallic) or metal plates, and including any shell or pressure vessel to contain the same, designed for the transfer or exchange of heat between two or more fluids (liquids, gases or vapors), except the following:

(i) Any equipment or apparatus which is direct-fired or installed within a flue gas passage;

(ii) Any equipment or apparatus which permits direct contact involving physical mixing of the fluids (other than direct contact boiler feed water heaters);

(iii) Any steam surface condenser designed to condense exhaust steam from a prime mover to maintain a minimum exhaust pressure;

(iv) Any heat exchanger for use on aircraft;

(v) Any radiator-type cooler;

(vi) Unit heaters, convectors, unit ventilators, unit coolers and blast coils, if such items are for space heating or cooling or industrial space heating or drying;

(vii) Any indirect water heater commonly referred to as a storage water heater, submerged water heater, side arm water heater, "below-the-water-line" heater, or any water heater designed to



supply hot water for a hot water space heating system for buildings or ships;

(viii) Any of the following types of new heat exchanger equipment when manufactured and delivered by the manufacturer thereof as a necessary integral part of, and together with, other equipment (not heat exchanger) also manufactured by him, or for replacement in equipment so manufactured and delivered:

(a) Compressor intercoolers and aftercoolers; or

(b) Lubricating oil coolers for turbines or electric generators or motors; or

(c) An air or hydrogen cooler for an electric generator or motor; or

(d) Auxiliary air removal equipment for steam surface condensers for use with a prime mover, as described under subparagraph (3) (ii) above; or

(e) Heat exchangers having parts which come in direct contact with food or food products; or

(f) Rectifier or transformer oil coolers; or

(g) Any heat exchanger of non-metallic construction for use in a chemical experimental laboratory.

(ix) Heat exchangers designed for use as part of a refrigerating or air conditioning "system" as defined in General Limitation Order L-38 when fabricated by a manufacturer who currently produces such "systems".

(h) "Group I critical heat exchanger" means any of the following critical heat exchangers:

(i) An assembly, bundle or nest of one or more bare or finned tubes (metallic or non-metallic) installed in, or designed for installation in a shell or pressure vessel, except those for use on shipboard, and also excluding those which are designed for use in a refrigerating or air conditioning "system" as defined in Order L-38; or

(ii) An assembly, bundle or nest of metal plates of any size contained in a shell or pressure vessel for any use other than on shipboard; or

(iii) One or more tube bundles designed for replacement in any new or used equipment or apparatus described in (i) above.

(5) "Group II critical heat exchanger" means any critical heat exchanger which is not a Group I critical heat exchanger. Thus, the term "Group II critical heat exchanger" includes equipment of the type described in paragraph (a) (4) when designed for shipboard use. It also includes so-called "open sections" of either the atmospheric or submerged type; direct contact boiler feed water heaters; heat exchangers designed for use as part of a refrigerating or air conditioning "system" as defined in Order L-38, when fabricated by a manufacturer who does not currently produce such systems; air or hydrogen coolers for electric generators or motors when not manufactured and delivered by the manufacturer thereof as a necessary integral part of, and together with, other equipment (not heat exchanger) also manufactured by him, or for replacement in equipment not so manufactured and delivered.

(6) "Delays beyond control" includes only those unavoidable delays, such as result from plant breakdowns, or changes in production or deliveries required by directions, directives or orders referred to in paragraph (e) below, against which the manufacturer's production or delivery schedules are not protected by the provisions of this order.

(b) *Operations reports.* On or before the 10th day of July, 1943, and the 10th day of each succeeding calendar month, each manufacturer shall file a report on Form WPB-3000 (or PD-900), prepared in accordance with instructions WPB-3000.08 for the form.

(c) *Delivery schedules—(1) Monthly reports.* On or before the 10th day of July, 1943, and the 10th day of each succeeding calendar month, each manufacturer shall file a report on Form WPB-1474 (or PD-615B), prepared in accordance with the instructions accompanying such form.

(If and whenever General Scheduling Order M-293 requires or permits the filing of any other form in place of Form WPB-1474, such other form may be used and filed to the extent permitted or required by Order M-293, in place of Form WPB-1474; and in that case any reference in this order to Form WPB-1474 shall also apply to such other form, or to any comparable part of such other form.)

(2) *Required delivery schedule.* Such Form WPB-1474 as filed each month shall show in column 17 the required delivery dates (months of shipment) as specified by the War Production Board (or if such Board has not specified a delivery date for any order, then the delivery date required by the purchaser) for all unfilled orders for Group I or Group II critical heat exchangers previously accepted and reported by the manufacturer, and for each new order for Group I or Group II critical heat exchangers which the manufacturer has accepted subsequent to the filing of his corresponding report for the preceding month. The schedule of deliveries as thus filed shall be deemed a "frozen schedule", within the meaning of Priorities Regulation No. 18, and the dates thus shown in the required delivery schedule on each monthly report shall continue to be shown unchanged on subsequent monthly reports, unless the War Production Board shall subsequently specify a different required delivery date, in which event any new date thus specified shall thereafter constitute the required delivery date and be reported as such. The manufacturer shall deliver critical heat exchangers only in accordance with his required delivery schedule, except for the accelerated deliveries resulting from the permissible increased production permitted in paragraph (c) (5) below, and except that a purchaser may change the point of destination to which any exchanger ordered by him is to be shipped.

(3) *Anticipated shipments.* Such Form WPB-1474 as filed each month shall also show in column 18 the proposed shipping dates (months of delivery)

which the manufacturer believes he can meet, for all orders shown on his required delivery schedule reported in column 17 on said form. Such proposed dates shall coincide with the required dates as shown in column 17, or reflect any cancellations, or any permissible increased production and deliveries as provided for under paragraph (c) (5) below. The dates thus reported shall continue to be shown unchanged on subsequent monthly reports until the respective deliveries have been completed. If at any time, due to delays beyond control, the manufacturer no longer believes he can meet any proposed shipping date previously reported by him, he shall immediately notify the War Production Board, by letter or telegram, explaining the reasons for the anticipated delay (or further delay) and the extent of interruption of his proposed delivery schedule which he expects to result (or which has resulted) therefrom; and in filing his next monthly report on Form WPB-1474 he shall show in column 18 the changed date which he believes he can meet, postponed only to the extent required by delays beyond control. He shall also show any proposed accelerated deliveries which will result from any permissible increased production which he proposes to undertake in accordance with paragraph (c) (5) below.

(4) *Production for meeting required delivery schedules.* Each manufacturer shall carry on his production in such manner as may be necessary to assure deliveries in accordance with his required delivery schedule. Unless specifically directed to do so in accordance with paragraph (e) below, he shall not at any time accept any additional orders for critical heat exchangers or for any other products, regardless of any accompanying preference rating or allotment number or symbol, unless he knows or has reasonable cause to believe that, subject to delays beyond control, he can fill such additional orders in accordance with their terms (as authorized), without causing delay in his delivery of any order included in his required delivery schedule.

(5) *Permissible increased production rate.* Any manufacturer may carry on his production of critical heat exchangers at a rate sufficient to enable him to make shipment of any order during the calendar month preceding that in which shipment is required, and may accelerate his deliveries accordingly, but only if he can do so without causing delay in his delivery of any previously or subsequently accepted orders for critical heat exchangers, or orders for other products rated AA-5 or higher or included in a "frozen schedule" as defined in Priorities Regulation No. 18.

(d) *Placing and acceptance of orders for critical heat exchangers—(1) Group I exchangers.* (i) No person shall place an order with a manufacturer, and no manufacturer shall commence production or accept an order, for any Group I critical heat exchanger unless accompanied by a specific authorization by the War Production Board on Form WPB-1475 (or PD-615) or on Form PD-615A.



Applications for such authorization may be made to the War Production Board by the person seeking to place an order, on Form WPB-1475 in quadruplicate. Such person shall designate his proposed supplied, and the calendar month in which delivery is required, which in no case shall be earlier than is essential for his purposes. No order will be authorized if it fails to specify the month in which delivery is required.

(ii) Any order so authorized shall be accepted by the manufacturer specified in the authorization; except that the manufacturer need not accept such order if it does not meet his regularly established prices and terms of sale or payment: *Provided, however,* That the manufacturer shall not accept such order if he knows or has reasonable cause to believe that he will be unable to make delivery during the calendar month required and without causing delay in his delivery of any previously accepted orders for critical heat exchangers, or orders for other products rated AA-1 or higher or included in a "frozen schedule" as defined in Priorities Regulation No. 18. Any manufacturer who rejects any order, as herein required, shall return the same with the accompanying authorization to the purchaser with a brief explanation in writing of the reasons why it is rejected, and shall furnish the War Production Board with a duplicate copy of such explanation. If the acceptance and filing of such an order would terminate or interrupt a production or delivery schedule so as to cause substantial loss in the manufacturer's production of any other product not referred to above, he shall accept such order, but shall immediately notify the War Production Board of the circumstances and need not terminate or interrupt said schedule until 30 days after acceptance of such order.

(If and whenever General Scheduling Order M-293 requires or permits the filing of any other form in place of Form WPB-1475, then such other form may be used and filed to the extent permitted or required by Order M-293, in place of Form WPB-1475; and in such event, any reference in this order to Form WPB-1475 shall apply also to such other form.)

(2) *Group II exchangers.* (i) No person shall place an order with a manufacturer, and no manufacturer shall accept an order, for any Group II critical heat exchanger unless such order bears a preference rating of AA-5 or higher. Each prospective purchaser shall request delivery during a designated calendar month, which in no case shall be earlier than is essential for his purposes. No manufacturer shall accept any order which fails to specify the month in which delivery is required.

(ii) Any order for a Group II critical heat exchanger bearing a preference rating of AA-5 or higher shall be accepted by the manufacturer with whom it is placed, as required by Priorities Regulation No. 1: *Provided, however,* That the manufacturer shall not accept such an order (unless it is rated AAA) if he knows or has reasonable cause to believe that he will be unable to make delivery during the calendar month required and with-

out causing delay in his delivery of any previously accepted orders for critical heat exchangers. Any person whose order for a Group II critical heat exchanger is rejected and who is unable to find another manufacturer who is in a position to accept his order, may apply to the War Production Board on Form WPB-1475 (or PD-615), explaining therein why such application is made, and an authorization therefor may be issued pursuant to paragraph (d) (1), which shall have the same force and effect as an authorization for a Group I critical heat exchanger.

(3) *Shifting of orders from one manufacturer to another.* If any person (including a manufacturer) desires to have any Group I or Group II critical heat exchanger produced by any person other than the manufacturer who has accepted an order therefor, the order shall not be placed with another person, either by direct contract or through a sub-contract, unless the person desiring to make such change has notified the War Production Board of the reasons therefor and such Board has specifically authorized in writing the production and delivery of such exchanger by the person not previously authorized to deliver the same.

(e) *Other allocation and scheduling action.* With respect to any Group I or Group II critical heat exchangers, the War Production Board may, notwithstanding any order, preference rating, directive, rule or regulation of the War Production Board (except Priorities Regulation No. 18):

(1) Direct the return or cancellation of any order on the books of a manufacturer; or

(2) Direct changes in the delivery or production schedule of a manufacturer; or

(3) Cancel orders placed with one manufacturer and authorize them to be placed with another manufacturer; or

(4) Revoke any authorization to place an order granted by it pursuant to this order; or

(5) Take such other action, as it deems necessary, with respect to the placing of orders for, or production or delivery of Group I and Group II critical heat exchangers.

Any direction, directive or order issued by the War Production Board pursuant to this paragraph (e) will be in the form of a written instrument addressed to a specific manufacturer by such Board, and stating, in accordance with Priorities Regulation No. 18, that it is an amendment of a schedule frozen under Order L-172, and shall be followed, in accordance with the provisions of this order and such regulation, by the manufacturer to whom it is directed.

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

(2) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or

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

(3) *Reports.* The reporting requirements in paragraphs (c) (3), (d) (1) (ii) and (d) (3) above have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

(5) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref.: L-172.

Issued this 9th day of July, 1943.

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

[F. R. Doc. 43-11071; Filed, July 9, 1943;  
11:47 a. m.]

PART 3175—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN

[Direction 21 to CMP Reg. 1]

FARMERS COPPER WIRE ALLOTMENT  
CERTIFICATES

The following direction is issued pursuant to CMP Regulation No. 1 (§ 3175.1).

(a) A retailer who receives an order for copper wire supported by a "Copper Wire Allotment Certificate" issued to a farmer by a County USDA War Board may treat the certificate just as though it were an allotment. He may place an order on a warehouse or mill for the amount of copper wire shown in the certificate and attach the certificate to it. An order with such a certificate attached placed by a retailer with a warehouse or mill is an authorized controlled material order and has the same effect as any other authorized controlled material order under CMP regulations. Or, if the retailer prefers, he may place an authorized controlled material order for the amount of copper wire shown in the certificate by placing on his order the allotment number appearing on the certificate followed by the quarterly identification and endorsing the order with the certificate set out in paragraph (s) (3) of CMP Regulation No. 1 or the form of certificate shown in CMP Regulation No. 7. The retailer may not, however, use both methods of placing authorized controlled material orders on the basis of "Copper Wire Allotment Certificates" during any one calendar month.

(b) A retailer must fill orders accompanied by a "Copper Wire Allotment Certificate" in the order in which received and must give preference to such orders over orders supported by preference ratings alone.

(c) A warehouse who receives an order from a farmer or retailer for copper wire supported by a "Copper Wire Allotment Cer-



tificate" must treat the order just as though it were an authorized controlled material order.

Issued this 9th day of July 1943.

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

[F. R. Doc. 43-11079; Filed, July 9, 1943;  
11:48 a. m.]

PART 3175—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN

[Direction 9 to CMP Reg. 5]

HAND TOOLS PURCHASED BY EMPLOYEES

The following direction is issued pursuant to CMP Regulation No. 5 (§ 3175.5).

(a) CMP Regulation No. 5 [§ 3175.5] now permits an employer to buy hand tools for his employees in the following cases: (1) Where the tools will belong to the employer and are only checked out to the employee; (2) Where the tools will be resold by the employer to the employee. Where the employer is unwilling or unable to use one of these two methods, the employee is not permitted to use a preference rating under the regulation, since he is not in business. This direction is issued to provide a way for employees themselves to get hand tools on their employer's ratings.

(b) The employee of any person producing any product or conducting any business listed on Schedule I or Schedule II of CMP Regulation No. 5 may use the preference rating assigned by the regulation to his employer to purchase hand tools (including gages and engineering instruments) which he requires for use exclusively in his employer's business and which his employer requires him to furnish.

(c) The rating will be valid only if the employee gives the seller of the tool the following certificate filled out and signed by his employer and then signed by himself:

Preference rating \_\_\_\_\_ (specify rating). The following hand tool \_\_\_\_\_

(Only one tool may be placed on each certificate; specify type and size of tool) is required by the undersigned employee as a condition to retaining or obtaining employment with the undersigned employer. The undersigned employee further certifies that he does not own or possess any similar tool which will serve the same purpose.

-----  
Name and address of employer

-----  
Authorized signature

-----  
Signature of employee

-----  
Position

(d) The supplier who sells the tool must keep the certificate for two years. He may extend the rating in the manner provided in Priorities Regulation No. 3.

(e) The cost of hand tools bought by an employee by use of the preference rating must be included by the employer in computing the quantity restrictions of paragraph (f) of the regulation, but the employer may not include the cost of hand tools bought by employees during the base period for the purpose of computing his quota under paragraph (f) of the regulation.

For example, an aircraft factory requires its employees to have a wrench. The employee himself is not entitled to use a preference rating assigned by the regulation because he is not in business. The employee finds that he cannot buy the wrench without a preference rating. Aircraft companies are

in Schedule I of CMP Regulation No. 5 and consequently may use preference rating AA-1. Under this direction, the employer may fill out the certification, putting down the preference rating "AA-1" and description of the wrench, "¾ inch steel crescent wrench." The proper official of the employer signs the certification and gives it to the employee. The employee then signs the certification and gives it to the seller of the wrench.

Issued this 9th day of July 1943.

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

[F. R. Doc. 43-11080; Filed, July 9, 1943;  
11:48 a. m.]

PART 3263—CELLULOSE ESTERS

[Supplementary Allocation Order M-326-a as Amended July 9, 1943]

CELLULOSE ESTER SHEETS, RODS, TUBES AND MOLDING POWDER

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

§ 3263.2 *Supplementary Allocation Order M-326-a—(a) Definitions.* For the purpose of this order:

(1) "Cellulose plastics" means molding powder, sheets, rods or tubes in primary form, produced from cellulose ester flake, as defined in Order M-326, but not including scrap resulting from molding or fabrication of such cellulose plastics.

(2) "Plastics supplier" means any person who produces cellulose plastics, or who purchases cellulose plastics for resale as cellulose plastics.

(b) *Restrictions on use and delivery.* (1) On and after July 1, 1943, no plastics supplier shall use or deliver cellulose plastics, except as specifically authorized in writing by the War Production Board upon application pursuant to paragraph (f).

(2) Applications and allocations under this supplementary order will be made monthly, and shall be construed to refer to the month when the materials for the production of cellulose plastics are to be put in process, rather than to the month of actual delivery, except when deliveries are to be made from existing stocks. The provisions printed in the WPB 2947 (formerly PD-602) forms for automatic termination of authorizations shall not be applicable to authorized deliveries of cellulose plastics.

(3) Each person furnishing a use certificate pursuant to paragraph (d) with a purchase order for cellulose plastics shall use or dispose of the cellulose plastics delivered on such purchase order, or products made therefrom, only for the purpose specified in such certificate, except as otherwise specifically directed by the War Production Board; provided, however, that any such person may de-

liver such cellulose plastics to any plastics supplier.

(4) The War Production Board, at its discretion, may from time to time issue special directions to any person with respect to use or delivery of cellulose plastics by such person, or of products made from cellulose plastics allocated to such person, and may issue special directions to any plastics supplier with respect to the kind and quantity of cellulose plastics which he may produce or manufacture.

(c) *Inventory restriction.* No person shall accept delivery of cellulose plastics on orders placed after June 8, 1943 (irrespective of authorization to his plastics supplier to make such delivery), if his inventory of cellulose plastics of the same or equivalent grade or type is, or by virtue of such acceptance would become, greater than a 60-day supply, having regard to his method and rate of processing and sales.

(d) *Use certificate.* (1) Each person placing, or seeking to place, a purchase order for cellulose plastics with a plastics supplier, shall furnish such plastics supplier with a certificate specifying the end use of such plastics, unless such purchase order is placed or such delivery is accepted pursuant to the provisions of paragraph (e). Such certificate may be placed on or attached to the purchase order and shall be in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

(End Use Description)

Pursuant to Supplementary Order M-326-a, the undersigned hereby certifies to the seller and to the War Production Board that the cellulose plastics covered by the accompanying purchase order will be used solely for the purposes listed above.

|   |                    |
|---|--------------------|
| -----<br>(Name of purchaser)                                      | -----<br>(Address) |
| By-----<br>(Signature and title<br>of duly authorized<br>officer) | -----<br>(Date)    |

The above certificate shall constitute a representation to, but shall not be filed with, the War Production Board.

(2) Allocations of cellulose plastics, and of cellulose ester flake to make such plastics, will be based on the essentiality of the end uses stated in the above certificates, and on the accuracy of the end use descriptions. For example, "medical appliances" would not be an acceptable description of end use, whereas "leg splints, Army (contract number)" would be acceptable. The end use description should include the governing military or Lend-Lease contract or specification numbers, if any. Plastics suppliers ordering cellulose plastics from other plastics suppliers for resale may specify as end use "resale, upon specific War Production Board authorization."

(3) In the event that two or more end uses are involved in a single purchase order, the amount of cellulose plastics required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the plastics supplier to advise his customers, by purchase order number and item number, as to the action taken



on the plastics supplier's application for authorization to make delivery.

(e) *Small order and experimental exemption.* (1) Any person may order or accept delivery of 100 pounds or less of cellulose plastic molding powder, 50 pounds or less of cellulose plastic sheets, 50 pounds or less of cellulose plastic rods, and 50 pounds or less of cellulose plastic tubes, in the aggregate from all plastics suppliers in any calendar month, without filing a certificate pursuant to paragraph (d), to be used for any purpose not limited by other War Production Board orders (paragraph (j) (2)). Authorization by the War Production Board is required for any plastics supplier to make such small order deliveries, upon application pursuant to paragraph (f) requesting an aggregate quantity of cellulose plastics "for paragraph (e) (1) small orders."

(2) Any plastics supplier may use during any calendar month for any purpose 100 pounds or less of cellulose plastic molding powder, 50 pounds or less of cellulose plastic sheets, 50 pounds or less of cellulose plastic rods, and 50 pounds or less of cellulose plastic tubes, and may use any quantity of cellulose plastics for experimental purposes (not including samples) without specific authorization, notwithstanding the provisions of paragraph (b) (1), but subject to any restrictions on use imposed by other War Production Board orders (paragraph (j) (2)).

(f) *Applications and reports.* (1) Each plastics supplier seeking authorization to deliver cellulose plastics shall file application on Form PD-602 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

*Form PD-602.* Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

*Time.* Applications on Form PD-602 shall be filed in time to ensure that copies will have reached the War Production Board on or before the 10th day of the month preceding the month in which the materials are to be put in process for the production of the cellulose plastics ordered (or the month in which the cellulose plastics are to be delivered, if delivery is to be made from existing stocks).

*Number of copies.* Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be filed with the War Production Board, Washington, D. C., Reference M-326-a.

*Number of sets.* Each plastics supplier shall file consolidated sets of PD-602 applications for his various plants corresponding to his consolidated applications on Form PD-600 for cellulose ester flake pursuant to Allocation Order M-326. However, separate applications on Form PD-602 shall be made for cellulose plastic sheets, cellulose plastic rods and tubes, and cellulose plastic molding powder.

*Heading.* Under name of material, specify cellulose plastics; under War Production Board order number, specify M-326-a; specify as grade the particular cellulose plastic referred to in the application, such as cellulose plastic sheets, cellulose plastic rods and tubes, or cellulose plastic molding powder; specify delivery or production month; specify unit of measure as pounds; and otherwise fill in as indicated.

*Table I.* Fill in as indicated, except for columns 5 and 5a, which may be left blank.

Each customer shall be listed who has filed a certificate with the applicant, together with his certified end use description. If the applicant is a producer of cellulose plastics, specify in Column 7 the quantity and grade of cellulose ester flake required to produce the cellulose plastic in question. Request may be made for small order deliveries pursuant to paragraph (e) (1).

*Rolling stock requirements.* Leave blank columns relating to rolling stock.

*Table II.* Fill in as indicated. Specify grade as in the heading of the form, without regard to trade names or sales numbers.

(2) Each plastics supplier seeking authorization to use cellulose plastics may apply as follows:

(i) By filing application pursuant to Allocation Order M-326 for cellulose ester flake, stating in such application that such flake is required for certain cellulose plastics (Column 3) for production of specified products for specified end uses (Column 4); or

(ii) By filing application on Form PD-602, in the manner provided in Paragraph (f) (1) above, specifying his own name as customer in Column 1, describing the end use of the cellulose plastic in Column 1a and otherwise filling out the form as indicated therein.

It is recommended that the method described in paragraph (f) (2) (i) above be followed where the cellulose plastic for which authorization to use is requested will be manufactured from cellulose ester flake allocated pursuant to Order M-326, and that the method described in paragraph (f) (2) (ii) above be followed with respect to cellulose plastics which are in the plastics supplier's inventory on July 1, 1943, or which are subsequently manufactured from any stock of cellulose ester flake not subject to allocation under Order M-326.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form PD-602 and certificates pursuant to paragraph (c).

(g) *Plastics suppliers' intra-company deliveries.* Specific authorization shall not be required for intra-company deliveries of cellulose plastics between subdivisions of a plastics supplier, notwithstanding the provisions of § 944.12 of Priorities Regulation No. 1, as amended.

(h) *Notification of customers.* Each plastics producer is requested to notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Special Exemption.* The provisions of paragraph (b) (1) shall not apply to cellulose plastics which were in process of manufacture on or before July 1, 1943.

(j) *Miscellaneous provisions.* (1) *Applicability of regulations.* Subject to the provisions of paragraph (g), this order and all transactions affected hereby are subject to all applicable provisions

of War Production Board regulations, as amended from time to time.

(2) *Effect of other orders.* Nothing contained in this order shall be construed to limit the requirements of any other order of the War Production Board, including but not limited to Allocation Order M-326 (Cellulose Ester Flake), Limitation Order L-20 (Cellophane and Similar Transparent Materials Derived from Cellulose), Limitation Order L-233 (Photographic Film and Film Base) and General Preference Order M-154 (Thermoplastics), as amended.

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

(4) *Communications.* 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-326-a.

NOTE: Paragraph (j) redesignated July 9, 1943.

Issued this 9th day of July 1943.

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

[F. R. Doc. 49-11074; Filed, July 9, 1943; 11:47 a. m.]

PART 3281—PENICILLIN

[Allocation Order M-338]

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

§ 3281.1 Allocation Order M-338—(a) *Definitions.* For the purpose of this order:

(1) "Penicillin" means a chemo-therapeutic agent isolated from *Penicillium notatum*. The term includes penicillin in any medicinal tablet, ampoule or other dosage form.

(2) "Supplier" means any person who produces penicillin, imports penicillin, or purchases penicillin for resale as penicillin, but shall not include any retail pharmacist, hospital or physician.

(b) *Restrictions on delivery and use.* (1) On and after July 16, 1943, no supplier shall use or deliver penicillin, except as specifically authorized in writing by the War Production Board.

(2) The War Production Board at its discretion may at any time issue special directions with respect to use, delivery



or production of penicillin by any person.

(c) *Applications and reports.* (1) Each supplier seeking authorization to use or deliver penicillin shall file application on Form WPB-2947 (formerly PD-602), as provided in the instructions in Exhibit A annexed hereto. This reporting form has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special instructions to any such person with respect to preparing and filing Form WPB-2947 (formerly PD-602).

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

(2) *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.

(3) *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-338.

Issued this 9th day of July 1943.

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

EXHIBIT A

INSTRUCTIONS TO SUPPLIERS FOR PREPARING AND FILING APPLICATIONS

*Form WPB 2947 (formerly PD-602).* Copies of Form WPB 2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

*Time.* Applications on Form WPB-2947 (formerly PD-602) shall be filed in time to ensure that copies will have reached the War Production Board on or before the 25th day of the month preceding the month for which authorization to use or deliver is requested. However, applications for allocation for July, 1943, may be filed as soon as possible after issuance of this order.

*Number of copies.* Four copies shall be prepared, of which one shall be retained by the applicant supplier and three copies (one certified) shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-338.

*Number of sets.* Each supplier shall file separate sets of applications for un-compounded penicillin and for penicillin in dosage forms.

*Heading.* Under name of material, specify un-compounded penicillin, or penicillin in dosage forms, as the case may be; under War Production Board order number, specify M-338; leave grade space blank; specify delivery or use month; specify unit of measure as Florey (Oxford) Units; and otherwise fill in as indicated.

*Table I.* List each customer in Column 1. In the case of Army, Navy, Maritime Commission, War Shipping Administration, Lend-Lease or export purchase orders, specify in Column 1a the contract or export license number. In the case of other purchase orders, specify briefly in Column 1a whether the customer requires the penicillin for research, resale, or treatment, and, if for treatment, specify the condition to be treated and the urgency of the case. Fill in other columns as indicated.

Leave blank columns relating to rolling stock.

*Table II.* Fill in as indicated, leaving Column 8 blank.

[F. R. Doc. 43-11075; Filed, July 9, 1943; 11:47 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Amdt. 1 to Rubber Order R-1]

Rubber Order R-1 is hereby amended in the following respects:

(1) By amending § 4600.16 to read as follows:

§ 4600.16 *Original equipment manufacturers' inventories of tires and tubes.* No person shall deliver any product listed in groups 1 to 14 inclusive of § 4600.14 to any vehicle manufacturer requiring such product as a part of the original equipment of the vehicles he manufactures, unless the vehicle manufacturer shall attach to his purchase order a certification (in addition to any other certification which may be required by regulations of the War Production Board) in substantially the following form signed by an authorized official either manually or as provided in Priorities Regulation No. 7:

The undersigned hereby certifies to -----

(insert name and address of seller) and to the War Production Board that he is familiar with Rubber Order R-1 and that acceptance of delivery of the products listed on this purchase order will not increase his inventory of products within the particular group listed in § 4600.14 of Rubber Order R-1 in which the products fall, in excess of such products required for his production of vehicles during the ensuing 30 days.

Name of purchaser -----  
Address -----  
Date -----  
By -----  
Signature, title of duly authorized officer -----

(2) By amending Appendix I, Schedule A, Code No. 54, by deleting therefrom the words:

Molded wheels and casters (conductive type) Special authorization required to manufacture

and substituting in lieu thereof the words:

Molded wheels and casters, all types. Where conductive type is required, specific authorization must be obtained

(3) By amending Appendix I, Schedule B, Group I, by deleting therefrom the words:

Molded casters (except hospital and surgical equipment)

Issued this 9th day of July 1943.

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

[F. R. Doc. 43-11078; Filed, July 9, 1943; 11:48 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 3, Amdt. 3]

RATION BANKING: BANKS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

General Ration Order 3 is amended in the following respects:

1. Section 1305.405 (c) is amended by deleting the word "non-transferable".

2. Section 1305.411 (c) is amended by designating the first two sentences in the undesignated paragraph following subparagraph (5) (v) as subparagraph (6), and designating the last sentence of such undesignated paragraph as subparagraph (7).

3. Section 1305.412 (a) (1) is amended to read as follows:

(1) *Opening of accounts.* Open an account for any person authorized by the Office of Price Administration to maintain an account, except a retailer of food who is authorized but not required to have an account, upon receipt of a proper application. A bank may elect whether or not to continue the accounts which such retailers now have, and to reopen the accounts of such retailers which have been closed pursuant to the requirement of a ration order; if it continues or reopens any such account, it must continue, and on application reopen, such accounts for all such retailers. A bank which carries such optional accounts may also elect whether or not to permit such retailers who have accounts for one food ration program to have accounts for any other food ration program; if it opens any such additional account, it must open such additional accounts for all such retailers upon proper application. A bank shall investigate the identity of each depositor and report to the district office upon any depositor whose identity has not been verified.

4. Section 1305.412 (a) (2) is amended to read as follows:

(2) *Acceptance of deposits.* Accept deposits of all evidences presented in proper form for deposit. Credit the proper accounts with the amounts of all apparently valid evidences deposited. Verify the evidences deposited in the

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

<sup>1</sup> 8 F.R. 865, 2858, 4627.



manner and to the extent that the Office of Price Administration may from time to time in writing direct. Maintain proper control over all evidences deposited.

5. In § 1305.412 (a) (4) the headnote is amended to read as follows:

(4) *Acceptance of checks: overdrafts.*

6. Section 1305.412 (a) (12) is amended by deleting the words "or transfer".

7. Section 1305.416 is added to read as follows:

§ 1305.416 *Nebraska cooperative credit associations.* (a) A cooperative credit association organized under the laws of the State of Nebraska, if authorized in writing by the Office of Price Administration, may participate in ration banking as a bank.

(b) A cooperative credit association organized under the laws of the State of Nebraska shall not open any account until it has been authorized in writing by the Office of Price Administration to participate in ration banking. Such written authorization shall be given by the district office of the Office of Price Administration in the area in which the association is located, upon written application made to such district office by the association, if the district office finds that the association possesses qualified and adequate administrative personnel and bookkeeping and accounting facilities to participate effectively in ration banking.

(c) Any such association now participating in ration banking without written authorization from the Office of Price Administration shall, within ten days after the effective date of this order, file an application with the district office in the area in which the association is located. If the district office finds that the association has qualified and adequate administrative personnel and bookkeeping and accounting facilities, it shall authorize the association in writing to continue to participate in ration banking, which authorization shall constitute an approval, confirmation, and ratification of all acts of the association during the time it participated in ration banking prior to the written authorization from the Office of Price Administration. If it finds that the association does not have qualified and adequate administrative personnel and bookkeeping and accounting facilities, it shall send to the association by registered mail written notices, requiring it forthwith to withdraw from participation in ration banking; and upon receipt of such notice the association shall not open any new accounts, shall close out its existing accounts in such manner as the district office shall direct, shall deliver its ration banking records and forms to the district office, and shall take all other steps which the district office deems necessary to complete its withdrawal from ration banking.

This amendment shall become effective July 14, 1943.

(Pub. Laws 421, 507, 729, 77th Cong., E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-11025; Filed, July 8, 1943; 4:15 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 3B, Amdt. 1]

RATION BANKING; EXEMPT AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Section 1305.503 of General Ration Order 3B is amended by changing the period at the end of the first sentence thereof to a comma and adding the phrase "or by any General Ration Order".

This amendment shall become effective July 14, 1943.

(Pub. Laws 421, 507, and 729, 77th Cong.; E.O. 9125, issued by the President on April 7, 1942; W.P.B. Dir. No. 1, 7 F.R. 562)

Issued this 8th day of July, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-11027; Filed, July 8, 1943; 4:15 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 64]

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. Section 1394.7551 (a) (44) is amended by substituting for the phrase "except the portion which lies within the corporate limits of the City of Rossville," the phrase "except the portions which lie within the corporate limits of the Cities of Rossville and West Point,".

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

<sup>1</sup> 8 F.R. 2665.

<sup>2</sup> 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, 6641, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

2. Section 1394.8215 (p) is added to read as follows:

(p) On and after July 14, 1943, but not later than July 20, 1943, each dealer who operates a place of business within the corporate limits of the City of West Point in the State of Georgia, who has in his possession or control Class A, B, or C ration coupons received by him in exchange for transfers of gasoline at a time when such coupons had a value at the place of transfer of three (3) gallons of gasoline each, shall list all such coupons on Form OPA R-541 at a value of three (3) gallons each and deliver them to the Board having jurisdiction over the place of business at which such coupons were received. The Board shall issue to the dealer, in exchange for such coupons, inventory coupons equal in gallonage value to the listed value of coupons surrendered.

3. Section 1394.8215 (q) is added to read as follows:

(q) On and after July 14, 1943, but not later than July 20, 1943, each distributor who has in his possession or control Class A, B, or C ration coupons received by him in exchange for transfers of gasoline made within the corporate limits of the City of West Point in the State of Georgia, at a time when such coupons had, at the place of transfer a value of three (3) gallons of gasoline each, shall list all coupons on a separate deposit slip and deposit them for credit at a value of three (3) gallons each, in appropriate ration bank accounts maintained by him.

This amendment shall become effective at 12:01 A. M., July 14, 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 8th day of July, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-11014; Filed, July 8, 1943; 4:17 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 7 to Supp. 1]

MILEAGE RATIONING; GASOLINE REGULATIONS

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

Section 1394.8401 (a) (1) (ii) is amended by substituting for the phrase "except the portion which lies within the corporate limits of the city of Rossville," the phrase "except the portions which lie within the corporate limits of the Cities of Rossville and West Point,".

This amendment shall become effective at 12:01 A. M. on July 14, 1943 and shall



continue in full force and effect until amended by 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.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-11013; Filed, July 8, 1943;  
4:17 p. m.]

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

[RO 11, Amdt. 70]

**FUEL OIL RATIONING REGULATIONS**

A Rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Section 1394.5001 (a) (1) is amended to read as follows:

(1) "Additional facilities" means any fuel oil burning equipment which was installed subsequent to July 31, 1942, including any space heater, whether or not installed, transferred subsequent to December 19, 1942 (or in "Area A" transferred subsequent to March 15, 1943). The term does not include internal combustion engines, equipment used for domestic cooking or lighting, nor equipment designed and used for raising and preparing for market crops, poultry, livestock or other agricultural products.

This amendment shall become effective on July 14, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-11015; Filed, July 8, 1943;  
4:18 p. m.]

**PART 1404—RATIONING OF FOOTWEAR**

[RO 6A, Amdt. 1]

**MEN'S RUBBER BOOTS AND RUBBER WORK SHOES**

A rationale accompanying this amendment, issued simultaneously herewith,

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

<sup>1</sup> 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9427, 9430, 9621, 9478, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2730, 2887, 2942, 2993, 2887, 3105, 3521, 3628, 3734, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059.

<sup>2</sup> 8 F.R. 7384.

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

Section 1.2 (c) is added to read as follows:

(c) The Office of Civilian Defense may get certificates for rubber footwear to be furnished to persons performing services sponsored by it 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.

This amendment shall become effective July 14, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. I-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-11021; Filed, July 8, 1943;  
4:13 p. m.]

**PART 1404—RATIONING OF FOOTWEAR**

[RO 6A, Amdt. 2]

**MEN'S RUBBER BOOTS AND RUBBER WORK SHOES**

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

Ration Order 6A is amended in the following respects:

1. The text of section 1.13 is designated as paragraph (a).
2. Sections 1.13 (b) and (c) are added to read as follows:

(b) If the original certificate is returned to the consumer under this section, no endorsement shall be made on the back by the retailer.

(c) If the retailer is unable to return the original certificate, he may return any valid certificate for the same type and quantity as the rubber footwear returned, and shall endorse the certificate specially to the consumer by writing on the back the name and address of his establishment together with the word "to" and the name of the consumer.

This amendment shall become effective July 14, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. I-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of July, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-11016; Filed, July 8, 1943;  
4:17 p. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[RO 3, Amdt. 72]

**SUGAR RATIONING REGULATIONS**

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 1407.141 (b) is amended to read as follows:

(b) Each stamp authorizes delivery of sugar to a consumer only during the ration period assigned to such stamp in § 1407.243. A stamp received in accordance with Rationing Order No. 3 by a registering unit, which is neither a depositor nor required to be one, authorizes the registering unit to take delivery of sugar in an amount equal to the weight value of the stamp if such stamp is surrendered to another registering unit or a primary distributor within a month of the close of the ration period assigned to such stamp. A stamp surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after the close of the ration period assigned to such stamp: *Provided, however,* That, notwithstanding anything to the contrary contained in Rationing Order No. 3, Stamp No. 12 may, on or before July 31, 1943, be surrendered by a registering unit which is not and is not required to be a depositor to authorize the registering unit to take delivery of sugar and may be deposited on or before August 10, 1943. Except as provided in paragraph (f) of § 1407.140, a depositor may issue checks at any time, against credits created by the deposit of a stamp. Stamps numbered one through eleven shall not be valid for deposit. If the ration period assigned to a stamp ends on a day which is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day of the ration period to and including the corresponding day of the next calendar month; otherwise it is the period from the last day of the ration period to and including the last day of the next calendar month.

This amendment shall become effective July 14, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 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 8th day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-11026; Filed, July 8, 1943;  
4:15 p. m.]

<sup>1</sup> 8 F.R. 5909, 5846, 6135, 6442, 6626, 6637, 6961, 7351, 7380, 8010, 8184, 8678, 8811.



**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[RO 12,<sup>1</sup> Amdt. 46]

**COFFEE RATIONING REGULATIONS**

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 1407.1020 (b) is amended to read as follows:

(b) Each coffee stamp authorizes the transfer of one pound of roasted coffee to a consumer only during the ration period assigned to that coffee stamp in § 1407.1091. A coffee stamp received in accordance with Ration Order No. 12, by a retailer, who is not and is not required to be a depositor, and against which such retailer has transferred roasted coffee, authorizes such retailer to acquire roasted coffee therewith from another retailer or wholesaler, if such stamp is surrendered to such other retailer or wholesaler within a month of the close of the ration period assigned to such coffee stamp. Coffee stamps surrendered to a depositor shall be valid for deposit in his account for a period of a month and ten days after the close of the ration period assigned to such coffee stamp: *Provided, however,* That notwithstanding anything to the contrary contained in Ration Order No. 12, on or before February 15, 1943, Coffee Stamp No. 27, and, on or before March 15, 1943, Coffee Stamp No. 28, may be deposited, or may be surrendered in order to authorize the transfer of roasted coffee to a retailer who is not and is not required to be a depositor, and Coffee Stamp No. 23 may, on or before July 31, 1943, be surrendered by a retailer who is not and is not required to be a depositor to authorize the transfer of roasted coffee to him and may be deposited on or before August 10, 1943. Except as provided in paragraph (f) of § 1407.1032, a depositor may issue checks at any time against credits created by the deposit of a stamp. If the ration period assigned to a coffee stamp ends on a day which is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day of the ration period to and including the corresponding day of the next calendar month; otherwise it is the period from the last day of the ration period to and including the last day of the next calendar month.

This amendment shall become effective July 14, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; E.O. 9125; 7 F.R. 2719; E.O. 9280,

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

<sup>1</sup> 8 F.R. 3400, 3843, 4486, 4519, 4977, 4892, 5318, 5480, 5486, 5818, 5846, 7198, 7267, 7344, 7380, 7767, 7601, 7825, 8679, 9024.

7 F.R. 10179; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,  
*Administrator.*

[F. R. Doc. 43-11022; Filed, July 8, 1943; 4:14 p. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[RO 13,<sup>1</sup> Amdt. 46]

**PROCESSED FOODS: "FOUNTAIN FRUITS"**

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Ration Order 13 is amended in the following respects:

1. A new section 6.7 (a) (3) is added to read as follows:

(3) Any allotment given to an industrial user pursuant to an application made under this paragraph is to be reduced in proportion to the part of the allotment period which had elapsed at the time he became an industrial user.

2. Section 16.7 (a) (1) is amended to read as follows:

(1) Produces jams, jellies, preserves, fruit butters, fountain fruits, pickles or relishes, or

3. The following item is added to the list in Appendix A:

*Fountain fruits.* Fountain fruits means a product made of fruits (either whole, cut or crushed), added sugar solids constituting at least 40% of the product by weight, and color, flavoring, acidulant or preservative, and which is ordinarily used as an ice-cream topping or dressing, or in the manufacture of ice-cream.

This amendment shall become effective July 14, 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; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 8th day of July 1943.

PRENTISS M. BROWN,  
*Administrator.*

[F. R. Doc. 43-11017; Filed, July 8, 1943; 4:17 p. m.]

**PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS**

[Restriction Order 4,<sup>2</sup> Amdt. 8]

**LARD IN PUERTO RICO**

A rationale accompanying this amendment, issued simultaneously herewith has

<sup>1</sup> 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4892, 4921, 5318, 5341, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 5757, 5758, 6046, 6137, 6181, 6138, 6838, 6839, 7267, 7268, 7380 7353, 7490, 7589, 8357, 8376, 8705, 9024, 9012.

<sup>2</sup> 8 F.R. 3417, 4190, 5987, 5988, 6274, 7391, 7594.

been filed with the Division of the Federal Register.\*

Restriction Order 4 is amended in the following respects:

1. Section 1407.5002 (d) (1) and (2) are hereby revoked.

2. Section 1407.5006 (b) (1) and (2) are hereby revoked.

3. Section 1407.5009 (b) (1) and (2) are hereby revoked.

4. Section 1407.5009 (c) is hereby revoked.

5. Section 1407.5009 (d) is hereby revoked.

6. Section 1407.5009 (e) is hereby revoked.

7. Section 1407.5009 (f) is hereby revoked.

This amendment shall be effective as of June 17, 1943.

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

Issued this 8th day of July 1943.

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

[F. R. Doc. 43-11024; Filed, July 8, 1943; 4:14 p. m.]

**PART 1448—EATING AND DRINKING ESTABLISHMENTS**

[Restaurant MPR 1-1, Amdt. 2]

**FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN RHODE ISLAND**

For the reasons set forth in the statement of considerations issued simultaneously herewith\* and under the authority vested in the Rhode Island District Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, section (e), *It is hereby ordered,* That the above Regulation be amended as follows:

Section 17 is hereby amended by adding paragraph (f) to read as follows:

Sec. 17. *Exempt sales.* Sales at the following eating or drinking places are specifically exempt from the provisions of this regulation:

(f) Eating and drinking places operated on a non-profit basis by the school department of any city or town and serving food items or meals exclusively to pupils and teachers.

This amendment to Restaurant Maximum Price Regulation No. 1-1 shall become effective June 24, 1943.

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

Issued this 24th day of June 1943.

CHRISTOPHER DEL SESTO,  
*District Director,*  
*Rhode Island District.*

[F. R. Doc. 43-11020; Filed, July 8, 1943; 4:13 p. m.]



PART 1351—FOOD AND FOOD PRODUCTS  
[Rev. MPR 268, Amdt. 7]

PERISHABLE FOODS AT RETAIL; EGGS

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

Revised Maximum Price Regulation No. 268 is amended in the following respects:

1. In section 13 (b) after the phrase "When a retailer purchases" and before the phrase "and then candles and grades such eggs", the phrase "eggs in other than retail grades and sizes (or weight classes)" is substituted for the phrase "assorted eggs".

2. Paragraph (c) of section 13 is redesignated paragraph (d).

3. A new paragraph (c) is added to section 13 to read as follows:

(c) *Eggs sold by you as "ungraded eggs"*. When a retailer purchases eggs in other than retail grades and sizes (or weight classes) and does not candle and grade them into the retail grades and sizes (or weight classes) set forth in Appendix A, he must sell them as "ungraded eggs". He shall calculate a maximum price weekly for such eggs using as his "net cost" the lowest maximum price established by Maximum Price Regulation No. 333 which would apply to sales to a retailer of large Grade C eggs delivered on the Monday of the week in which calculations are made to a receiving point located in the same city, town, village or hamlet as the customary receiving point for the eggs of the retailer pricing hereunder.

4. Subparagraph (10) of paragraph (b) of Appendix A is amended to read as follows:

(10) "Eggs" or "shell hen eggs" means all shell eggs of the fowl known as the domestic or barnyard hen used for human consumption. Maximum prices shall be calculated and posted for each grade and size (or weight class) of eggs. The grade and size (or weight class) shall be clearly posted with the maximum price, except that "ungraded eggs" are to be designated only as "ungraded eggs." Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 333, or as "ungraded eggs" which may contain no inedible eggs.

This amendment shall become effective July 15, 1943.

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

Issued this 8th day of July 1943.

PRENTISS M. BROWN,  
Administrator.

Approved: July 6, 1943.

PAUL A. PORTER,  
Acting War Food Administrator.

[F. R. Doc. 43-11023; Filed, July 8, 1943; 4:14 p. m.]

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

<sup>1</sup>8 F.R. 6129, 7116, 7661, 7522, 8682.

Chapter XIII—Petroleum Administration  
for War

PART 1575—PETROLEUM INDUSTRY

PAW MATERIALS REDISTRIBUTION PROGRAM  
NO. 2

The fulfillment of the requirements for the defense of the United States has created a shortage of materials necessary for the production of petroleum for defense, for private account, and for export; and the following program is deemed necessary in the public interest, to promote the national defense, and to provide adequate supplies of petroleum for military and other essential purposes by making possible the fullest utilization of existing materials in the petroleum industry:

§ 1575.2 *PAW Materials Redistribution Program No. 2*—(a) *Purpose*. The purpose of this program is to effect a redistribution of certain critical materials among petroleum operators, so as to assure maximum efficient use of these materials and continued effective operation of the petroleum industry. In addition this program is designed as a method for determining the extent to which overall surpluses of material exist in the petroleum industry and are available for other uses in this country's war program. These purposes are to be accomplished through the establishment of uniform procedures for the reporting and sale or exchange of surplus stocks owned or controlled by petroleum industry operators.

The issuance of this program supersedes the previously operative "Tubular Goods Program" and establishes uniform standards for the recording and redistribution of those items of material essential to the war program which from time to time may become critical.

(b) *Definitions*. (1) "Operator" means any person to the extent that he is engaged in the petroleum industry.

(2) "Petroleum industry" means any operation directly incident to:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline production);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, refining or compounding of finished or unfinished petroleum products (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and shall include for each of the above listed branches of the industry, to the extent applicable therein, the investigation into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories.

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

(4) "Surplus material" means with respect to each operator that quantity of any item of material, usable for purposes other than scrap, in the operator's possession or under his control which is de-

termined to be surplus critical material in accordance with Schedules A, B, or C; or which (with respect to any material not identified as critical material) exceeds the quantity required or scheduled for use during the succeeding 90 days.

(5) "Critical material" means the material identified as critical on Schedules A, B, or C of this program.

(c) *Participation in the redistribution program*—(1) *Required participation*. Every operator (except marketing operators who neither operate five or more more bulk plants nor own or control marketing equipment with a new replacement cost of \$300 or more at each of 25 or more retail outlets) who after July 31, 1943, acquires any material through the use of priorities assistance, for use in the United States, its territories or possessions must participate in the redistribution program.

(2) *Voluntary participation*. Any operator, domestic or foreign (although not a required participant), and any supplier may participate in this program by following the provisions of the redistribution program as if he were a required participant.

(3) *Classes of participation*. At any time the Petroleum Administration for War may include or exclude any operator or class of operators from required participation in the redistribution program.

(4) *Required certification*. At the time of filing this first report, or in the case of a required participant having no surplus material to report, on or before July 31, 1943, each operator shall file with the District Office for each District in which he operates a certification in triplicate in substantially the following form:

This is to certify that I am acquainted with the provisions of PAW Materials Redistribution Program No. 2 and have filed and will file all reports required thereunder.

| Name of Required Participant | Date  |
|------------------------------|---|
| -----                        | -----   |
| Address                      | Branch or Branches of Industry in which Operations are Conducted in District. |
| -----                        | -----   |

(d) *Material covered by the redistribution program*. (1) The redistribution program covers all critical material which exists in the petroleum industry.

(2) Only surplus critical material must be reported. However, any item of critical material may be reported when a substantial quantity of such item exists at any location. In the event that critical material is reported, whether or not such material is surplus material, it shall be considered as surplus critical material for the purpose of this redistribution program.

(3) Where surplus critical material is jointly owned or controlled by two or more operators, such material shall be included in the program and reports as to such material shall be made by the operating owner.

(e) *Surplus critical material reporting*—(1) *Initial inventory*. As soon as possible, every required participant shall make surveys of his critical material to



determine what surplus critical material he has in his possession or subject to his control. A separate survey shall be conducted for each PAW District.

(2) *Critical material to be reported.* Surplus critical material must be listed on PAW Form No. MA-3-A, and reported on this form to the District Office of the Petroleum Administration for War for the District in which the surplus critical material is located. The first report shall be made on or before July 31, 1943.

The operator must fill out a separate PAW Form No. MA-3-A for each item or group of identical items which are owned or controlled by a required participant and are located at one place. However, where the required participant has like items of material located at two or more places in the PAW District, he may submit one report for all like items and list the identifying locations of the critical material on the back of the form. Three copies of Form No. MA-3-A shall be sent to the appropriate District Office and one shall be retained by the operator to be maintained as an inventory record so established that he can conveniently answer inquiries concerning his surplus critical material.

(3) *Maintaining current records—(i) Adjustment of schedules.* In the event that an item of critical material is added to or withdrawn by the Petroleum Administration for War from Schedule A, B, or C, an appropriate adjustment is required. Where an item is added, a required participant must immediately conduct a survey (in the manner prescribed in subparagraph (1) above) of that item to determine whether or not with respect to that item he has in his possession or subject to his control any surplus critical material. If the survey reveals the existence of surplus critical material, he shall immediately notify the appropriate District Office on PAW Form No. MA-3-A in accordance with subparagraph (2) above.

Where an item of critical material is withdrawn from Schedules A, B, and C, the required participant need not conduct periodic surveys of that item as described in (ii) below, nor will that item continue to be considered as subject to the requirements of the redistribution program which are applicable to critical material.

(ii) *Periodic reports.* In order that the records of the Petroleum Administration for War may be maintained on a current basis the following interim reporting procedure should be used:

(a) When any item of critical material is acquired by a required participant in an amount which will result in surplus critical material for that item, he will immediately notify the appropriate District Office of this fact on PAW Form No. MA-3-A, in accordance with subparagraph (2) above.

(b) When any item of critical material is used or disposed of by a required participant and as a result there no longer exists surplus critical material with respect to that item, he will immediately notify the appropriate District Office of this fact on PAW Form No. MA-3-A in accordance with subparagraph (2) above.

(c) When the quantity of any item of surplus critical material reported by

a required participant is altered in an amount greater than 25% of the total reported surplus of that item, the required participant will immediately notify the appropriate District Office of this fact on PAW Form No. MA-3-A in accordance with subparagraph (2) above.

In any event, a required participant will review his stock position and list or report any alterations in his surplus critical material inventory position at least once every 90 days. The first of these reviews and reports will be completed and submitted (to the appropriate District Office on PAW Form No. MA-3-A, in accordance with subparagraph (2) above) on or before October 31, 1943.

(iii) *Current records.* The inventory and inventory records of any required participant may be reviewed by representatives of the Petroleum Administration for War at any time to determine conformity with the requirements of this redistribution program.

(f) *Use of inventory records to obtain critical materials—(1) Action to be taken by an operator requiring critical material.* (i) Whenever a required participant requires the delivery of any critical material, the operator must, in an effort to locate the material, first consult his own inventory records for the District in which the critical material is to be used.

(ii) When, under Preference Rating Order P-98-b or other applicable order, the delivery order or application form must be approved or an authorization granted prior to the use of priorities assistance, an operator before submitting the order or using authorized priorities assistance (other than MRO assistance for which an approved delivery order is necessary) should inquire of the appropriate District Office as to whether or not the critical material for which priorities assistance has been requested is available in the stocks of another operator.

(2) *Notification of existence of surplus critical material.* Before processing a request for priorities assistance, a check will be made by the Petroleum Administration for War of its inventory records to determine whether or not the particular item or items of critical material are otherwise available as surplus material in the hands of other operators. In the event that a determination is made that this is the case, the applicant for priorities assistance will be informed of this fact by letter, or collect telephone, or collect telegram, depending upon the expressed preference of the operator and the urgency. Letter notification will be on PAW Form No. MA-3-C entitled "Notification of Sources of Surplus Critical Material".

(3) *Negotiation for sale or transfer of critical material.* Upon receipt of a notification of possible available supplies of critical material, the operator requiring the critical material will communicate with the operators indicated as possessing possible supplies and negotiate with them for the sale or transfer of the material. If the operator cannot obtain the critical material from any of the indicated sources, he will so notify the Petroleum Administration for War on a copy of PAW Form No. MA-3-C, entitled

"Notification of Sources of Surplus Critical Material", giving a full explanation of the reasons why the purchase or transfer could not be consummated. A supply of these forms may be obtained from any Petroleum Administration for War District Office for use as replies when notification is made by telephone or telegraph.

Where inquiry is made by transmitting a copy of the delivery order or an application for priorities assistance, and the Petroleum Administration for War determines that the required critical material is listed as surplus stock by other operators and so notifies the operator on PAW Form No. MA-3-C, the purchase order or application will be held in abeyance for 15 days from the date of notification to the operator of the possible sources of the critical material. If the operator is unsuccessful in obtaining the critical material from the suggested sources, the original request for priorities assistance will be processed where information to this effect is received from the operator within 15 days of the date of notification. Unless the Petroleum Administration for War is so notified within the 15 days, a new copy of the delivery order or application for priorities assistance must be submitted if priorities assistance is necessary.

Before transmitting an application for priorities assistance which under Order P-98-b must be sent directly to Washington, the required participant shall, unless emergency conditions prevent, request information of the appropriate District Office as to available supplies of surplus critical material located in the District and shall attempt to obtain such material without the use of priorities assistance. If material is not available the operator shall so notify the District Office and place upon his application to Washington, a statement in substantially the following form:

Cleared with Surplus Critical Material Unit, Materials Division, Petroleum Administration for War District No. ...

In the event that no contact is made with the District Office, the Petroleum Administration for War in Washington will determine from its inventory records whether or not there exists surplus material in hands of other operators in the District and based upon the determination will, if appropriate, return to the operator PAW Form No. MA-3-C for processing by the operator in the manner specified above.

(g) *Price negotiation.* The Petroleum Administration for War will not negotiate prices in any sales or transfers effected under this redistribution program nor in any way act as a collecting agency for any seller or transferor. Although the price charged should not exceed the present new replacement cost of the critical material at its present location or the applicable established maximum price, if any, of the Office of Price Administration, the Petroleum Administration for War will not check any price against such limits. The negotiation of prices and the conformity of prices with governmental regulations is the responsibility of the operator.

(h) *Form.* Sample copies of all forms referred to in this program and



instructions for their use will be attached to the Materials Redistribution Program as distributed. Additional copies of the forms for use in carrying out the provisions of this Program may be obtained from any District Office of the Petroleum Administration for War.

(i) *Sales and transfers within the petroleum industry.* The terms and provisions of Preference Rating Order P-98-c, as amended, permit sales and transfers of material within an operator's company or between operators, and in addition permit sales or transfers by an operator to a supplier for direct sale or transfer by the supplier to another operator. However, no material may be delivered to any operator by either an operator or a supplier (where the material is ultimately to be used in the United States, its territories or possessions, or the Dominion of Canada) in a quantity "which if accepted by the operator would result in surplus material for the operator". Likewise, no operator may submit a delivery order, purchase order or contract, effect a sale or transfer of material otherwise authorized under Preference Rating Order P-98-c, or use priorities assistance, to obtain delivery of material for ultimate use in the United States, its territories or possessions, or the Dominion of Canada in a quantity which if accepted by the operator would result in surplus material.

These provisions, making possible the full utilization of this Materials Redistribution Program, also limit the quantities of material which may be accepted; and it should be the direct concern of every operator to acquaint himself fully with the provisions of the P-98-c Order in working under the Materials Redistribution Program.

(j) *Appeals.* Any operator who is subject to any requirement of any regulation, direction, or other action under this redistribution program may appeal for relief by filing a letter in triplicate with the District Director of Materials, Petroleum Administration for War, at the District Office for the District in which relief is sought, Ref: MRP-2, setting forth the pertinent facts, and the reasons why the operator considers that he is entitled to relief.

(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.)

NOTE: This program has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of July 1943.

RALPH K. DAVIES,  
Deputy Petroleum  
Administrator for War.

SCHEDULE A

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule A: Subtract from the total quantity of any item of critical material (of a type identified on this Schedule), that quantity by item which is required or scheduled for use during the succeeding 90 days.

Critical material used in—

| Production (oil or gas)   | Natural gasoline production | Refining               | Transportation         | Marketing |
|---|-----------------------------|------------------------|------------------------|-----------|
| Carbon and alloy steel  | Carbon and alloy steel      | Carbon and alloy steel | Carbon and alloy steel |           |
| Tubular Goods (oil country):<br>Casing.<br>Tubing-2" and up.<br>Drill pipe.<br>Line Pipe-2" and up. | Line Pipe-2" and up.        | Line Pipe-2" and up.   | Line Pipe-2" and up.   |           |
| Wire Rope.  |                             |                        |                        |           |
| API steel sucker rods   |                             |                        |                        |           |

SCHEDULE B

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule B: Subtract from the total quantity of any item of critical material (of a type identified on this Schedule), one-half of the quantity by item actually installed or put into service (use) in 1942.

Critical material used in—

| Production (oil or gas)  | Natural gasoline production  | Refining   | Transportation   | Marketing |
|--|--|--|--|-----------|
|  | Carbon and alloy steel   | Carbon and alloy steel   |  |           |
|  | Condenser tubes.   | Condenser tubes.<br>Boiler tubes.<br>Still tubes.  |  |           |
| Copper   | Copper   | Copper   |  |           |
| Wire (wire mill copper products).  | Wire (wire mill copper products).<br>Pipe and tubing (including tubes).                                      | Wire (wire mill copper products).<br>Pipe and tubing (including tubes).                                      |  |           |
|  | Copper base alloys   | Copper base alloys   |  |           |
|  | Pipe and tubing (including tubes).   | Pipe and tubing (including tubes).   |  |           |
| Valves <sup>1</sup> (check, gate, globe, plug, relief, safety).<br>Steel-2" and up.<br>Cast iron-12" and up. | Valves <sup>1</sup> (check, gate, globe, plug, relief, safety).<br>Steel-2" and up.<br>Cast iron-12" and up. | Valves <sup>1</sup> (check, gate, globe, plug, relief, safety).<br>Steel-2" and up.<br>Cast iron-12" and up. | Valves <sup>1</sup> (check, gate, globe, plug, relief, safety).<br>Steel-2" and up.<br>Cast iron-12" and up. |           |

SCHEDULE C

DETERMINATION OF SURPLUS CRITICAL MATERIAL FOR THIS SCHEDULE

To determine surplus critical material for Schedule C: Total by item all critical material whether or not installed (of a type identified in this Schedule): (a) which has not been in productive service during the past 90 days and is not required or scheduled for such service during the succeeding 30 days or (b) which has not been in productive service during the past 180 days.

Critical material used in—

| Production (oil or gas)  | Natural gasoline production  | Refining  | Transportation   | Marketing                                   |
|--|--|---|--|---|
| Compressors <sup>2</sup>   | Compressors <sup>2</sup>   | Compressors <sup>2</sup>                              |  | Compressors <sup>2</sup>                    |
| 75 HP or more (including direct driven).                                   | 200 HP or more (direct driven only).                                       | 200 HP or more (direct driven only).                  |  | 7½ HP or less (complete with storage tank). |
|  | Control instruments <sup>1,2</sup>   | Control instruments <sup>1,2</sup>                    |  |   |
|  | Industrial (including regulators and control valves).                      | Industrial (including regulators and control valves). |  |   |
| Electric motors  | Electric motors  | Electric motors                                       | Electric motors  | Electric motors                             |
| 10 HP or more.   | 10 HP or more.   | 10 HP or more.  | 10 HP or more.   | 5 HP or more.                               |
| Electric motor controls  | Electric motor controls  | Electric motor controls                               | Electric motor controls  | Electric motor controls                     |
| 10 HP or more.   | 10 HP or more.   | 10 HP or more.  | 10 HP or more.   | 5 HP or more.                               |
| Engines <sup>2</sup>   | Engines <sup>2</sup>   |   | Engines <sup>2</sup>   |   |
| Multi-cylinder gas and gasoline, 30 HP or more.<br>Diesel, 150 HP or more. | Multi-cylinder gas and gasoline, 10 HP or more.<br>Diesel, 150 HP or more. |   | Multi-cylinder gas and gasoline, 10 HP or more.<br>Diesel, 150 HP or more. |   |

Footnotes on page 9463.



| Production (oil or gas)  | Natural gasoline production                          | Refining   | Transportation                                       | Marketing  |
|--|--|--|--|--|
| Line pipe (oil or gas in place) 4" or over.                              | Heat Exchangers (including complete shells)          | Heat Exchangers (including complete shells)          | Line pipe (in place) 4" or over.                     | Meters <sup>1 2</sup><br>Petroleum displacement type.        |
|  | Line pipe (in place) 4" or over.                     |  |  |  |
| Pumping units<br>Oil well (excluding standard rig front), 10 HP or more. | Pressure vessels and towers                          | Pressure vessels and towers                          | Pumps <sup>1 4</sup> (steam or power driven)         | Pumps <sup>1 3</sup><br>Dispensing motor driven meter type.  |
|  | 200 or more cubic feet contents.                     | 200 or more cubic feet contents.                     |  |  |
| Tanks  | Pumps <sup>1 4</sup> (steam or power driven)         | Pumps <sup>1 4</sup> (steam or power driven)         | Pumps <sup>1 4</sup> (steam or power driven)         | Pumps <sup>1 3</sup> (power driven only)                     |
|  | Centrifugal.<br>Horizontal reciprocating.<br>Rotary. | Centrifugal.<br>Horizontal reciprocating.<br>Rotary. | Centrifugal.<br>Horizontal reciprocating.<br>Rotary. | Centrifugal.<br>Rotary.                                      |
| Tanks  | Tanks  | Tanks  | Tanks  | Tanks <sup>3</sup><br>Steel storage, 65 gallons to 500 bbls. |
| Steel storage, 10,000 bbls. or larger.                                   | Steel storage, 10,000 bbls. or larger.               | Steel storage, 10,000 bbls. or larger.               | Steel storage, 10,000 bbls. or larger.               | Steel storage, 500 bbls. or larger.                          |

FOOTNOTES

(These footnotes are applicable to any footnoted material, regardless of the schedule in which such material is listed.)

Footnoted material is considered "critical material" for the purposes of this program only where:

(a) In the case of footnote <sup>1</sup>, the material is unused, reconditioned or rebuilt.

(b) In the case of footnote <sup>2</sup>, the material was sold new to any person (not necessarily to the required participant) at any time since December 31, 1937.

(c) In the case of footnote <sup>3</sup>, the material is not actually installed at the time a report under the Program is submitted.

(d) In the case of footnote <sup>4</sup> the material has a new replacement cost (excluding the power unit) of \$600 or more.

(e) In the case of footnote <sup>5</sup>, the material has a new replacement cost (including the power unit) of \$200 or more.

[F. R. Doc. 43-11003; Filed, July 8, 1943; 1:34 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

NOTICE TO LICENSEES OF HIGH FREQUENCY (FM) BROADCAST STATIONS

Because the demands of the military services have greatly decreased available trained personnel for operating broadcast stations, Order No. 111-A has been adopted to further modify the provisions of § 3.261 of the Federal Communications Commission Rules with respect to minimum operating requirements of high frequency (FM) broadcast stations.

Under Order 111-A each high frequency (FM) station shall continue to render at least 6 hours program service each day, except Sundays, between 6 a. m. and midnight. The requirement that two hours of this service shall be devoted to programs not duplicated simultaneously as primary service in the same area by any standard or any high frequency broadcast station, has been suspended. Thus high frequency (FM) station licensees that have available (a. m.) programs of good quality, may use those available programs. However, it should not be overlooked that the Commission has not suspended or waived paragraph (c) of § 3.261, which places upon each licensee the duty to develop, in so far as possible, a distinct and separate service from that otherwise available in the service area.

Dated: July 6, 1943.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE, Secretary.

[F. R. Doc. 43-11057; Filed, July 9, 1943; 10:27 a. m.]

[Order No. 111-A]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

NOTICE TO LICENSEES OF HIGH FREQUENCY (FM) BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July 1943;

It appearing (1) that the demand by the military service has decreased the supply of trained personnel available for the operation of broadcast stations, and

(2) that there is a scarcity of materials for the maintenance of broadcast stations, and

It further appearing that a relaxation of the Commission's Rules, Regulations and other requirements with respect to minimum operating schedules for broadcast stations will serve the public interest;

Now, therefore, *It is ordered:* That until further order of the Commission paragraphs (a) and (b) of § 3.261 of the Rules and Regulations governing the minimum operating schedules of high frequency (FM) broadcast stations be, and they are hereby, suspended; and in lieu thereof, except Sundays, the minimum operating schedule of high frequency (FM) broadcast stations shall be six hours during the period from 6 a. m. to midnight, local standard time; except that if in any emergency, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period not to exceed 10 days: *Provided,* That the Commission and the inspector in charge shall be notified in writing immediately after the emergency develops.

This order supersedes Order 111.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE, Secretary.

[F. R. Doc. 43-11056; Filed, July 9, 1943; 10:28 a. m.]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

NOTICE TO LICENSEES OF HIGH FREQUENCY (FM), TELEVISION, AND NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS

To assist in maintaining the service of high frequency (FM), television, and noncommercial educational broadcast stations, the Federal Communications Commission has announced that technical adjustments and changes in operation of such stations may be made where desirable for the conservation of equipment, particularly vacuum tubes, if consistent with maintenance of a substantial service or if necessary to permit continued operation. Under this arrangement licensees may file informal requests to reduce operating power or to make other changes in the operation of authorized equipment. Previously announced policies of the Commission regarding wartime licensing and operation remain unchanged, and this notice does not affect the procedure for authorizing over short periods such technical changes as are made necessary by emergency situations.

Licensees desiring to make changes in operating conditions should submit a statement of the changes proposed, the need therefor, the extent of time required or desired (not to exceed the license period, although such request may be repeated), and the change, if any, in service which would be provided,



Requests involving changes in equipment, to be handled by the procedure outlined herein, must be limited to those made necessary by existing conditions and required for the maintenance of service, such as the use of a temporary antenna to replace one damaged by storm or the operation of a transmitter without the final amplifier stage. Requests will not be considered, however, if inconsistent with the limitations on use of equipment contained in the wartime "freeze" policy announced by the Memorandum Opinion of April 27, 1942 (7 F.R. 3248).

Dated: July 6, 1943.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE, Secretary.

[F. R. Doc. 43-11058; Filed, July 9, 1943;  
10:28 a. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 36-FD]

VALIER COAL COMPANY

#### ORDER EXTENDING EFFECTIVE DATE OF DENIAL OF APPLICATION FOR EXEMPTION

In the matter of the application of Valier Coal Company for exemption of all coal produced by it and delivered to the Chicago, Burlington & Quincy Railroad Company and applicant's employees from the provisions of section 4 and the first paragraph of section 4-A of the Bituminous Coal Act of 1937.

An order was issued in this proceeding on May 21, 1943, denying an application for exemption of Valier Coal Company, code member in District No. 10, effective June 5, 1943. Thereafter, on June 11, 1943, at the request of the Valier Coal Company, the effective date of the order denying its application for exemption was extended to July 1, 1943.

By application filed with the Division on July 1, 1943, Valier Coal Company requested that the effective date of the order of the Director of May 21, 1943 denying its application for exemption be extended to July 31, 1943. Applicant alleges that on June 25, 1943 it requested District Board No. 10 to file application on its behalf with the Bituminous Coal Division for the establishment of a minimum price for coal produced by Valier Coal Company and sold for all railroad uses to Chicago, Burlington & Quincy Railroad Company. Applicant further alleges that District Board No. 10 has advised it that it will be unable to secure the establishment of a minimum price prior to July 1, 1943, the present effective date of the aforementioned order of the Director.

In these circumstances I believe that the requested relief is appropriate and that the third paragraph of the order denying the application of Valier Coal

Company for exemption dated May 21, 1943 should accordingly be amended to read as follows:

*It is hereby further ordered, That effective July 31, 1943, the application of Valier Coal Company is denied.*

It is so ordered.

Dated: July 8, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-11054; Filed, July 9, 1943;  
10:46 a. m.]

[Docket No. A-2004]

DISTRICT BOARD 12

#### ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 12 for establishment of a new size group and the establishment of price classifications and minimum prices.

Petitioner having moved that the hearing in the above-entitled matter heretofore scheduled for July 8, 1943, be postponed until July 15, 1943, and good cause having been advanced for the postponement of the said hearing and

It appearing appropriate, however, that the said hearing be postponed to July 16, 1943, rather than to July 15, 1943, as requested by petitioner

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from July 8, 1943 to 10 o'clock in the forenoon of July 16, 1943 at the place and before the officers heretofore designated.

Dated: July 7, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-11055; Filed, July 9, 1943;  
10:46 a. m.]

#### Bureau of Reclamation.

BEAR RIVER STORAGE PROJECTS, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 7, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, 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), and that departmental order of April 8, 1935, establishing Utah Grazing District No. 1, be modified and made subject to the withdrawal effected by this order.

BEAR RIVER STORAGE PROJECTS

SALT LAKE MERIDIAN, UTAH

Cutler Reservoir Site

T. 13 N., R. 2 W.,  
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ .

Otter Creek Reservoir Site

T. 11 N., R. 6 E.,  
Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Neponset Reservoir Site

T. 8 N., R. 7 E.,  
Sec. 34, All.

Respectfully,

H. W. BASHORE,  
Acting Commissioner.

I concur: June 17, 1943.

ARCHIE D. RYAN,  
Acting Director of the Grazing  
Service.

I concur: June 22, 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.

JUNE 28, 1943.

[F. R. Doc. 43-11008; Filed, July 8, 1943;  
4:01 p. m.]

Office of Indian Affairs.

TANACROSS, ALASKA

#### ORDER RESERVING CERTAIN LANDS

Pursuant to authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593), and subject to any valid existing rights or claims acquired prior to the date hereof, there is hereby withdrawn and permanently reserved for school, health, and other purposes the following described land surrounding the Native Village of Tanacross, Alaska:

Beginning at a point on the right bank of the Tanana River 250 feet down stream from the southeast corner of fenced enclosure containing the U. S. O. I. A. school and dwelling, thence westerly at right angles with the river bank 2,640 feet more or less; thence northerly 2,640 feet; thence easterly 2,640 feet more or less to the right bank of the Tanana River; thence by meanders of the right bank of said river to the place of beginning, containing 160 acres more or less. Approximate latitude 63°23' N., longitude 143°21' W.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

JUNE 18, 1943.

[F. R. Doc. 43-11028; Filed, July 8, 1943;  
4:01 p. m.]

WALES, ALASKA

#### DESIGNATION OF INDIAN RESERVATION FOR NATIVE INHABITANTS

Pursuant to authority vested in the Secretary of the Interior by section 2 of the act of May 1, 1936 (49 Stat. 1250, U.S.C., title 48, sec. 358a), there is hereby designated as an Indian reservation for the use and occupancy of the native inhabitants of the Native Village of Wales, Alaska, and vicinity, the following described areas of land and water, which includes 15 acres previously reserved by



Executive Order of May 4, 1907, for educational purposes:

All that portion of Seward Peninsula, Alaska, lying west of the 168th meridian, including the small peninsula attached to the above area and which separates Lopp Lagoon from Bering Sea, and the water adjacent thereto and extending 3,000 feet from the shore line, comprising approximately 7,200 acres of land and 14,000 acres of water.

This order shall be subject to any valid existing rights or claims acquired prior to the date hereof and shall become effective only upon its approval by a majority vote of the natives residing in the above-described area, voting in the manner prescribed by the said section 2 of the act of May 1, 1936, *supra*.

Done in the City of Washington, D. C., this 19th day of June 1943.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 43-11029; Filed, July 8, 1943; 4:01 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6522]

KCMC BROADCASTING COMPANY

NOTICE OF HEARING

In re application of KCMC Broadcasting Company (KCMC); dated: March 26, 1943; for modification of license; class of service, broadcast; class of station, broadcast; location, Kansas City, Missouri; operating assignment specified: frequency, 1480 kc. (directional antenna); power, 5 kw. (day and night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

2. To determine the extent of any interference which would result from the simultaneous operation of Station KCMC as proposed, and Station KGCX, Sidney, Montana, and KTBS, Shreveport, Louisiana.

3. To determine the areas and populations which may be expected to lose primary service, particularly from Stations KGCX and KTBS, should Station KCMC operate as proposed, and what other broadcast services are available to these areas and populations.

4. To determine the areas and populations which may be expected to gain primary service should Station KCMC operate as proposed, and what other broadcast services are available to these areas and populations.

5. To determine whether the operation of Station KCMC as proposed would be consistent with the Standards of Good the population residing within the "Blanket Area" (250 mv/m contour).

6. To determine whether, in view of the facts adduced under the foregoing

issues, public interest, convenience or necessity would be served through the Engineering Practice, particularly as to granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: KCMC Broadcasting Company, Radio Station KCMC, 1515 Commerce Trust Building, 922 Walnut Street, Kansas City, Missouri.

Dated at Washington, D. C., July 7, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-11053; Filed, July 9, 1943; 10:28 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

INSURED BANKS

ORDER FOR FILING OF CERTIFIED STATEMENT

Pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended (U.S.C., 1940 Ed., title 12, sec. 264 (h) (1)), *It is ordered*, That each insured bank file with the Corporation on or before July 15, 1943, the following described certified statement forms: (1) Certified Statement—Part One, Based on Deposits for the Six Months Ending June 30, 1943, Form 545-P, in quadruplicate; and (2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending June 30, 1943, Form 555-P, in triplicate.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,  
By E. F. DOWNEY, Secretary.

[F. R. Doc. 43-11004; Filed, July 8, 1943; 3:19 p. m.]

NONMEMBER MUTUAL SAVINGS BANKS

CALL FOR REPORT ON CONDITION

Resolution of Board of Directors adopted July 1, 1943, authorizing call for report of condition on insured mutual savings banks not members of the Federal Reserve System.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured mutual savings bank, not a mem-

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

ber of the Federal Reserve System be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Wednesday, June 30, 1943, on Form 64 (Savings).<sup>1</sup> Said report of condition shall be prepared in accordance with the booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64 (Savings) and Reports of Earnings and Dividends on Form 73 (Savings)" by Insured Mutual Savings Banks", issued as of December, 1940.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,  
By E. F. DOWNEY, Secretary.

[F. R. Doc. 43-11005; Filed, July 8, 1943; 3:19 p. m.]

CERTAIN NONMEMBER STATE BANKS

CALL FOR REPORT ON CONDITION

Resolution of Board of Directors adopted July 1, 1943, authorizing call for report of condition on insured State banks not members of the Federal Reserve System except banks in the District of Columbia and mutual savings banks.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Wednesday, June 30, 1943, on Form 64 (Short form)—Call No. 19.<sup>1</sup> Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64, December 1938".

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,  
By E. F. DOWNEY, Secretary.

[F. R. Doc. 43-11006; Filed, July 8, 1943; 3:19 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-482]

PRINCE GEORGES GAS CORPORATION

NOTICE OF APPLICATION

JULY 9, 1943.

Notice is hereby given that on July 3, 1943, the Prince Georges Gas Corporation, a Maryland corporation, filed an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended.

The application covers the construction and operation of a 16" natural-gas pipeline for the delivery of natural gas to the Washington Gas Light Company, extending from a point on the Atlantic Seaboard Corporation's line near Rock-



ville, Maryland, and continuing, generally, in a southerly and southeasterly direction to a point on the Maryland-District of Columbia boundary line, in Northwest Washington, D. C.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 26th day of July 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. 43-11081; Filed, July 9, 1943;  
11:52 a. m.]

[Docket No. G-483]

WASHINGTON GAS LIGHT COMPANY  
NOTICE OF APPLICATION

JULY 9, 1943.

Notice is hereby given that on July 3, 1943, the Washington Gas Light Company, a corporation organized under the laws of the United States, filed an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act as amended.

The application embraces the construction of a 16" pipeline extending from a point on the Maryland-District of Columbia boundary line in Northwest Washington, D. C., in a general southeasterly direction to the applicant's West Station located on the Potomac River, Washington, D. C.

The application also covers the construction of a 16" pipeline extending from the Washington Gas Light Company's East Station on the Anacostia River in the District of Columbia, crossing the Anacostia River and continuing in a southerly direction to a point opposite the City of Alexandria, Virginia, and thence crossing the Potomac River and connecting with the Rosslyn Gas Company's distribution system on the Virginia bank of the Potomac River.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 26th day of July 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. 43-11082; Filed, July 9, 1943;  
11:52 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDO-35 (a)]

CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

NOTICE OF HEARING ON PROPOSED AMENDMENTS

The Federal Security Administrator, pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by Public Law 366, 77th Cong.,

1st Sess. (1941), will hold an informal hearing on proposed amendments to the regulations providing for the certification of batches of drugs composed wholly or partly of insulin (7 F.R. 777), commencing at 10 o'clock in the morning of July 28, 1943, in Room 2862, South Building, United States Department of Agriculture, Independence Avenue between 12th and 14th Streets SW., Washington, D. C. The proposed amendments are as follows:

Section 144.1 is amended:

I. By changing paragraph (b) to read:

The term "insulin U. S. P." means the insulin injection recognized in the United States Pharmacopoeia, Twelfth Revision.

II. By redesignating paragraphs (d) to (j), inclusive, respectively as (e) to (k), inclusive, and inserting the following new paragraph:

(d) The term "globin insulin (with zinc)" means the insulin preparation described in § 144.12 of the regulations in this part.

Section 144.2 is amended:

I. By changing paragraph (d) (2) to read:

(2) A trial dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin U. S. P., containing 20 U. S. P. units or 40 U. S. P. units of insulin per cubic centimeter; in a quantity containing approximately 2,500 U. S. P. units of insulin.

II. By changing paragraph (d) (3) to read:

(3) If the batch is to be insulin U. S. P., the bulk dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution, without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

III. By changing paragraph (d) (4) to read:

(4) If the batch is to be protamine zinc insulin, the bulk dilution made from such master lot or mixture, protamine, zinc chloride, glycerin, phenol or cresol, and hydrochloric acid, which dilution is the sole insulin-containing ingredient intended to be filled into the containers of the finished batch, and which is intended to be so filled without further change; in a quantity containing approximately 2,500 U. S. P. units of insulin.

IV. By changing paragraph (d) (6) to read:

(6) If the batch is to be protamine zinc insulin, the buffer solution (solution of disodium phosphate) which, without further change, is intended to be filled into the container of the finished batch; in a quantity not less in volume than the volume of the sample submitted pursuant to subparagraph (4) of this paragraph.

V. By striking paragraph (d) (8) and adding the following new subparagraphs to paragraph (d):

(8) If the batch is to be globin insulin (with zinc), the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the bulk dilution referred to in subparagraph (10) of this paragraph; in a quantity of approximately 5 grams.

(9) If the batch is to be globin insulin (with zinc), a trial mixture made from the master lot or mixture referred to in subparagraph (1) of this paragraph, globin, zinc chloride, hydrochloric acid, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(10) If the batch is to be globin insulin (with zinc), the bulk dilution made from such master lot or mixture, globin, zinc chloride, hydrochloric acid, and phenol or cresol, which dilution without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(11) The finished batch; in a quantity not less than 5 packages, but in no case containing less than a total of 700 U. S. P. units of insulin.

VI. By changing paragraph (e) (7) to read:

(7) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (7) of this section: nitrogen, reaction, zinc, and biological reactions (by the tests prescribed in § 144.13 (b) or (c), and (d)).

VII. By changing the designation of paragraph (e) (8) to (11), and inserting the following new subparagraphs:

(8) If the batch is to be globin insulin (with zinc), the globin hydrochloride referred to in paragraph (d) (8) of this section: Moisture, nitrogen, chloride, and ash.

(9) If the batch is to be globin insulin (with zinc), the trial mixture referred to in paragraph (d) (9) of this section: Nitrogen, reaction, zinc, and biological reaction (by the test prescribed in § 144.13 (e)).

(10) If the batch is to be globin insulin (with zinc), the bulk dilution referred to in paragraph (d) (10) of this section: Nitrogen, reaction, sterility, and zinc.

VIII. By changing paragraph (f) to read:

(f) The results of tests and assays for the following shall be reported in the terms indicated:

Ash (except globin hydrochloride)—milligrams per 1,000 U. S. P. units of insulin.  
Ash in globin hydrochloride—percent by weight.

Chloride—percent by weight as HCl.  
Moisture—percent by weight.

Nitrogen (except in globin hydrochloride and protamine)—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

Nitrogen in globin hydrochloride—percent by weight calculated to a moisture-free, ash-free, chloride-free basis.



Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

Potency—U. S. P. units of insulin per cubic centimeter.

Reaction—hydrogen ion concentration (pH).

Sulfate—percent by weight, as  $SO_4$ , calculated to a moisture-free basis.

Zinc—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

IX. By changing paragraph (g) to read:

(g) (1) No sample referred to in paragraph (d) (1) to (10) of this section, inclusive, and no result referred to in paragraph (e) (1) to (10) of this section, inclusive, is required (i) if such sample or result has been submitted in connection with a previous request for certification, or (ii) if the batch is to be protamine zinc insulin of 80 unit strength, and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section of 40 unit strength, prepared from the same materials and in the same manner (except for adjustment of reaction of the buffer solution) as such batch of 80 unit strength is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (11) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (4), (6), (7), (9), and (10) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken. Each sample submitted pursuant to paragraph (d) (11) of this section shall be accompanied by a statement showing the quantity of the bulk dilution and, if the batch is protamine zinc insulin, the quantity of buffer solution used in the batch.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for each of the components ash, nitrogen, and zinc submitted pursuant to subparagraphs (1), (2),

and (3) of paragraph (e) may be calculated from the result of a test therefor submitted pursuant to either subparagraph (1) or (2) of such paragraph. The result on potency required under subparagraph (1) of such paragraph may be calculated from the result of an assay therefor submitted pursuant to subparagraph (2) of such paragraph. The value for each of the components nitrogen and zinc, to the extent required under subparagraphs (4), (7), and (11) of such paragraph, may be calculated from the result of a test therefor submitted pursuant to either subparagraph (4) or (7) of such paragraph. The value for each of the components nitrogen and zinc, to the extent required under subparagraphs (9), (10), and (11) of such paragraph, may be calculated from the result of a test therefor submitted pursuant to either subparagraph (9) or (10) of such paragraph. The value for each of the components ash, nitrogen, and zinc required under subparagraph (11) of such paragraph may, if the batch is insulin U. S. P., be calculated from the result of a test therefor submitted pursuant to subparagraphs (1), (2), or (3) of such paragraph. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2) and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section should be submitted before submission of the samples and results required in paragraphs (d) (3) to (10) of this section, inclusive, and (e) (3) to (10) of this section, inclusive; and the samples and results required under paragraphs (d) (3) to (10), inclusive, and (e) (3) to (10), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (11), and (e) (11) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

X. By changing paragraph (k) to read:

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (10) of this section, inclusive, of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

Section 144.3 is amended by changing paragraph (a) (2) to read:

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U.S.P., protamine zinc insulin, or globin insulin (with zinc);

Section 144.4 is amended by changing the designations of paragraphs (b) (3) and (b) (4) to (b) (4) and (b) (5), respectively, and inserting the following new subparagraph:

(3) with respect to any package of globin insulin (with zinc), 2 years after the immediate container therein was filled, but in no case shall a certificate remain effective with respect to any package more than 18 months after it is removed from the storage required by § 144.2 (i);

Section 144.6 is amended:

I. By changing paragraph (b) (1) to read:

(1) The statement "Expiration date \_\_\_\_\_", the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 144.4 (b) (1), (2), or (3); and

II. By adding the following new paragraph:

(g) On the circular or other labeling of the retail package, if the batch is globin insulin (with zinc), (in addition to the information required by paragraphs (a), (b), and (c) of this section):

(1) An explanation of the difference, as compared with insulin U. S. P. and with protamine zinc insulin, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for insulin U. S. P. or protamine zinc insulin, except on the advice and direction of the physician; and

(3) A caution against use if any turbidity or precipitate has developed in the solution.

Section 144.7 is amended by adding the following new paragraph:

(c) The outside containers or wrappers of the packages, and the labels on the immediate containers, of globin insulin (with zinc) shall be distinguished by the following colors: Green and brown.

Section 144.10 is amended by changing paragraph (c) to read:

(c) Each sample of trial mixture submitted pursuant to § 144.2 (d) (7) or (9) shall be accompanied by an advance deposit of \$350 to cover the fee, unless the results of the tests for biological reactions made by the laboratory referred to in § 144.3 (c), are submitted or are to be submitted.

Section 144.12 is redesignated as § 144.13 and a new § 144.12 is inserted as follows:

§ 144.12 *Standards of identity, strength, quality, and purity for globin insulin (with zinc).* Globin insulin (with zinc) is a preparation, in a hydrochloric acid medium, of insulin modified by the addition of globin and zinc chloride. The quantity of insulin used is such that each cubic centimeter of the finished preparation contains 80 U. S. P. units of insulin. The quantity of globin used (calculated as 6.0 times its nitrogen content) is not less than 3.6 milligrams and not more than 4.0 milligrams for each 100 U. S. P. units of insulin used. The preparation also contains, for each 100 U. S. P. units of insulin used, not less than 0.25 milligram and not more than



0.35 milligram zinc and not more than 1.50 milligrams total nitrogen. The pH of the finished preparation is not less than 3.4 and not more than 3.8. If necessary, either hydrochloric acid or sodium hydroxide may be added to attain the required pH. The finished preparation also contains not less than 0.15 and not more than 0.20 percent (w/v) cresol U. S. P., or not less than 0.20 percent and not more than 0.26 percent (w/v) phenol U. S. P. The preparation is sterile. The globin used is obtained from globin hydrochloride prepared from beef blood. The ash content of the globin hydrochloride is not more than 0.3 percent; its nitrogen content, calculated to a moisture, ash, and hydrochloric acid free basis, is not less than 16.0 percent and not more than 17.5 percent.

The section newly designated as § 144.13 is amended as follows:

I. By redesignating paragraph (e) as (f), (f) as (h); (g), (h), and (i) as (j), (k), and (l), respectively; (j), (k), and (l) as (n), (o), and (p), respectively.

II. By inserting the following new paragraph (e):

(e) *Biological reaction for globin insulin (with zinc)*. The rate, amount, and duration of effect in lowering the blood sugar of rabbits by globin insulin (with zinc) is determined by comparing the average blood sugar concentrations at various intervals during not less than a 10-hour observation period following the administration of globin insulin (with zinc) subcutaneously into rabbits, with the average blood sugar concentrations similarly obtained by administration of globin insulin (with zinc) reference material prepared as hereinafter set forth.

(1) *Globin insulin (with zinc) reference material*. Prepare the globin insulin (with zinc) reference material to contain 80 U. S. P. units of insulin per cubic centimeter from the following component solutions (or solutions of the same proportionate composition per cubic centimeter) by adding, with gentle shaking, to a suitable volume of Solution 2, accurately measured at room temperature, such volume of Solution 3 that the resulting mixture contains 38 milligrams of globin to each 1,000 U. S. P. units of insulin. Dilute with distilled water to 1% of the final volume required and adjust the reaction with solutions of hydrochloric acid or sodium hydroxide until the reaction is within the limits of pH 3.4 to pH 3.8. Make up to the final volume required by adding distilled water. Store in a refrigerator and do not use after 6 months have elapsed from the date of preparation.

The solutions referred to above are:

Solution 1. Dissolve 0.5975 gram zinc oxide in 245 cubic centimeters of approximately tenth-normal hydrochloric acid. Add 3.5 grams of cresol (or 4.6 grams of phenol) and sufficient distilled water to make the final volume 1000 cubic centimeters.

Solution 2. Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in such quantity of Solution 1 as to obtain a concentration of 160 U. S. P. units of insulin per cubic centimeter. If necessary, add 1 drop of hydrochloric acid to effect complete solu-

tion. Store in a refrigerator; do not use after 3 months from the date of preparation.

Solution 3. With careful stirring dissolve globin hydrochloride in distilled water to make a 5 percent solution. Determine the least amount of tenth-normal sodium hydroxide necessary to cause a precipitate in a small, accurately measured sample of this solution, and calculate the amount required for the remaining solution. Add about 70 percent of the calculated amount of sodium hydroxide in the form of a normal sodium hydroxide solution very slowly, with gentle stirring over a period of 1½ hours. Allow the mixture to stand about ½ hour or longer and slowly add the remainder of sodium hydroxide as a tenth-normal solution. Centrifuge and carefully add small amounts of tenth-normal sodium hydroxide until no further precipitate forms. This occurs when the pH is approximately 6.3. Allow to stand for 1 hour and centrifuge. Determine the amount of nitrogen present in the supernatant liquid by the Kjeldahl method. Calculate the globin content by multiplying the nitrogen by 6.0. This solution should be freshly prepared before use.

(2) *Test animal*. The test animal shall be the same as described in the United States Pharmacopeia for the assay of insulin U. S. P. except that the minimum weight shall be 2½ kilograms.

(3) *Volume of the globin insulin (with zinc) reference material to be injected*. The volume of the preparation to be injected shall be such that at a period of from 6 to 8 hours after the administration of the test material, the blood sugar is not greater than approximately 90 percent of the initial value but the volume is not so great as to cause convulsions in more than 25 percent of the animals. Do not dilute the preparations to be injected to attain the above requirements. Make injections with a micrometer syringe in order to obtain greater accuracy.

(4) *Conduct of the test, blood sugar determination, and interpretation of the data*. Proceed as directed under paragraph (b) (4), (5) and (6) of this section for protamine zinc insulin, except that the samples of blood for the determination of blood sugar concentrations are obtained over a period of not less than 10 hours, instead of 11 hours, after the injection, and in the interpretation of the data the index for each bleeding time other than the last is between 0.85 and 1.15 and the average of the indexes is between 0.90 and 1.10.

III. By changing the paragraph newly designated as (f) to read:

(f) *Identification of protamine zinc insulin*. Acidify protamine zinc insulin so that the pH is not less than 2.5 and not more than 3.5. The precipitate dissolves giving a clear colorless liquid. Inject subcutaneously into 6 rabbits, from which food has been withheld for the previous 18 to 24 hours and which weigh 1.8 to 2.2 kilograms each, a quantity of this clear liquid which causes convulsions in at least 3 animals. Immediately after convulsions occur in an animal, inject intravenously into that animal 5 cubic centimeters of a 50 percent aqueous solution of dextrose. The convulsion is relieved and a majority of the animals which have shown convulsions remain alive for at least 3 days.

IV. By inserting the following new paragraph:

(g) *Identification of globin insulin (with zinc)*. Adjust the acidity of globin insulin (with zinc) so that the pH is not less than 4.5 and not more than 5.5. A precipitate forms. Divide the sample containing the precipitate into two portions. Adjust the acidity of the first sample to a pH not less than 2.5 and not more than 3.5 and adjust the second sample to a reaction more alkaline than pH 11.0. In each case the precipitate dissolves giving a clear solution.

Inject subcutaneously into 6 rabbits, from which food has been withheld for the previous 18 to 24 hours and which weigh 1.8 to 2.2 kilograms each, a quantity of globin insulin (with zinc) which will cause convulsions in at least 3 animals. Immediately after convulsions occur in an animal, inject intravenously into that animal 5 cubic centimeters of a 50 percent aqueous solution of dextrose. The convulsion is relieved and a majority of the animals which have shown convulsions remain alive for at least 3 days.

V. By changing the paragraph newly designated as (h) as follows:

A. Change the first two lines to read:

(h) *Sterility of protamine zinc insulin and globin insulin (with zinc)*—(1) *Preparation of media*. Use one of the following media:

B. Change the fourth paragraph of subparagraph (2) to read:

Test the sterility of protamine zinc insulin and globin insulin (with zinc) by inoculating 1 cubic centimeter thereof into each tube of medium used, under strict aseptic precautions. Incubate all tubes at 37° C. for seven days and examine on the second, fourth, and seventh days after inoculation. Agitate only after 48 hours' incubation to insure initial anaerobiosis. If at the end of the seven days 50 percent or more of the medium in any tube has changed from the color of the fresh medium to a green color, discard the test.

VI. By inserting the following new paragraph:

(i) *Chloride in globin hydrochloride*—(1) *Conduct of the test*. Weigh accurately approximately 0.5 gram of globin hydrochloride into a small beaker and dissolve in 10-15 cubic centimeters of distilled water. Add 10 cubic centimeters of tenth-normal silver nitrate, 5 cubic centimeters of nitric acid, and 5 cubic centimeters of a saturated solution of potassium permanganate. Stir and place on a steam bath for approximately one hour. If any brown color remains, stir again, rinse the sides of the beaker with distilled water and place on the steam bath until the brown color disappears. Transfer quantitatively to a 50-cubic centimeter volumetric flask and fill the flask to the mark with distilled water. Mix and filter through a dry filter paper into a dry vessel. Transfer exactly 40 cubic centimeters of the filtrate to a flask, add 2 cubic centimeters of ferric ammonium sulfate Test Solution and titrate with tenth-normal ammonium thiocyanate.



anate. To obtain the percent chloride as HCl, subtract 1.25 times the number of cubic centimeters of ammonium thiocyanate used from 10; multiply this difference by 0.365 and divide by the weight of the sample in grams.

(2) *Reagents.* The reagents used are those described in the United States Pharmacopoeia.

VII. By changing the paragraph newly designated as (1) to read:

(1) *Total nitrogen in protamine zinc insulin and globin insulin (with zinc).* Determine total nitrogen by the method described in the United States Pharmacopoeia for insulin U. S. P.

VIII. By inserting the following new paragraph:

(m) *Total nitrogen in protamine and globin hydrochloride.* Determine total nitrogen by the method described in the United States Pharmacopoeia for insulin U. S. P., except that the sample taken for analysis is approximately 25 milligrams and the quantity of fiftieth-normal acid used is 25 cubic centimeters.

IX. By changing the paragraph newly designated as (n) to read:

(n) *Zinc in insulin-containing solutions, in protamine zinc insulin, and in globin insulin (with zinc).* Use the method described in the United States Pharmacopoeia for insulin U. S. P.

X. By changing the paragraph newly designated as (p) to read:

(p) The Commissioner shall, for the purposes of the tests and assays prescribed under this section, provide a suitable reference protamine and a suitable reference globin hydrochloride, and shall, at cost, furnish any person making written request therefor a sample thereof.

All interested persons are invited to attend the hearing in person or by representative, and to offer comments upon the whole or any part of the proposed amendments. Written statements may be submitted at or prior to the opening of the hearing and may be addressed to the Hearing Clerk, Office of the General Counsel, Federal Security Agency, Room 2242, South Building, Independence Avenue between 12th and 14th Streets, SW., Washington, D. C.

The proposed amendments are subject to adoption, rejection or amendment, in whole or in part.

[SEAL]

PAUL V. McNUTT,  
Administrator.

JULY 8, 1943.

[F. R. Doc. 43-11069; Filed, July 9, 1943; 11:48 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 238]

FUJII JUNICHI SHOTEN, LIMITED

Re: 65.07% of the capital stock of Fujii Junichi Shoten, Limited.

Under the authority of the Trading With the Enemy Act, as amended, and

No. 136—5

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

1,952 shares (which constitute a substantial part, namely, 65.07%, of all outstanding shares) of \$50 par value common capital stock of Fujii Junichi Shoten, Limited, a Hawaiian corporation, Honolulu, Territory of Hawaii, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

| Names and last known addresses:           | Number of shares |
|---|------------------|
| Junichi Fujii, Hiroshima, Japan.....      | 581              |
| Junso Fujii, Hiroshima, Japan.....        | 571              |
| Yoichi Fujii, Hiroshima, Japan.....       | 390              |
| Haruo Fujii, Hiroshima, Japan.....        | 150              |
| Katsuyo Fujii, Hiroshima, Japan.....      | 150              |
| Shigeo Oshima (alien detention camp)..... | 110              |
| Total.....                                | 1,952            |

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 15, 1942.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-11038; Filed, July 9, 1943; 9:55 a. m.]

[Amendment of Vesting Order 350]

AMBER MINES, INC.

Vesting Order Number 350, dated November 11, 1942, is hereby amended as follows and not otherwise:

By deleting paragraphs (a) and (c) thereof and substituting therefor, respectively, the following:

(a) Finding that Preussische Bernstein Manufactur, whose last known address is represented to the undersigned as being Koenigsberg, Germany, and Staatliche Bernstein Manufactur GmbH, whose last known address is represented to the undersigned as being Danzig, Germany, are nationals of a designated enemy country (Germany);

(c) Finding that all right, title, interest and claim of any name or nature whatsoever of Preussische Bernstein Manufactur and/or Staatliche Bernstein Manufactur GmbH in and to all indebtedness, contingent or otherwise, and whether or not matured, owing to them, or each of them, by said Amber Mines, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, is an interest in the aforesaid business enterprise held by a national or nationals of an enemy country, and also is property within the United States owned or controlled by a national or nationals of a designated enemy country (Germany);

All other provisions of such Vesting Order Number 350 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on July 1, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-11039; Filed, July 9, 1943; 9:55 a. m.]

[Vesting Order 1045]

S. HATA SHOTEN, LIMITED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 62 of July 28, 1942, that S. Hata Shoten, Limited, a Hawaiian corporation, Hilo, Hawaii, Territory of Hawaii, is a business enterprise within the United States and is a national of a designated enemy country (Japan);

2. Finding that Katsujiro Kagawa is a subject of Japan interned at Sand Island, Territory of Hawaii, and is a national of a designated enemy country (Japan);

3. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

4. Finding that 10 shares of \$100 par value common capital stock of said S. Hata Shoten, Limited, are registered in the name of, and owned by, said Katsujiro Kagawa, and represent an interest in said business enterprise;

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 10 shares of stock re-



ferred to in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on March 11, 1943.

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

[F. R. Doc. 43-11040; Filed, July 9, 1943;  
9:58 a. m.]

[Vesting Order 1060]

#### FUJII JUNICHI SHOTEN, LIMITED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 238 of October 15, 1942, that Fujii Junichi Shoten, Limited, a Hawaiian corporation, Honolulu, Territory of Hawaii, is a business enterprise within the United States and is a national of a designated enemy country (Japan);

2. Finding that Juro Fujikawa, Hiroshi Fujii, Shuzo Wada and Haruno Fujikawa, whose last known addresses are Hiroshima, Japan, are nationals of a designated enemy country (Japan);

3. Finding that 132 shares of \$50 par value common capital stock of Fujii Junichi Shoten, Limited, are registered in the names of, and owned by, the aforesaid individuals in the following respective amounts:

| Names:                | Number<br>of shares |
|-----------------------|---------------------|
| Juro Fujikawa .....   | 51                  |
| Hiroshi Fujii .....   | 50                  |
| Shuzo Wada .....      | 20                  |
| Haruno Fujikawa ..... | 11                  |
| Total .....           | 132;                |

4. Finding therefore that said 132 shares are property of nationals of a designated enemy country (Japan) and represent an interest in said business enterprise;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the 132 shares of stock referred to in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on March 11, 1943.

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

[F. R. Doc. 43-11041; Filed, July 9, 1943;  
9:55 a. m.]

[Vesting Order 1468]

#### K. SASAOKA

Re: Personal property located at Dallas, Texas, owned by K. Sasaoka.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that K. Sasaoka is a subject of Japan, within Japan, and is a national of a designated enemy country (Japan);

2. Finding that K. Sasaoka is the owner of the personal property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

The personal effects owned by K. Sasaoka, located at the residence at 5309 Ross Avenue, Dallas, Texas, and set forth in detail in Exhibit A attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 15, 1943.

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

#### EXHIBIT A

| Number: | Description  |
|---------|--|
| 16      | Japanese towels—new.                               |
| 16      | Bath towels—new.                                   |
| 2       | Ladies' overnight bags.                            |
| 1       | Electric razor—Remington Rand.                     |
| 1       | Hot water bottle.                                  |
| 2       | Cans lighter liquid.                               |
| 2       | Compacts.  |
| 3       | Packages shoe rubber heels.                        |
| 1       | Storage box.                                       |
| 1       | Suit case—new.                                     |
| 1       | Ansley Dynaphone—Type 25A—Serial 7147 combination. |
| 1       | Suit case—old.                                     |
| 1       | Carton box filled with personal articles.          |



## Number—Con. Description

- 1 Golf bag with set of clubs.
- 1 Steamer trunk—old.

[F. R. Doc. 43-11042; Filed, July 9, 1943; 9:55 a. m.]

[Vesting Order 1582]

CHRISTIAN F. AHRENKIEL AND ANNE  
AHRENKIEL

Re: Certain property owned by Christian F. Ahrenkiel and Anne Ahrenkiel, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Christian F. Ahrenkiel and Anne Ahrenkiel, his wife, are residents of Germany and are nationals of a designated enemy country (Germany);

2. Finding that Christian F. Ahrenkiel and Anne Ahrenkiel, his wife, are the owners of the property described in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

a. The furniture and personal effects, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, stored in the warehouse of Santini Bros., Inc., 1405 Jerome Avenue, Bronx, New York, and

b. All right, interest and claim of Christian F. Ahrenkiel and Anne Ahrenkiel, his wife, and each of them, and of every other national of a designated enemy country, in and to fire insurance policy No. 368,269, issued by the Northern Assurance Co. Ltd., covering the property described in subparagraph 3-a hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should

be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT "A"

WAREHOUSE RECEIPT COVERING HOUSEHOLD GOODS HELD AT SANTINI BROS., INC. WAREHOUSE FOR A/C MRS. C. F. AHRENKIEL—LOT NO. 21656-27

Re: Furniture, etc., of C. F. Ahrenkiel.

1. Barrel & Confs.
2. Barrel & Confs.
3. Barrel & Confs.
4. Barrel & Confs.
5. Barrel & Confs.
6. Barrel & Confs.
7. Barrel & Confs.
8. Barrel & Confs.
9. Barrel & Confs.
10. Barrel & Confs.
11. Barrel & Confs.
12. Barrel & Confs.
13. Barrel & Confs.
14. Barrel & Confs.
15. Barrel & Confs.
16. W. Box
17. W. Box
18. W. Box
19. W. Box
20. Small W. Box
21. Small W. Box
22. Small W. Box
23. Small W. Box
24. Small W. Box
25. Small W. Box
26. Small W. Box
27. Carton—one large lampshade
28. Carton—27 lampshades 1—rim—bad order—1 dent
29. Carton—7 lampshades & 4 bracket lampshades
30. Small W. Chest
31. Small W. Chest
32. Flat W. Box
33. Flat W. Box
34. C. B. Chest
35. Trunk seal—# 790442 788488
36. D. R. chair—cov.
37. D. R. chair—cov.
38. D. R. chair—cov.
39. D. R. chair—cov.
40. D. R. chair—cov.
41. D. R. chair—cov.
42. D. R. chair—cov.
43. D. R. chair—cov.
44. Uph. S. chair
45. End table—cov.
46. Tea table—cov.
47. Uph. S. armchair, arm loose
48. 5 Cushions
49. Server
50. Sleeve board
51. Magazine table—m. & s.
52. Nest of 2 tables
53. Small shelf
54. Uph. armchair—cov.
55. Uph. armchair—cov.
56. Medicine ball
57. Dresser base
58. W. S. chair
59. Windsor chair
60. Tile top table
61. Folding rack
62. Bedroom bench
63. Tile top table
64. Uph. settee—cov.
65. Uph. settee—cov.
66. Uph. armchair—cov.
67. Uph. armchair—cov.
68. Uph. S. armchair—cov.
69. Center table
70. Dining room table—scr.
71. Large W. box—owner's box
72. Rug pad
73. Blanket—wrapped & torn
74. K. chair, scr.
75. Daybed base
76. Desk—vener chip.
77. Wicker armchair
78. Wicker armchair
79. Tree stand
80. Chandelier
81. Part of chandelier wrapped
82. Electric iron
83. Uph. S. chair
84. Wicker armchair
85. Rug pad
86. Large lampshade in c. b. box
87. Small k. table
88. K. chair, scr.
89. Washboiler
90. Wash basket
91. Set of piano legs—vener chipped on one
92. Pair of andirons
93. Large metal cage
94. 5 door mats
95. General Electric refrigerator
96. Lampshade in cloth
97. Folding stand base
98. Book rack
99. Radiator cover
100. Bridge lamp base—dented
101. Bridge lamp base
102. Bridge lamp base—parts off
103. Bridge lamp base—dented
104. Bridge lamp base
105. Flood light
106. Chandelier & lampshade in cloth O. R.
107. Night table base
108. Vacuum sweeper
109. Pad
110. Fireplace screen
111. Fireplace screen
112. Radiator cover
113. Wash tub
114. Small black cabinet scr.
115. Small K. table—legs scr.
116. Part of cabinet
117. Chandelier in cloth
118. Ironing board
119. Crate—owner's crate
120. Beach chair
121. Uph. S. armchair
122. W. Box—owner's case # 792112
123. W. Box—owner's case # 795937
124. W. Box—owner's case # 795213
125. Hand trunk
126. Straw mat
127. Canvas cover
128. Canvas cover
129. Boudoir chair
130. Large book rack—vener chip.
131. Sewing machine
132. K. table
133. Desk
134. W. box—owner's box
135. K. table
136. Chandelier
137. Boudoir chair
138. Beach chair
139. 7 W. slats
140. Pair of skis & poles
141. Pair of skis & poles
142. Step ladder
143. 4 W. bedrails
144. Step stool



145. Small straw mat  
 146. W. box  
 147. Trunk  
 148. Sun dial  
 149. Cane S. bench—torn  
 150. Tub & contents  
 151. Stool  
 152. K. table  
 153. Uph. S. chair  
 154. Uph. armchair—cov.  
 155. Part of cabinet  
 156. Folding rack  
 157. Round folding table  
 158. Small W. box—owner's case Seal #796695  
 159. Small W. box—owner's case  
 160. Small W. box—owner's case #732175  
 161. Small W. box—owner's case  
 162. Small W. box—owner's case  
 163. Small W. box—owner's case  
 164. Trunk  
 165. Uph. armchair—cov.  
 166. Mangle  
 167. W. box—owner's case Seal #793185  
 168. Small W. box  
 169. Long W. box—owner's case  
 170. End table  
 171. Vanity base  
 172. Radiator cover  
 173. Radiator cover  
 174. Canvas bag  
 175. 13 W. shelves  
 176. Small rack  
 177. Chiffonier—m. & s.  
 178. Uph. S. bench  
 179. Small cabinet  
 180. 4 drawers  
 181. C. B. box  
 182. Wicker armchair  
 183. Paper box  
 184. C. B. box  
 185. Sewing table—m. & s.  
 186. Small rack  
 187. Small wicker stool  
 188. Cane S. chair—loose  
 189. Electric washing machine  
 190. Bdle 3 baskets  
 191. Bdle 4 baskets  
 192. 3 baskets  
 193. Small cabinet  
 194. Night table  
 195. Paper box  
 196. Small mattress  
 197. Mattress  
 198. Chiffonier  
 199. Chiffonier—sta.  
 200. Secretary  
 201. Scale  
 202. Small w. stand  
 203. Small w. stand  
 204. Paper box  
 205. Small mattress  
 206. Large w. chest  
 207. Buffet—M. & S.  
 208. Night table  
 209. Pad  
 210. Pad  
 211. Small mattress  
 212. 4 W. shelves  
 213. Valise  
 214. Valise  
 215. Valise  
 216. Valise  
 217. Valise  
 218. Valise  
 219. Hat box  
 220. Hat box  
 221. Small black case  
 222. Hand trunk  
 223. w. chest  
 224. Glass tray  
 225. Radiator cover  
 226. Mirror stand base  
 227. Couch mattress  
 228. Mirror  
 229. Foot W. bed  
 230. Studio couch  
 231. Couch spring  
 232. Box spring in carton  
 233. Box spring in carton

234. Box spring in carton  
 235. Box spring in carton  
 236. Head w. bed  
 237. Foot w. bed  
 238. Head w. bed—sta. and veneer chip.  
 239. Head w. bed  
 240. Foot w. bed  
 241. Head w. bed  
 242. Foot w. bed  
 243. Valise  
 244. Hand bag  
 245. Small rug in paper  
 246. Ironing board  
 247. Part of desk  
 248. Small folding rack  
 249. 3 couch pillows  
 250. Card table  
 251. Small mattress  
 252. Small mattress  
 253. Bolster  
 254. Wardrobe in ten parts  
 255. Pad  
 256. 3 baskets  
 257. Small pad  
 258. Mattress  
 259. Coffee table—scr.  
 260. Night table  
 261. Center table  
 262. W. S. chair  
 263. 3 small metal stands  
 264. Uph. s. chair  
 265. Trunk  
 266. Spring  
 267. Spring  
 268. Mattress in carton  
 269. Mattress in carton  
 270. Mirror  
 271. Card table—burnt  
 272. Mirror  
 273. Mirror  
 274. Head w. bed  
 275. 3 table leaves—scr.  
 276. Glass top, O. R.  
 277. Bed end  
 278. Head w. bed  
 279. Foot w. bed  
 280. Large mirror  
 281. W. S. chair  
 282. Large rug  
 283. Rug—torn  
 284. Rug  
 285. Small rug  
 286. Small rug  
 287. Small rug  
 288. Small rug  
 289. Small rug  
 290. Small rug  
 291. Small rug  
 292. Small rug  
 293. Small rug  
 294. Runner  
 295. Runner  
 296. Baby grand piano paint chip. & scr.

[F. R. Doc. 43-11043; Filed, July 9, 1943; 9:57 a. m.]

[Vesting Order 1584]

MIDEUROPEAN FOOD PACKAGE SERVICE, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Carl J. Duncker, whose last known address is Germany, is a national of a designated enemy country (Germany);

2. Finding that Mideuropean Food Package Service, Inc. is a corporation organized under the laws of the State of New York, presently in the process of voluntary dissolution and is continuing as a corporation and a business enterprise in accordance with the laws of the State of New York, and is a business enterprise within the United States;

3. Finding that 50 shares of no par value common capital stock of Mideuropean Food

Package Service, Inc. are registered in the name of and owned by Carl J. Duncker;

4. Finding that said 50 shares constitute a substantial part (namely, 50%) of the issued and outstanding capital stock of said business enterprise and represent control thereof;

5. Finding, therefore, that Mideuropean Food Package Service, Inc. is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of Mideuropean Food Package Service, Inc. to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 29, 1943.

[SEAL]

LEO T. CROWLEY,  
 Alien Property Custodian.

[F. R. Doc. 43-11044; Filed, July 9, 1943; 9:58 a. m.]

[Vesting Order 1586]

KUMEO KATO

Re: Ford automobile owned by Kumeo Kato.

Under the authority of the Trading with the Enemy Act, as amended, and



Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Kumeo Kato is a resident of Japan, whose last known address is Japan, and is, therefore, a national of a designated enemy country (Japan);

2. Finding that the property described in subparagraph 3 hereof is owned by Kumeo Kato;

3. Finding, therefore, that the property described as follows:

One Ford cabriolet automobile and equipment, 1936 model, motor and serial No. 182467679, owned by Kumeo Kato and presently stored at the garage of William J. Dever, 12 William Street, Englewood, New Jersey,

is property within the United States owned by a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 29, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-11045; Filed, July 9, 1943; 9:58 a. m.]

[Vesting Order 1594]

WILLY LUCKMANN AND KAETHE LUCKMANN

Re: Certain property owned by Willy Luckmann and Kaethe Luckmann, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Willy Luckmann and Kaethe Luckmann, his wife, are residents of Germany, and are nationals of a designated enemy country (Germany);

2. Finding that Willy Luckmann and Kaethe Luckmann, his wife, are the owners of the property described in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

Certain furniture and personal effects, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, stored in the warehouse of Frank Richter Co., 58-11 Park Avenue, West New York, New Jersey,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

EXHIBIT A

WAREHOUSE RECEIPT COVERING HOUSEHOLD GOODS HELD AT FRANK RICHTER CO. FOR A/C WILLY LUCKMANN—LOTS NO. B-962 AND NO. B-962 (2)

Re: Furniture, etc. owned by Willy Luckmann and Kaethe Luckmann, his wife.

1. 1 Book rack
2. 1 Small phonograph
3. 2 Andirons
4. 1 Long carton
5. 16 Cartons
6. 6 Barrels
7. 1 Lamp
8. 11 Packages
9. 1 Basket
10. 1 Fireplace screen
11. 3 Pictures
12. 1 Small high table
13. 2 Magazine racks
14. 1 Wicker table
15. 1 Carpet sweeper
16. 1 Piano stool
17. 1 Ash can and contents
18. 1 Coffee server
19. 1 Dining room table
20. 1 3 P. L. R. suite (Settee B. O.)
21. 1 Book case 8 parts and 4 shelves
22. 2 Wire strainer for dishes
23. 1 Wardrobe in 7 parts and 4 shelves
24. 3 Lamp shades
25. 1 Wood tray
26. 1 Center table
27. 1 Basin
28. 2 Spring covers
29. 2 Beds complete
30. 1 Bed and spring
31. 3 Pcs. garden tools
32. 1 Ironing board
33. 3 Beach chairs
34. 1 Flower box
35. 1 Water can
36. 1 Doll crib
37. 2 Gates
38. 1 Telephone stand
39. 1 Small desk
40. 1 Large desk
41. 2 Books of records
42. 1 Kitchen table
43. 1 Bird house
44. 1 Small shovel
45. 1 Small center table
46. 1 Child's table
47. 10 Runners
48. 1 Wall shelf
49. 1 Dining room chair
50. 1 Buffet in 2 parts
51. 1 Vanity and mirror
52. 1 Kitchen cabinet in 2 parts
53. 1 Refrigerator (Apex) out 4/20/40
54. 1 Small table
55. 1 Vanity bench
56. 1 Steel chair
57. 8 Chair tops
58. 1 Large rug
59. 1 Rubber door mat
60. 4 Chairs
61. 2 Boards
62. 1 Floor mop
63. 1 Hamper
64. 1 Child's cabinet
65. 1 Radio
66. 1 Sewing machine
67. 1 Piano, Weeping & Co.
68. 1 Dresser and mirror
69. 1 Child's electric stove
70. 2 Child's chairs
71. 5 Chairs
72. 1 Child's small cabinet
73. 1 Shoe box
74. 2 Nite tables
75. 5 Pictures
76. 1 Bundle of pictures
77. 1 Dish pan
78. 1 Step ladder
79. 1 Cedar closet—paper
80. 1 Snow shovel
81. 2 Radiator covers
82. 1 Wicker table small
83. 1 Light fixture
84. 1 Beach chair
85. Floor waxer
86. 3 Flower stands
87. 1 Doll house
88. 1 Floor lamp and shade
89. 1 Wood arm chair
90. 1 Table game
91. 1 Hall rack



## EXHIBIT A

LOTS NO. B-962 AND NO. B-962 (2)

## Supplemental Receipt No. 1

1. 2 Floor lamps.
2. 1 Pail
3. 1 Grass cutter
4. 1 Sled
5. 1 Ironing board
6. 1 Table lamp
7. 1 Bundle lamp shades
8. 1 Broom
9. 5 Cartons—cont. unknown
10. 1 Tin box—cont. unknown
11. 1 Basket—cont. unknown
12. 1 Picture—wrapped
13. 3 Wooden boxes—cont. unknown
14. 1 Lamp globe

Delivered 3/18/40:

15. 1 Couch
16. 1 Bed (4 pieces)
17. 1 Carton—cont. unknown
18. 1 Basket—cont. unknown
19. 1 Bundle—cont. unknown
20. 3 Chairs
21. 1 Bridge table

[F. R. Doc. 43-11046; Filed, July 9, 1943;  
9:57 a. m.]

[Vesting Order 1642]

## HEINRICH KEMPF AND WIFE

Re: Certain property owned by Heinrich Kempf and Mrs. Heinrich Kempf.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Heinrich Kempf, also known as Captain Heinrich Kempf, also known as Capt. H. Kempf, and his wife, Mrs. Heinrich Kempf, are residents of Germany and are nationals of a designated enemy country (Germany);

2. Finding that Heinrich Kempf and Mrs. Heinrich Kempf are the owners of the property described in subparagraph 3 hereof;

3. Finding, therefore, that the property described as follows:

Certain furniture and personal effects, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, and stored in the warehouse of Frank Richter Co., 58-11 Park Avenue, West New York, New Jersey, in the name of Capt. & Mrs. H. Kempf, Lot No. B-1021,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall

not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 10, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

WAREHOUSE RECEIPT COVERING HOUSEHOLD GOODS HELD AT FRANK RICHTER CO. FOR A/C CAPT. & MRS. H. KEMPF—LOT NO. B-1021

Re: Furniture, etc. Belonging to Captain & Mrs. Heinrich Kempf. (All goods marked and scratched.)

1. 4 pairs skis
2. 3 beds complete
3. 3 cushions
4. 1 large wardrobe
5. 1 small buffet
6. 1 china closet (legs loose)
7. 2 barrels—cont. unknown
8. 1 dresser
9. 1 vanity and mirror
10. 2 sleighs
11. 1 desk
12. 2 pictures
13. 1 blackboard
14. 1 refrigerator "Coldspot"
15. 2 pair ski guides
16. 1 bundle pictures
17. 12 pieces of board
18. 1 cutting board
19. 1 doll's crib
20. 2 small boxes
21. 1 n. table
22. 2 cartons—cont. unknown
23. 1 wall mirror
24. 2 boards
25. 2 doll carriages
26. 5 wooden boxes—cont. unknown
27. 1 large rug
28. 2 bundles curtain rods
29. 1 sewing machine
30. 1 vanity bench
31. 2 center tables
32. 2 arm chairs
33. 8 straight chairs
34. 2 overstuffed chairs
35. 2 settees
36. 1 poker table
37. 1 hassock
38. 1 large wooden box—cont. unknown
39. 1 small wooden box—cont. unknown
40. 1 garbage can
41. 1 sml. wood cabinet (painted)
42. 1 table-olcloth top (top torn)
43. 1 couch (marked)
44. 2 beds complete
45. 1 child's bed—no mattress
46. 1 step ladder
47. 1 inside trunk compartment
48. 1 card table

49. 1 small carton—cont. unknown
50. 1 bundle brushes
51. 1 dish rack
52. 1 cutting board
53. 1 telephone bench
54. 3 wash tubs
55. 1 floor lamp
56. 1 ironing board
57. 1 bundle curtain stretcher, etc.
58. 1 wood box—cont. unknown
59. 1 cardboard box—cont. unknown
60. 1 hamper
61. 4 k. chairs—cane seats
62. 1 galvanized can
63. 2 mattress pads
64. 1 small ladies desk
65. 1 k table
66. 1 small cabinet w. glass front
67. 1 green board
68. 1 wall rack
69. 1 sewing stand
70. 5 lamp shades
71. 4 table lamps
72. 1 waste basket
73. 2 wall mirrors

[F. R. Doc. 43-11047; Filed, July 9, 1943;  
9:57 a. m.]

[Vesting Order 1666]

## MARJORIE LEPPLA TANGEE

Re: Furniture owned by Marjorie Leppla Tangee.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Marjorie Leppla Tangee, the wife of Henry Tangee, is a resident of Germany and a national of a designated enemy country (Germany);

2. Finding that Marjorie Leppla Tangee is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

Certain furniture, particularly described in Exhibit A attached hereto and by reference made a part hereof, stored in the name of Marjorie Leppla Tangee in the warehouse of the Manhattan Storage & Warehouse Company, 52nd Street and 7th Avenue, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such



property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 16, 1943.

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

EXHIBIT A

1. Box (books)
2. Box
- 4 to 6. Three barrels (each head loose)
7. Chest of drawers (top stained)
8. Bundle of two wooden bedsides (scratched & dented)
9. End table (in paper) (glass top attached)
10. Cabinet (slightly scratched & stained)
11. Chest of drawers (slightly dented)
12. Chest of drawers (top stained & slightly scratched)
13. Table
14. Chest of drawers
15. Chest of drawers (top stained)
16. Chest of drawers (top stained)
17. Chest of drawers (slightly scratched)
18. Bench (in paper)
19. Bed end (wooden) (four bed bolts attached)
20. Chair (leather seat & back) (in cover)
21. Paper box (appears to contain box spring)
22. Bundle of vacuum cleaner, carpet sweeper & two brushes
23. Paper box (appears to contain mattress)
- 24 and 25. Two paper boxes (each appears to contain mattress)
26. Chair (leather seat & back) (in cover)
27. Chair (leather seat & back) (in cover)
28. Chair (upholstered seat, back & cushion) (papered AT WH)
29. Chair (upholstered seat, back & cushion) (papered AT WH)
30. Chest of two drawers (slightly stained)
- 31 and 32. Two leather bed ends (each in celophane)
33. Chest of two drawers.
- 34 and 35. Two chairs (each leather seat & back) (each in cover)
36. Bench (leather seat) (frame scratched)
37. Chair (leather seat & back) (in paper)
38. Chair (upholstered seat, back & cushion) (papered AT WH)
39. Suitcase (unlocked) (scratched)
40. Bundle of two wooden bedsides
41. Bundle of four bed slats
42. Bundle of four bed slats
45. Chair (leather seat & back) (in cover)
46. Bed end (wooden) (scratched)
47. Bundle of four bed slats
48. Bed part (in paper)
49. Package in paper
50. Chair (upholstered seat, back & cushion) (papered AT WH)
51. Bed end (leather) (in paper)
52. Sofa & two cushions (papered AT WH)
53. Glass top
- 54 to 56. Three boxes

57. Package in paper (appears to contain picture)
- 58 and 59. Two paper boxes (each appears to contain box spring)
- 60 and 61. Two packages in paper (each marked bed part)
- 63 and 64. Two paper boxes
65. Bundle of folding chair parts
66. Bundle of folding chairs
67. Bundle of four cushions
68. Package in paper
- 70 and 71. Two metal chairs
- 72 and 73. Two metal chairs (each leather seat & back)
74. Table
76. Barrel (partly headed & head loose)
77. Barrel (no head)
3. Trunk (mildewed)
- 43 and 44. Two trunks
69. Radio (slightly scratched)
75. Paper moth chest.
78. Package in paper (appears to contain rug & lining)

[F. R. Doc. 43-11048; Filed, July 9, 1943; 9:58 a. m.]

[Vesting Order 1667]

CHARLOTTE SCHIEWEK

Re: Furniture owned by Charlotte Schiewek.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Charlotte Schiewek, the wife of Gustav Schiewek, is a resident of Germany and is a national of a designated enemy country (Germany);
2. Finding that Charlotte Schiewek is the owner of the property described in subparagraph 3 hereof;
3. Finding that the property described as follows:  
Certain furniture, particularly described in Exhibit A attached hereto and made a part hereof, belonging to Charlotte Schiewek, and stored in the warehouse of the Manhattan Storage & Warehouse Company, 52nd Street and 7th Avenue, New York, New York, is property within the United States and owned or controlled by a national of a designated enemy country (Germany);
4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);
5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and
6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should

be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 16, 1943.

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

EXHIBIT A

1. Chair (wooden) (slightly scratched)
2. Chair (wooden) (frame & arm broken & split)
3. Studio couch in two parts (Papered AT WH)
4. Floor lamp
5. Radio (scratched & stained)
6. Chair (upholstered seat, back & cushion) (in cover) (leg broken & repaired)
7. Chair (upholstered seat, back & cushion) (in cover)
8. Sofa (in cover)
9. Bed end (wooden)
- 10 and 11. Two wooden chairs (each scratched)
12. Trunk (one lock broken & roped)
13. Trunk (one lock open & roped)
14. Ironing board
15. Table (metal top)
16. Bed spring
17. Wooden bed end (one leg broken)
18. Bundle of two wooden bedsides (scratched)
19. Bundle of four bed slats
- 20 and 21. Two floor lamps
22. Floor lamp (scratched)
23. Smoking stand
24. Vacuum cleaner
25. Bookrack (back loose & scratched)
26. Barrel (head loose)
27. Box
28. Suitcase (leather worn)
- 29 to 31. Three paper moth chests
- 32 & 33. Two paper boxes
34. Stand
35. Bookrack (scratched)
36. Leather case (victrola) (leather worn)
37. Dressing table
38. Dresser (scratched & chipped)
39. Mattress (in muslin) (packed into carton AT WH)
- 40 and 41. Two boxes
42. Table (slightly scratched)
43. Chair (upholstered seat, back & cushion) (in cover)
44. Magazine rack
45. Barrel (head loose)
46. Metal hamper
47. Garbage can
- 48 to 50. Three wooden seat chairs (each badly scratched)
51. Vegetable tin
52. Bench (upholstery slightly torn)
53. Stand (wooden) (top stained)
54. Bundle of mop, polisher & brush
55. Magazine rack (parts off & attached, loose & scratched)
56. End table
57. Bookstand (stained)
58. Table
59. Radio (scratched)
60. Paper shoe box



61. Chair (wooden)
62. Wicker hamper (top loose)
63. Chest of drawers (scratched)
64. Side table
65. Combination desk & bookcase
66. Desk
67. China closet
68. Paper box
69. Foot stool (in cover) (leg chipped)
70. Table (top stained & scratched)
71. End table
72. Glass tray
73. Shoe box
74. Sewing box (sides loose)
75. Day bed mattress
76. Dresser glass
78. Hassock
79. Hassock (damaged & repaired)
- 85 to 87. Three trunks
88. Leather suitcase (two umbrellas attached)
80. Package in paper (appears to contain seven rug pieces)
81. Carpet (nap worn) 9'1" x 10'
82. Carpet (nap worn) 9' x 16'7"
83. Felt lining 8'3" x 9'7"
84. Felt lining 8'10" x 11'10"
- 84A. Felt lining 4'10" x 8'10"

[F. R. Doc. 43-11049; Filed, July 9, 1943; 9:59 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-37]

#### RED BALL TRANSFER COMPANY AND DARLING TRANSFER

#### COORDINATED OPERATIONS BETWEEN POINTS IN NEBRASKA, KANSAS, AND MISSOURI

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property between points in Nebraska, Kansas, and Missouri, filed with the Office of Defense Transportation by Matthew Leo McKeone, doing business as Red Ball Transfer Company, Omaha, Nebraska, and Charles W. Darling, doing business as Darling Transfer, Auburn, Nebraska, designated herein as Red Ball and Darling, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

##### 1. Red Ball shall:

(a) Suspend the transportation, on its route between Omaha, Nebraska, and Kansas City, Missouri, over U. S. Highways 75, 73, and 40, of shipments moving to or from all points intermediate thereto, except Atchison and Leavenworth, Kansas, and divert such shipments to Darling; and

(b) Suspend the transportation, on its routes between Beatrice, Nebraska, and the junction of Nebraska State Highway 3 and U. S. Highway 75, and between Beatrice and the junction of Nebraska

State Highway 4 and U. S. Highway 75, of shipments moving to or from all intermediate points on both routes, and divert such shipments to Darling.

2. Darling shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of Red Ball.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-37", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 23, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly

proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 9th day of July, 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-11060; Filed, July 9, 1943; 11:17 a. m.]

[Supplementary Order ODT 3, Revised-38]

#### RED BALL TRANSFER COMPANY, ET AL.

#### COORDINATED OPERATIONS BETWEEN ST. JOSEPH, MISSOURI, AND HIAWATHA, KANSAS

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property between Hiawatha, Kansas, and St. Joseph, Missouri, filed with the Office of Defense Transportation by Matthew Leo McKeone, doing business as Red Ball Transfer Company, Omaha, Nebraska; Charles W. Darling, doing business as Darling Transfer, Auburn, Nebraska; and Leonard Ragland, St. Joseph, Missouri; designated herein as Red Ball, Darling, and Ragland, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purpose is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. Red Ball and Darling shall suspend the transportation, on their routes between St. Joseph and Hiawatha, of shipments moving in interstate commerce between St. Joseph, or through that gateway, and intermediate points on such routes, and divert such shipments to Ragland for transportation from or to the terminals of Red Ball or Darling, respectively, at St. Joseph.

2. Ragland shall accept and transport all shipments diverted to him under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to



require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—38", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 23, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 9th day of July 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-11061; Filed, July 9, 1943; 11:17 a. m.]

OFFICE OF ECONOMIC STABILIZATION.

CHICAGO, NORTH SHORE AND MILWAUKEE RAILROAD CO.

ORDER REGARDING EMERGENCY BOARD'S WAGE RECOMMENDATIONS

JULY 8, 1943.

With reference to the wage recommendations of the Emergency Board selected March 24, 1943, from the National Railway Labor Panel to investigate the

facts as to the disputes between the Chicago, North Shore and Milwaukee Railroad Company and certain of its employees represented by the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen.

Pursuant to Public Law No. 729, 77th Congress, Second Session, Executive Order No. 9328 (8 F.R. 4681), and Executive Order No. 9299 (8 F.R. 1669) it is hereby directed that the Emergency Board's recommendation for increasing the rates of pay for motormen and conductors from 78 to 94 cents per hour is disapproved insofar as it exceeds 92 cents, and that the Emergency Board's recommendation for increasing the rates of pay for collectors and brakemen from 66 to 82 cents per hour is disapproved insofar as it exceeds 80 cents. The other wage recommendations of the Emergency Board are not disapproved.

FRED M. VINSON,  
Director.

[F. R. Doc. 43-11030; Filed, July 8, 1943; 4:45 p. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 7, 1943.

|                      |                                  |
|----------------------|----------------------------------|
| Order No.:           | Name                             |
| MPR 134, Order 6---  | Peterson Tractor & Equipment Co. |
| MPR 188, Order 479-- | Pacific Mfg. Co.                 |

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-11018; Filed, July 8, 1943; 4:13 p. m.]

Regional, State, and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 have been filed with the Division of the Federal Register.

REGION V

Tulsa Order 3, Amendment 1, Filed 4:35 p. m. July 5, 1943.

REGION VI

Bismarck Order 3, Amendment 1, Filed 4:42 p. m. July 5, 1943.  
Chicago Order 3, Amendment 1, Filed 4:42 p. m. July 5, 1943.  
Chicago Order 3, Amendment 2, Filed 4:42 p. m. July 5, 1943.  
Duluth-Superior Order 3, Filed 4:41 p. m. July 5, 1943.  
 Fargo-Moorhead Order 4, Filed 4:43 p. m. July 5, 1943.  
 Fargo-Moorhead Order 5, Filed 4:43 p. m. July 5, 1943.  
 Green Bay Order 1, Revocation Filed 4:36 p. m. July 5, 1943.  
 Green Bay Order G-2, Revocation Filed 4:36 p. m. July 5, 1943.

Green Bay Order G-3, Filed 4:36 p. m. July 5, 1943.  
Green Bay Order G-3, Amendment 1, Filed 4:35 p. m. July 5, 1943.  
Green Bay Order G-4, Filed 4:35 p. m. July 5, 1943.  
La Crosse Order 3, Filed 12:16 p. m. July 3, 1943.  
La Crosse Order 4, Filed 12:15 p. m. July 3, 1943.  
North Platte Order 3, Filed 4:39 p. m. July 5, 1943.  
North Platte Order 3, Amendment 1, Filed 12:19 p. m. July 3, 1943.  
Peoria Order 3, Amendment 1, Filed 4:44 p. m. July 5, 1943.  
Pierre Order 3, Filed 12:15 p. m. July 3, 1943.  
Pierre Order 3, Amendment 1, Filed 12:19 p. m. July 3, 1943.  
Quad-Cities Order 3, Filed 12:15 p. m. July 3, 1943.  
Quad-Cities Order 3, Amendment 1, Filed 12:19 p. m. July 3, 1943.  
Rockford Order 3, Amendment 1, Filed 12:18 p. m. July 3, 1943.  
Sioux Falls Order 3, Amendment 1, Filed 12:16 p. m. July 3, 1943.  
Sioux Falls Order 3, Amendment 2, Filed 12:17 p. m. July 3, 1943.  
Sioux City Order 3, Amendment 2, Filed 12:17 p. m. July 3, 1943.  
Springfield Order 1, Amendment 2, Filed 12:17 p. m. July 3, 1943.  
Springfield Order 4, Amendment 1, Filed 12:17 p. m. July 3, 1943.  
Springfield Order 5, Amendment 1, Filed 12:17 p. m. July 3, 1943.  
Springfield Order 6, Filed 12:18 p. m. July 3, 1943.  
Springfield Order 6, Amendment 1, Filed 12:18 p. m. July 3, 1943.  
Twin Cities Order 3, Amendment 1, Filed 12:19 p. m. July 3, 1943.

REGION VII

Boise Order 5, Amendment 1, Filed 4:40 p. m. July 5, 1943.  
Boise Order 6, Amendment 1, Filed 4:41 p. m. July 5, 1943.  
Boise Order 7, Amendment 1, Filed 4:40 p. m. July 5, 1943.  
Boise Order 8, Filed 4:39 p. m. July 5, 1943.  
Colorado Order 10, Filed 4:38 p. m. July 5, 1943.  
Colorado Order 11, Filed 4:39 p. m. July 5, 1943.  
New Mexico Order 5, Amendment 1, Filed 4:39 p. m. July 5, 1943.  
New Mexico Order 6, Amendment 1, Filed 4:38 p. m. July 5, 1943.  
Utah Order 3, Filed 4:38 p. m. July 5, 1943.  
Utah Order 4, Filed 4:39 p. m. July 5, 1943.  
Utah Order 5, Filed 4:36 p. m. July 5, 1943.

REGION VIII

Fresno Order 4, Filed 10:50 a. m. July 6, 1943.  
Klamath Falls Order 3, Amendment 1, Filed 10:59 a. m. July 6, 1943.  
Los Angeles Order 3, Correction, Filed 10:57 a. m. July 6, 1943.  
Los Angeles Order 3, Amendment 1, Filed 10:54 a. m. July 6, 1943.  
Los Angeles Order 3, Amendment 2, Filed 10:58 a. m. July 6, 1943.  
Nevada Order 1, Filed 10:53 a. m. July 6, 1943.  
Nevada Order 3, Filed 10:52 a. m. July 6, 1943.  
Phoenix Order 3, Filed 10:53 a. m. July 6, 1943.  
Phoenix Order 4, Filed 10:53 a. m. July 6, 1943.  
Sacramento Order 5, Filed 10:59 a. m. July 6, 1943.  
San Francisco Order 3, Filed 10:57 a. m. July 6, 1943.  
Seattle Order 3, Amendment 1, Filed 10:50 a. m. July 6, 1943.  
Seattle Order 3, Amendment 2, Filed 10:58 a. m. July 6, 1943.  
Seattle Order 4, Amendment 1, Filed 10:59 a. m. July 6, 1943.



Seattle Order 4, Amendment 2, Filed 10:52 a. m. July 6, 1943.  
 Seattle Order 5, Filed 10:51 a. m. July 6, 1943.  
 Seattle Order 5, Amendment 1, Filed 10:50 a. m. July 6, 1943.  
 Seattle Order 6, Filed 11:01 a. m. July 6, 1943.  
 Seattle Order 6, Amendment 1, Filed 10:58 a. m. July 6, 1943.  
 Seattle Order 7, Filed 11:01 a. m. July 6, 1943.  
 Spokane Order 2, Amendment 1, Filed 10:58 a. m. July 6, 1943.  
 Spokane Order 3, Amendment 1, Filed 10:52 a. m. July 6, 1943.

ERVIN H. POLLACK,  
 Head, Editorial and Reference Section.

[F. R. Doc. 43-11019; Filed, July 8, 1943;  
 4:13 p. m.]

[Region VIII Order G-2 Under MPR 280]

FLUID MILK IN ARIZONA, CALIFORNIA,  
 OREGON AND WASHINGTON

Order No. G-2 under § 1351.807 of Maximum Price Regulation No. 280 as Amended—Maximum Prices for Specific Food Products (formerly Order No. 3).

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280 as amended, *it is hereby ordered:*

(1) The maximum price for fluid milk sold and delivered at wholesale other than in glass or fiber containers to stores, hotels, restaurants and institutions in the States of Arizona, California, Oregon and Washington, shall be the seller's maximum price as established under Maximum Price Regulation No. 280 as amended, or an adjusted maximum price computed as follows, which ever is higher:

The seller's maximum price for fluid milk of the same milk fat content sold at wholesale in quart glass containers or, if no maximum price for such sales in quart glass containers can be computed, then in quart fiber containers, whether such maximum wholesale price for fluid milk is established under Section 1499.2 or Section 1499.3 of the General Maximum Price Regulation or under any order heretofore or hereafter issued by the Regional Administrator pursuant to any provision authorizing the Regional Administrator to make adjustments of fluid milk prices in quart containers, shall be multiplied by 4, and the following amount shall be deducted:

|  | Cents |
|--|-------|
| Where the quantity being sold is 5 gallons or less.....                                | 4     |
| Where the quantity being sold is more than 5 gallons but not more than 10 gallons..... | 5     |
| Where the quantity being sold is more than 10 gallons.....                             | 6     |

The resulting figure shall constitute the seller's adjusted maximum price.

(2) For purposes of this order:

(a) The "quantity being sold" means the quantity being delivered by a given seller to a given purchaser upon a single day.

(b) All terms used in this order and also used in Maximum Price Regulation No. 280 as amended, shall have the same meanings in this order as in Maximum Price Regulation No. 280 as amended.

(c) The term "institutions" does not include the Armed forces of the United States or other purchasers at retail within the meaning of the General Maximum Price Regulation, but includes only those institutions whose purchases of fluid milk in bulk are covered by Maximum Price Regulation No. 280 as amended.

(3) Any adjusted maximum price established under this order shall be subject to further adjustment by the Office of Price Administration at any time.

(4) This order may be revoked or amended by the Office of Price Administration at any time.

(5) This order shall become effective on January 15, 1943.

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

Issued this 15th day of January 1943.

HARRY F. CAMP,  
 Regional Administrator.

[F. R. Doc. 43-11064; Filed, July 9, 1943;  
 11:33 a. m.]

[Amdt. 1 to Region VIII Order G-2 Under MPR 280]

FLUID MILK IN ARIZONA, CALIFORNIA, OREGON, WASHINGTON AND A PORTION OF IDAHO

Amendment No. 1 to Order No. G-2 (formerly Order No. 3) under Maximum Price Regulation No. 280—Maximum Prices for Specific Food Products; fluid milk prices in bulk in the States of Arizona, California, Oregon, Washington and the portion of the State of Idaho contained within Region VIII.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280, as amended, the said Order No. G-2 is hereby amended in the following particulars:

(1) The title of said Order No. G-2 is hereby amended to read as follows: Fluid Milk Prices in Bulk in the States of Arizona, California, Oregon, Washington, and that portion of the State of Idaho contained within Region VIII.

(2) Section (1) of said Order No. G-2 is hereby amended to read as follows: The maximum price for fluid milk sold and delivered at wholesale other than in glass or fiber containers to stores, hotels, restaurants, and institutions in the States of Arizona, California, Oregon, Washington, and that portion of the State of Idaho contained within Region VIII shall be the seller's maximum price as established under Maximum Price Regulation No. 280 as amended, or an adjusted maximum price computed as follows, whichever is higher:

The seller's Maximum price for fluid milk of the same milk fat content sold at wholesale in quart glass containers or, if no maximum price for such sales in

quart glass containers can be computed, then in quart fiber containers, whether such maximum wholesale price for fluid milk is established under § 1499.2 or § 1499.3 of the General Maximum Price Regulation or under any order heretofore or hereafter issued by the Regional Administrator pursuant to any provision authorizing the Regional Administrator to make adjustments of fluid milk prices in quart containers, shall be multiplied by 4, and the following amount shall be deducted:

|  | Cents |
|--|-------|
| Where the quantity being sold is 5 gallons or less.....                                | 4     |
| Where the quantity being sold is more than 5 gallons but not more than 10 gallons..... | 5     |
| Where the quantity being sold is more than 10 gallons.....                             | 6     |

The resulting figure shall constitute the seller's adjusted maximum price per gallon.

(3) Section (2) of said Order No. G-2 is hereby amended by adding new subsection (d) as follows.

(d) The term "That portion of the State of Idaho contained within Region VIII" refers to the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

(4) This Amendment No. 1 may be amended or revoked by the Office of Price Administration at any time.

(5) This Amendment No. 1 shall become effective upon its issuance.

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

Issued this 7th day of April 1943.

L. F. GENTNER,  
 Acting Regional Administrator.

[F. R. Doc. 43-11065; Filed, July 9, 1943;  
 11:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-730]

OGDEN CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of July, A. D. 1943.

*Acquisition of Public Utility Securities by Registered Holding Company*

Application by registered holding company pursuant to sections 9 (a) and 10 regarding the acquisition of certain minority stock of its public utility subsidiary granted, the Commission finding the tendency required by section 10 (c) (2) and observing no basis for an adverse order.

*Appearances*

Maurice C. Kaplan, of the Public Utilities Division of the Commission.  
 Simpson Thatcher & Bartlett, by Richard Jones, for Ogden Corporation.

Ogden Corporation, a registered holding company, has filed an application, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act, re-



garding the acquisition from The North American Company, also a registered holding company, of 3,336 shares of the common stock of Laclede Power & Light Company, a public utility subsidiary of Ogden, for a cash consideration of \$330,000.

After appropriate notice, a public hearing was held. No member of the public has objected to the proposal.

Laclede Power operates electric utility properties in St. Louis, Mo., which compete with Union Electric Company of Missouri, a subsidiary of North American, and which supply approximately 15% of the electric energy used in that city. It has presently outstanding a total of 35,993 shares of common stock, of which Ogden is the holder of 32,391 shares, or approximately 90%. The holdings of North American in Laclede Power which Ogden now proposes to purchase amount to approximately 9% of the total outstanding, and the remainder—less than 1%—is scattered among some forty individual holders.

We have recently approved a plan, general in nature, filed by Ogden and subsidiaries pursuant to section 11 (e), which proposed the objectives of disposition by Ogden of all of its interests, held directly or indirectly, in holding and public utility companies, including Laclede Power, and the recapitalization of The Laclede Gas Light Company, also a subsidiary of Ogden, which owns and has leased certain electric utility assets to Laclede Power; we have also ordered Ogden to take such action pursuant to the requirements of section 11 (b) (File Nos. 54-69 and 59-63).<sup>1</sup> A detailed plan, as amended, providing for the sale of the electric utility assets operated by Laclede Power to Union Electric Company of Missouri, and the recapitalization of Laclede Gas is now before this Commission for hearing (File No. 54-39).<sup>2</sup>

Under such amended plan of reorganization of Laclede Gas, the net assets of Laclede Power, including the proceeds derived from the sale of its electric properties, will be turned over to Laclede Gas in exchange for new common stock of that company. The proposed acquisition by Ogden of almost the entire minority interest of Laclede Power will remove the possibility of a time-consuming and costly contest as to the allocation of such new Laclede Gas common stock between Ogden and North American, thus facilitating the carrying out of Laclede Gas's reorganization and the transactions related to the sale of the electric properties. For these reasons, and in the light of Ogden's stipulation that the securities which are now proposed to be acquired will be disposed of in accordance with the Commission's aforesaid order under section 11 (b) in regard to Ogden's interests in Laclede Power and within the period of time provided by

such order,<sup>3</sup> we find that the proposed acquisition has the tendency required by section 10 (c) (2).

The record indicates that negotiations leading to the contract for the purchase of the holdings of North American in Laclede Power were conducted over a period of months and were at arm's-length. The proposed price to be paid by Ogden for such stock is somewhat high on a times earnings basis but is comparably low in relationship to the treatment proposed to be given the public minority holders of Laclede Power, who own less than 1% of its stock, in the reorganization plan of Laclede Gas presently pending before us. The relatively more generous treatment proposed to be accorded the small group of public security holders is justified by Ogden on a de minimus basis and is based on the assumption that the North American holdings in Laclede Power would first have been purchased at the lesser price. We are not now passing on that plan, but we see no reason why the arm's-length terms for the larger transaction with North American should necessarily involve identical treatment to that proposed for the small minority interest.

We have examined the conditions of the proposed acquisition, including the consideration to be paid, disclosure of interests, and similar matters, and we observe no basis for adverse findings under section 10 of the Act.

*It is therefore ordered,* That, pursuant to the applicable provisions of the Act, the said application be, and hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 43-11009; Filed, July 8, 1943;  
4:01 p. m.]

#### FRANCES J. LUBBE

##### FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of July, A. D. 1943.

In the matter of Frances J. Lubbe, 509 Western Catholic Union Bldg., Quincy, Illinois.

1. Frances J. Lubbe, the respondent herein, is registered as an investment adviser under section 203 (c) of the Investment Advisers Act of 1940.

2. The Commission instituted a proceeding under section 203 (d) of said Act to determine whether or not the registration of the respondent as an investment adviser should be revoked or suspended.

3. The respondent has admitted the facts set forth in the order for hearing and has consented to the revocation of her registration.

<sup>3</sup>Ogden Corporation and Subsidiaries, note 1.

4. On the basis of the admissions of the respondent, the Commission finds:

(a) The respondent is permanently enjoined by a decree of the District Court for the Southern District of Illinois, entered on or about March 13, 1943, from engaging in or continuing certain conduct and practices in connection with her activities as an investment adviser and in connection with the purchase and sale of securities.

(b) The respondent willfully made untrue statements of material facts in her registration application and reports filed under sections 203 and 204 of said Act, and willfully omitted to state therein material facts required to be stated therein.

5. The Commission further finds that the respondent has violated section 207 of said Act and that it is in the public interest to revoke her registration as an investment adviser. Accordingly,

*It is ordered,* That the registration of Frances J. Lubbe as an investment adviser be and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 43-11011; Filed, July 8, 1943;  
4:01 p. m.]

#### FRANCES J. LUBBE

##### FINDINGS AND ORDER REVOKING REGISTRATION AND EXPELLING MEMBER OF NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of July, A. D. 1943.

In the matter of Frances J. Lubbe, 509 Western Catholic Union Bldg., Quincy, Illinois.

1. Frances J. Lubbe, the respondent herein, is registered as a broker and dealer under section 15 of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc. ("NASD"), a national securities association registered under section 15A of said Act.

2. The Commission instituted proceedings under sections 15 (b) and 15A (1) (2) of said Act to determine whether or not the registration of the respondent as a broker and dealer should be revoked, and whether or not the respondent should be suspended or expelled from the NASD.

3. The respondent has admitted the facts and statutory violations set forth in the order for hearing and has consented to revocation of her registration and to expulsion from the NASD.

4. On the basis of the admissions of the respondent, the Commission finds:

(a) From approximately February 1, 1942, to the date of our order for hearing, the respondent transacted a business in securities through the medium of a member of a national securities exchange. During said period the respondent; (1) in the ordinary course of her business as a broker, became indebted to various customers and others at times when she had

<sup>1</sup>See Ogden Corporation and Subsidiary Companies (1943), Holding Company Act Release No. 4307.

<sup>2</sup>See Holding Company Act Release No. 4253 (1943).



no net capital employed in her business; (ii) hypothecated customers' securities at times when no sums were owed to her by customers; and (iii) sold customers' securities without the knowledge or consent of such customers and at times when they were not indebted to her, and converted the proceeds to her own use and benefit.

(b) The respondent, as broker, has purchased and sold securities for the accounts of various persons and falsely represented to them the prices at which such purchases and sales had been effected, retaining secret profits thereon.

(c) The respondent, as broker, has accepted orders from customers for the purchase of securities for their accounts, accepted payment therefor, and thereafter confirmed execution of such orders when the respondent had not in fact executed such orders.

(d) The respondent willfully made false and misleading statements with respect to material facts in her application for registration, and willfully failed to make and keep certain books and records as required by law.

(e) The respondent is permanently enjoined by a decree of the District Court for the Southern District of Illinois, entered on or about March 15, 1943, from engaging in or continuing certain acts and practices in connection with the purchase and sale of securities.

(f) The respondent used the mails and instrumentalities of interstate commerce in effecting transactions described in subparagraphs (a), (b) and (c) above, and in inducing the purchase and sale of securities.

5. The Commission further finds that the respondent, in acting and failing to act in the manner described in paragraph 4 above, has willfully violated section 17 (a) of the Securities Act of 1933 and sections 8 (b), 8 (c), 10 (b), 15 (b), 15 (c) (1) and (17) (a) of the Securities Exchange Act of 1934, and it is in the public interest to revoke her registration as a broker and dealer and to expel her from the NASD. Accordingly

It is ordered, That the registration of Frances J. Lubbe as a broker and dealer be and it hereby is revoked; and

It is further ordered, That Frances J. Lubbe be and she hereby is expelled from the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-11010; Filed, July 8, 1943;  
4:01 p. m.]

## VETERANS' ADMINISTRATION.

[Instruction 1-A]

### PRINCIPLES AND PROCEDURE GOVERNING DETERMINATIONS AS TO VOCATIONAL HANDICAP AND AWARDED PENSION DURING PERIOD OF VOCATIONAL REHABILITATION

1. Instruction No. 1, Public No. 16, 78th Congress, paragraph 5, is hereby amended to read as follows:

5. Written notice of the decision of the rating board or central disability board, will include a statement as to

whether the World War II service-connected pensionable disability produces a vocational handicap.

(a) In the event the determination is in the affirmative, the statement should be substantially as follows:

Public No. 16, 78th Congress, amended Veterans Regulation No. 1 (a), as amended, to provide among other things that "any person who served in the active military or naval service at any time after December 6, 1941, and prior to the termination of the present war, who is honorably discharged therefrom and who has a disability incurred in or aggravated by such service for which pension is payable under laws administered by the Veterans Administration or would be but for receipt of retirement pay, and is in need of vocational rehabilitation to overcome the handicap of such disability, shall be entitled to such vocational rehabilitation as may be prescribed by the Administrator of Veterans Affairs to fit him for employment consistent with the degree of disablement . . .". In the event you are interested and consider vocational rehabilitation is necessary to overcome the handicap of your service-connected disability, the enclosed Form 1900, Application for Vocational Rehabilitation, should be prepared and returned to this office for consideration and determination as to whether you are in need of vocational rehabilitation.

(b) Should the determination be in the negative, the statement should be substantially as follows:

Public No. 16, 78th Congress, amended Veterans Regulation No. 1 (a), as amended, to provide among other things that "any person who served in the active military or naval service at any time after December 6, 1941, and prior to the termination of the present war, who is honorably discharged therefrom and who has a disability incurred in or aggravated by such service for which pension is payable under laws administered by the Veterans Administration or would be but for receipt of retirement pay, and is in need of vocational rehabilitation to overcome the handicap of such disability, shall be entitled to such vocational rehabilitation as may be prescribed by the Administrator of Veterans Affairs to fit him for employment consistent with the degree of disablement . . .". It has been determined that the service-connected pensionable disability does not constitute such a vocational handicap as to require vocational rehabilitation to overcome.

(See paragraph 11 of V. A. Instruction No. 1, Public No. 16, 78th Congress, regarding notification to veteran of his right of appeal.)

(c) When Form 1900, Application for Vocational Rehabilitation, is received from the veteran, it will be attached to the claims folder and forwarded to the vocational rehabilitation division.

(Public No. 16, 78th Cong.)

[SEAL] FRANK T. HINES,  
Administrator.

JULY 2, 1943.

[F. R. Doc. 43-10993; Filed, July 8, 1943;  
11:36 a. m.]

## WAR PRODUCTION BOARD.

### NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain stop construction orders listed in

Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued July 8, 1943.

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

#### SCHEDULE A

Name and address of the builder: Public Roads Administration, 1440 Columbia Pike, Arlington, Virginia. Location of project: Arlington County, Va. Issuance date: 6-26-43.

[F. R. Doc. 43-11035; Filed, July 8, 1943;  
4:58 p. m.]

### NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued July 8, 1943.

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

#### SCHEDULE A

Preference rating order: P-19-e. Serial No.: 29621. Name and address of builder: Louisiana Department of Highways, Baton Rouge, La. Location of project: Shreveport, La. Issuance date: 7-2-43.

[F. R. Doc. 43-11036; Filed, July 8, 1943;  
4:59 p. m.]

### NOTICES TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, partially revoking preference rating orders issued in connection with, and partially stopping construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder

Issued July 8, 1943.

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

#### SCHEDULE A

Preference rating order: P-19-e. Serial No.: 25267. Name and address of builder: Alabama State Highway Department, Montgomery, Alabama. Location of project: Mobile, Alabama. Issuance date: 7-2-43.

[F. R. Doc. 43-11037; Filed, July 8, 1943;  
4:59 p. m.]



## WAR FOOD ADMINISTRATION.

[P. &amp; S. Docket No. 1558]

MISSISSIPPI VALLEY STOCK YARDS CO.  
ORDER EXTENDING PERIOD OF SUSPENSION

On June 8, 1943, an order was entered in this proceeding under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181 et seq.), which, among other things, suspended and deferred the operation and use of a schedule of rates and charges, designated as Tariff No. 6, for a period of thirty days beyond

its effective date. Since the hearing in this proceeding cannot be concluded within the period of suspension, the time of suspension should be extended for another period of thirty days.

*It is ordered,* That the operation and use of Tariff No. 6 of Carroll P. Poland, doing business as the Mississippi Valley Stock Yards Company, Respondent, be, and it hereby is, suspended and deferred for a further period of thirty days beyond the date when the tariff would otherwise become effective.

*It is further ordered,* That a copy of this order be served upon the respondent by registered mail.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D C., this 8th day of July 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-11062; Filed, July 9, 1943;  
11:17 a. m.]



