



# FEDERAL REGISTER

VOLUME 8

NUMBER 200

Washington, Friday, October 8, 1943

## The President

### PROCLAMATION 2595

COLUMBUS DAY, 1943

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS we who are determined to seek and to find highways to a new world of peace and cooperation may take inspiration from the faith and courage of Christopher Columbus, who sailed across an uncharted sea and found a western continent and a new world; and

WHEREAS at this time, when the Italian people are striving to win back for themselves an honorable place in the family of nations, it is especially fitting that we honor the vision and achievement of a great Italian; and

WHEREAS Public Resolution 21, Seventy-third Congress, approved April 30, 1934, provides:

"That the President of the United States is authorized and requested to issue a proclamation designating October 12 of each year as Columbus Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of the public sentiment befitting the anniversary of the discovery of America";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate Tuesday, October 12, 1943, as Columbus Day; I direct that on that day the flag of the United States be displayed on all Government buildings; and I invite the people of the United States to observe the day with appropriate ceremonies in schools and churches, or other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal

of the United States of America to be affixed.

DONE at the City of Washington this 5th day of October, in the year of our Lord nineteen hundred and [SEAL] forty-three, and of the Independence of the United States of America the one hundred and sixty-eighth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,  
*Secretary of State.*

[F. R. Doc. 43-16355; Filed, October 6, 1943; 3:17 p. m.]

### EXECUTIVE ORDER 9383

#### COORDINATION OF FUNCTIONS AND POLICIES OF FEDERAL CIVIL AGENCIES IN PUERTO RICO AND THE VIRGIN ISLANDS

WHEREAS it is desirable in the interest of economy, consistent programs, and effective administration to coordinate to the greatest possible extent the policies, plans, and activities of all Federal civil agencies in Puerto Rico and the Virgin Islands; and

WHEREAS section 87 of the act of July 1, 1902, 32 Stat. 712, provides that the business assigned to the Bureau of Insular Affairs " \* \* \* shall embrace all matters pertaining to the civil government in the island possessions of the United States subject to the jurisdiction of the War Department"; and the functions conferred upon the Bureau of Insular Affairs pertaining to Puerto Rico were transferred from the Department of War to the Division of Territories and Island Possessions in the Department of the Interior by Executive Order No. 6726 of May 29, 1934, issued pursuant to section 16 of the Reorganization Act of March 3, 1933 (47 Stat. 1517); and

WHEREAS section 11 of the act of March 2, 1917, 39 Stat. 955, provides that all reports required by law to be made by the Governor or heads of Departments of Puerto Rico to any official of the

(Continued on next page)

## CONTENTS

### THE PRESIDENT

EXECUTIVE ORDERS:	Page
Budgeting activities of the Federal government; submission of reports.....	13782
Federal Civil Agencies in Puerto Rico and the Virgin Islands, coordination of functions and policies.....	13781
Foreign food procurement and development, transfer of functions to Foreign Economic Administration.....	13783
PROCLAMATION:	
Columbus Day, 1943.....	13781

### REGULATIONS AND NOTICES

COAST GUARD:	
Inspection and navigation laws, waiver for British cargo vessels.....	13826
FEDERAL POWER COMMISSION:	
Hearings, etc.:	
Eastern Shore Public Service Co.....	13828
Union Electric Co. of Missouri.....	13828
FISH AND WILDLIFE SERVICE:	
Wichita Mountains Wildlife Refuge, Oklahoma, fishing regulations.....	13827
GENERAL LAND OFFICE:	
Withdrawals, etc.:	
Alaska.....	13824
California.....	13825
Idaho (3 documents).....	13824, 13825
Kansas.....	13825
Wyoming.....	13826
INTERSTATE COMMERCE COMMISSION:	
Grain permits, Decatur and Nashville market areas, Ill. ....	13826
Motor carriers, identification regulations modified.....	13826
OFFICE OF ECONOMIC WARFARE:	
Prohibited exportations, miscellaneous commodities (Corr.).....	13811
OFFICE OF PRICE ADMINISTRATION:	
Adjustment, American Sugar Refining Co.....	13830

(Continued on next page)



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

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

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

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

## CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION— Continued.	Page
Beef and veal:	
Arizona (MPR 169, Am. 3 to Order 28) .....	13829
Nevada (MPR 169, Am. 2 to Order 32) .....	13829
New Mexico and Texas (MPR 169, Am. 3 to Order 33) ..	13829
San Diego and Imperial Coun- ties, Calif. (MPR 169, Am. 2 to Order 30) .....	13829
Hogs and pork:	
Arizona (MPR 148, Am. 3 to Order 33) .....	13829
Arizona and Texas (MPR 148, Am. 3 to Order 36) .....	13830
Nevada (MPR 148, Am. 2 to Order 35) .....	13829
San Diego and Imperial Coun- ties, Calif. (MPR 148, Am. 2 to Order 34) .....	13829
Lamb and mutton:	
Arizona (MPR 239, Am. 3 to Order 1) .....	13830
Nevada (MPR 239, Am. 2 to Order 4) .....	13830
New Mexico and Texas (MPR 239, Am. 3 to Order 3) ..	13830
San Diego County, Calif. (MPR 239, Am. 2 to Order 2) .....	13830
Legume and grass seeds (MPR 471, Am. 1) .....	13823
Poultry (RMPR 269) .....	13813
Regional and district office orders:	
Milk, Binghamton-Rochester territory, N. Y. (2 docu- ments) .....	13830, 13832

## CONTENTS—Continued

SECURITIES AND EXCHANGE COMMIS- SION:	Page
Hearings, etc.:	
Houston Gulf Gas Co. ....	13832
Southwestern Public Service Co. and Royal Palm Ice Co. ....	13832
SELECTIVE SERVICE SYSTEM:	
Allowance voucher to assignees, form prescribed .....	13811
Reemployment reference card, discontinuance .....	13811
Report to Board of Transfer, form revised .....	13811
TARIFF COMMISSION:	
Medical swabs, importation and sale .....	13833
WAGE AND HOUR DIVISION:	
Learner employment certifi- cates, various industries ..	13827
WAR DEPARTMENT:	
Medical and dental attendance; miscellaneous amendments ..	13790
Military reservations and na- tional cemeteries; steam boiler inspection .....	13790
Necessity certificates, amend- ment of joint regulations ..	13824
Procurement of military supplies and animals, miscellaneous amendments .....	13791
Reserve Officers Training Corps; accountability for publica- tions .....	13790
WAR FOOD ADMINISTRATION:	
Conservation program produc- tion practice goals; allow- ances in East Central re- gion .....	13784
Eggs, shell (FDO 40, termina- tion) .....	13789
Tobacco:	
Burley:	
1943-44 quota .....	13784
1944-45 quota .....	13788
Flue-cured, 1944-45 quota ..	13789
Torrington Livestock Com- mission Co., suspension of tariff .....	13833
Wheat quotas, 1944-45 .....	13789
WAR PRODUCTION BOARD:	
Appeal procedure (PR 16) .....	13811
Iron and steel commodities (M-126, Am. 2) .....	13811

United States shall be made to an Executive Department of the Government of the United States to be designated by the President, and authorizes the President to place all matters pertaining to the government of Puerto Rico in the jurisdiction of such Department; and

WHEREAS section 39 of the act of June 22, 1936, 49 Stat. 1817, authorizes the President to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the aforesaid acts, and as President of the United States, it is ordered as follows:

1. Each Federal civil agency performing services in Puerto Rico or in the Virgin Islands shall make current reports to the Secretary of the Interior concern-

ing the work of such agency in such manner and form and at such times as may be prescribed by the Secretary of the Interior.

2. The Secretary of the Interior shall make such recommendations to the heads of Federal civil agencies so reporting as may in his judgment serve to correlate the work of such agencies in Puerto Rico and in the Virgin Islands, eliminate unessential Federal activities, assist insular agencies to assume increasing responsibility in civil administration, meet more efficiently the needs of the people of Puerto Rico and the Virgin Islands for essential Federal services, and implement the policies of the United States with respect to its island possessions.

3. The Secretary of the Interior shall from time to time report to the President and to the Congress concerning the actions taken pursuant to this order.

4. This order shall not be applicable to United States District Judges, United States Attorneys, and United States Marshals.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
October 5, 1943.

[F. R. Doc. 43-16347; Filed, October 6, 1943;  
12:34 p. m.]

## EXECUTIVE ORDER 9384

## SUBMISSION OF REPORTS TO FACILITATE BUDGETING ACTIVITIES OF THE FEDERAL GOVERNMENT

By virtue of the authority vested in me as President of the United States, and particularly by the Budget and Accounting Act, 1921, as amended (Title 31, U. S. Code, Secs. 1-24), it is hereby ordered as follows:

1. In order to facilitate budgeting activities, all departments and establishments of the Executive Branch of the Federal Government, now or hereafter authorized by law to plan, propose, undertake, or aid public works and improvement projects financed in whole or in part by the Federal Government, shall prepare and keep up-to-date, by means of at least an annual revision, carefully planned and realistic long-range programs of such projects (all such programs being hereinafter referred to as "advance programs").

2. (a) Whenever any estimate of appropriation is submitted to the Bureau of the Budget (hereinafter referred to as the "Bureau") by such departments and establishments for the carrying out of any public works and improvement project or projects whether by contract, force account, Government plant and hired labor, or other similar procedure, or for the financing of any such project or projects whether by grants-in-aid, loans, or other forms of financial assistance, or for examinations, surveys, investigations, plans and specifications, or other planning activities, whether preliminary or detailed, for any such project or projects (all such survey and planning activities being hereinafter referred to as "plan preparation"), the advance program or programs relating to the proposed work

or expenditure shall be submitted to the Bureau as an integral part of the justification of the estimates presented.

(b) All such departments and establishments shall submit to the Bureau at the earliest possible date estimates of such supplemental appropriations for the fiscal years 1944 and 1945 as are necessary to provide plan preparation for those public works and improvement projects proposed for undertaking during the first three years of their advanced programs. Thereafter, in order that plans for these public works and improvement projects will always be available in advance, all such departments and establishments shall prepare and submit to the Bureau during each fiscal year estimates of such appropriations as may be necessary to provide plan preparation for those projects proposed for undertaking during the succeeding three fiscal years of their advance programs. All such estimates shall be accompanied by recommendations as to the additional legislation, or amendments to existing legislation, that may be necessary to bring projects in their advance programs to an appropriate state of readiness for prompt undertaking when and where needed.

3. The Director of the Bureau, upon the basis of the estimates and advance programs submitted in accordance with the provisions of paragraph 2 of this order, shall report to the President from time to time, but not less than once a year, consolidated estimates and advance programs in the form of an over-all advance program for the Executive Branch of the Government.

4. Before any department or establishment shall submit to the Congress, or to any committee or member thereof, a report relating to, or affecting in whole or in part, its advance programs, or the public works and improvement projects comprising such programs, or the results of any plan preparation for such programs or projects, such report shall be submitted to the Bureau for advice as to its relationship to the program of the President. When such report is thereafter submitted to the Congress, or to any committee or member thereof, it shall include a statement of the advice received from the Bureau.

5. The data and reports required by this order, and such other data, reports, and information as may from time to time be requested by the Bureau concerning advance programs, or the status of any public works and improvement projects included therein, or the results or status of any plan preparation for such programs or projects, shall be submitted to the Bureau in such form and manner as the Director of the Bureau shall prescribe. The Director of the Bureau shall from time to time issue such regulations as he deems necessary to effectuate this order, and his determinations with respect to the scope and application of this order shall be controlling.

6. The term "department and establishments" as used in this Executive Order shall be deemed to include any executive department, independent commission, board, bureau, office, agency, regulatory commission or board, Government-owned or controlled corporation, or other establishment of the Government, and the municipal government of the District of Columbia, but shall not include the legislative or judicial branches of the Government.

7. Executive Order No. 8455, dated June 26, 1940,<sup>1</sup> is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

October 4, 1943.

[F. R. Doc. 43-16389; Filed, October 7, 1943; 11:27 a. m.]

#### EXECUTIVE ORDER 9385

##### FOREIGN FOOD PROCUREMENT AND DEVELOPMENT

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order further to unify and consolidate governmental activities relating to foreign economic affairs, it is hereby ordered as follows:

1. The functions of the War Food Administration and the Commodity Credit Corporation with respect to the procurement and development of food, food machinery, and other food facilities, in foreign countries, are transferred to and consolidated in the Foreign Economic Administration to be administered in accordance with the provisions of Executive Order No. 9380 of September 25, 1943.<sup>2</sup>

2. The personnel, records, property, funds, contracts, assets, and liabilities of the Commodity Credit Corporation, determined by the Director of the Bureau of the Budget to be primarily concerned with the functions transferred to the Foreign Economic Administration by this order, shall be transferred, on such date or dates as the Director of the Bureau of the Budget shall determine, to the Foreign Economic Administration or to such subdivisions or corporations thereof as the Administrator of the Foreign Economic Administration shall designate.

3. Except as otherwise provided in this order, the procurement of food, food machinery, and other food facilities in foreign countries, by the Foreign Economic Administration, shall be performed consistently with directives issued to such Administration by the War Food Administrator with respect to food for human or animal consumption and by the War Food Administrator and the Chairman of the War Production Board jointly with respect to food for industrial uses. The War Food Administrator, or the War

Food Administrator and the Chairman of the War Production Board jointly, as the case may be, may (1) set forth in such directives the quantities, specifications, priorities, and times and places of delivery relating to such procurement, and (2) append to such directives suggestions as to sources and prices relating to such procurement. The Administrator of the Foreign Economic Administration may from time to time advise the War Food Administrator, the Chairman of the War Production Board, and the Director of War Mobilization as to circumstances affecting procurement under such directives and as to steps which the Administrator of the Foreign Economic Administration deems will promote effective procurement by the Foreign Economic Administration of food, food machinery, and other food facilities in foreign countries for the purposes of the War Food Administration or the War Production Board.

4. (a) Nothing in this order shall authorize the War Food Administrator or the Chairman of the War Production Board to issue directives to the Foreign Economic Administration with respect to (1) the procurement and development of food, food machinery, and other food facilities in foreign countries for use in foreign countries, and (2) the preclusive procurement of foreign food, food machinery, and other food facilities vital to the enemy either for military or civilian needs.

(b) The provisions of this order shall not affect the existing authority of the War Food Administrator or of the War Production Board with respect to priorities and allocations, or to define general policies, subject to the authority of the Office of War Mobilization under paragraph 4 of Executive Order No. 9361 of July 15, 1943, with respect to the procurement and development of food, food machinery, and other food facilities in foreign countries for use in foreign countries.

5. As used in this order, (1) the word "food" shall have the meaning set forth in paragraph 10 of Executive Order No. 9280 of December 5, 1942,<sup>3</sup> exclusive of sugar produced in the Caribbean area, and (2) the words "foreign countries" shall be deemed to exclude the Dominion of Canada.

6. All prior Executive orders and directives insofar as they are in conflict herewith are amended accordingly. This order shall take effect immediately except that the War Food Administration and the Commodity Credit Corporation shall continue to exercise their respective functions transferred under paragraph 1 of this order until such date or dates as the Administrator of the Foreign Economic Administration shall determine.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

October 6, 1943.

[F. R. Doc. 43-16388; Filed, October 7, 1943; 11:27 a. m.]

<sup>1</sup> 5 F. R. 2420.

<sup>2</sup> 8 F. R. 13081.

<sup>3</sup> 7 F. R. 10179.

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1943-21]

#### PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

##### 1943 PRODUCTION PRACTICE GOALS, ALLOWANCES, PRACTICES AND RATES OF PAYMENT

Pursuant to the authority vested in the Secretary of Agriculture under sections 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 701.405 (e) (4) is amended to read as follows:

§ 701.405 *Production practice goals, allowances, practices and rates of payment.* \* \* \*

(e) *Farm production practice allowance.* \* \* \*

(4) *Farms in the East Central Region.* The production practice allowance for farms in the East Central Region shall be the sum of the following:

(i) *Regular allowance.* (a) 75 cents per acre of cropland on the farm, exclusive of the average acreage of cropland subject to overflow in counties designated by the State committee and approved by the regional director.

(b) 40 cents per acre of fenced non-crop open pasture land on the farm in excess of one-half the acreage of cropland. The pasture land must be capable of maintaining during the normal pasture season at least one animal unit for each 5 acres.

(c) \$2.00 per acre of commercial orchards on the farm.

(d) \$1.00 per acre of commercial vegetables grown on the farm in 1940 if the acreage grown was 3 acres or more.

*Provided, however,* That if the sum of the amounts determined on the basis of the foregoing factors for any farm is less than \$20.00, the county committee may adjust the regular production practice allowance for the farm upward to an amount not in excess of \$20.00 if it determines that the farm will be operated in 1943; the practices to be performed thereon in 1943 will contribute toward sound conservation and the national war effort; and the land, labor, and equipment available on the farm are sufficient to permit the carrying out of practices in a workmanlike manner, except that in no case shall the allowance as adjusted exceed the sum of \$3.00 per acre of cropland and \$1.50 per acre of noncrop open pasture land.

(ii) *Supplementary materials allowance.* A sum equal to the volume of conservation materials furnished and used in the performance of approved practices between July 15, 1943, and Decem-

ber 31, 1943, on any farm on which the regular allowance computed under (i) above has been substantially earned or will be earned by the application of materials previously applied for: *Provided,* That such sum shall not exceed the amount of allowance computed under (i) above less an amount representing a proper adjustment for small payment increases.

Notwithstanding any other provisions of this bulletin, conservation materials furnished under this supplementary allowance and properly used shall be in lieu of any payment earned by the use of such material.

Done at Washington, D. C., this 6th day of October 1943.

WILSON COWEN,  
*Acting War Food Administrator.*

[F. R. Doc. 43-16379; Filed, October 7, 1943;  
11:19 a. m.]

[Tobacco 703 (Burley) Part II]

#### PART 724—BURLEY TOBACCO

##### 1943-44 MARKETING QUOTA REGULATIONS OCTOBER 6, 1943.

###### GENERAL

Sec.	Definitions.
724.525	Instructions and forms.
724.526	
FARM MARKETING QUOTAS	
724.527	Amount of farm marketing quota.
724.528	No transfers.
724.529	Disposition of excess tobacco.
724.530	Issuance of marketing cards.
724.531	Person authorized to issue cards.
724.532	Rights of producers in marketing cards.
724.533	Successors in interest.
724.534	Invalid cards.
724.535	Report of misuse of marketing card.

###### MARKETING OF TOBACCO AND PENALTIES

724.536	Memorandum of sale to identify every marketing.
724.537	Bill of nonwarehouse sale.
724.538	Marketings free of penalty.
724.539	Marketings subject to penalty and collection of penalties.
724.540	Persons to pay penalty.
724.541	Rate of penalty.
724.542	Payment of penalty.
724.543	Penalty for false identification or failure to account for disposition of tobacco.
724.544	Request for return of penalty.

###### RECORDS AND REPORTS

724.545	Producer's records and reports.
724.546	Warehouseman's records and reports.
724.547	Dealer's records and reports.
724.548	Dealers exempt from regular records and reports.
724.549	Records and reports of truckers, redryers, etc.
724.550	Separate records and reports from persons engaged in more than one business.
724.551	Failure to keep records or make reports.
724.552	Examination of records and reports.
724.553	Length of time records and reports to be kept.
724.554	Information confidential.
724.555	Approval of the Bureau of the Budget.

AUTHORITY: §§ 724.525 to 724.555, inclusive, issued under 52 Stat. 47, 48, 65, 66, 202; 53

Stat. 1261, 1262; 54 Stat. 393, 728; 55 Stat. 88; 7 U.S.C. 1940 ed. 1301 et seq., Pub. Law 138, 78th Cong.; E.O. 9280 of December 5, 1942; and E.O. 9322 of March 26, 1943, as amended, by E.O. 9334 of April 19, 1943.

###### GENERAL

§ 724.525 *Definitions.* As used in these regulations and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(1) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(2) "Administrator" means the Administrator or Acting Administrator of the War Food Administration.

(3) "County Committee" means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Program in such county.

(4) "Dealer or buyer" means a person who engages to any extent, in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(5) "Farm" means any tract or tracts of land which are considered as a farm under the provisions of the 1943 Agricultural Conservation Program.

(6) "Field assistant" means any employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(7) "Floor sweepings" means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading and tying of tobacco for farmers shall not be included as floor sweepings.

(8) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(9) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(10) "Operator" means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(11) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of the State or any agency thereof.

(12) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(13) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the to-

bacco available for marketing from the farm, or in the proceeds thereof.

(14) "Resale" means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(15) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(16) "State committee" means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Program in such State.

(17) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(18) "Tobacco" means Burley tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as type 31. Any tobacco that has the same characteristics and corresponding qualities, colors and lengths as Burley tobacco shall be considered Burley regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

(19) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1943 and all tobacco produced on the farm prior to the calendar year 1943 and carried over to the 1943-44 marketing year, which is not disposed of in accordance with § 724.529, prior to the issuance of a marketing card for the farm.

(20) "Tobacco subject to marketing quotas" means any tobacco marketed during the period October 1, 1943, to September 30, 1944, inclusive, and any tobacco produced in the calendar year 1943 and marketed prior to October 1, 1943.

(21) "Trucker" means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(22) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(23) "Warehouse sale" means a marketing by sale at public auction through a warehouse in the regular course of business.

§ 724.526 *Instructions and forms.* The Chief of the Agricultural Adjustment Agency shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

#### FARM MARKETING QUOTAS

§ 724.527 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 724.511 to 724.523 (Tobacco 703, Part D). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of

tobacco harvested on the farm in 1943 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1943 times the number of acres harvested in excess of the farm acreage allotment.

§ 724.528 *No transfers.* There shall be no transfer of marketing quotas (except as provided in Part I of these regulations).

§ 724.529 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

(a) By a declaration of intention to market all tobacco available for marketing and the payment at the office of the county committee by check or money order drawn payable to the Treasurer of the United States in an amount equal to the penalty which would be due upon the marketing of the tobacco available for marketing. Any additional amount of penalty determined to be due after all marketings of tobacco from the farm have been made shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty. Any amount collected in excess of the penalty due shall be refunded upon request of the producer.

(b) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1943 crop produced on the farm, and posting of a bond approved by the county committee and the Chairman of the State Committee in the penal sum of twice the amount of penalty which will become due upon the marketing of excess tobacco.

(c) By furnishing to the county committee satisfactory proof that the farm operator is unable to market the excess tobacco.

§ 724.530 *Issuance of marketing cards.* A marketing card shall be issued for every farm having tobacco available for marketing. Two or more marketing cards may be issued for any farm as approved by the county committee. All entries on each marketing card shall be made in accordance with the instructions for issuing marketing cards and the operator's agreement on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative. Upon the return to the office of the county committee of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

(a) *Within Quota Marketing Card (MQ-756 Burley).* A Within Quota Marketing Card (MQ-756 Burley) authorizing the marketing without penalty

of the actual production of tobacco on the farm in the 1943 calendar year and any tobacco carried over from a prior marketing year shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1943 is not in excess of the farm acreage allotment; if any excess tobacco carried over from any previous marketing year can be marketed without penalty under the provisions of § 724.530 (c) hereof; if the operator of the farm does not operate another farm on which the harvested acreage of tobacco exceeds the farm acreage allotment; and if the county committee does not determine that a zero percent excess marketing card is necessary to protect the interest of the Government and insure the proper identification and accounting for tobacco produced on the farm and the proper use of the marketing card issued for the farm, or

(2) If excess tobacco produced on the farm is disposed of in accordance with § 724.529 hereof, or

(3) If a farm is operated by a publicly-owned experiment station and produces tobacco for experimental purposes only, or

(4) If the county committee determines that by reason of flood, any crop on the farm has been destroyed or planting interfered with in 1943.

(b) *Excess Marketing Card (MQ-757 Burley).* An Excess Marketing Card (MQ-757 Burley) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm unless a within quota card is required to be issued for the farm under paragraph a of this section.

(c) *Extent to which marketings from a farm are subject to penalty.* The extent to which marketings of tobacco from any farm having no carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in § 724.529 of these regulations is of the acreage of tobacco harvested from the farm.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (1 above) by the "percent within quota" (i. e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (1 above) and the acreage of tobacco harvested in the current year.

(4) Determine the excess acreage by subtracting from the "total acres" (3 above) the sum of the 1943 allotment

and the "within quota carry-over acres" (2 above).

(5) Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (4 above).

The burden of any penalty with respect to carry-over tobacco shall be borne by those persons having an interest in such tobacco.

§ 724.531 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. The issuing officer may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 724.532 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm.

§ 724.533 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 724.534 *Invalid cards.* A marketing card shall be invalid under any of the following conditions:

(a) If it is not issued or delivered in the form and manner prescribed;

(b) If entries are not made thereon as required;

(c) If it is lost, destroyed, stolen, or becomes illegible;

(d) If any erasure or alteration has been made, and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, theft or omission, alteration and incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the office of the county committee at which it was issued.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid.

§ 724.535 *Report of misuse of marketing card.* Any information which causes any field assistant, a member of any State, county or community committee, or any employee of any State or county committee to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the Chairman of the State Committee.

#### MARKETING OF TOBACCO AND PENALTIES

§ 724.536 *Memorandum of sale to identify every marketing.* Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-756 Burley or MQ-757 Burley) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the Sale Cleared Without Marketing Card (Tobacco 718). The memorandum of sale shall be issued only by a field assistant, except that, a warehouseman, or his authorized representative, who has been designated on an Authorization to Issue Memoranda of Sale (Tobacco 713) may issue a memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.

The authorization to any warehouseman or his authorized representative to issue memoranda of sale may be withdrawn upon written notice by the Chairman of the State Committee.

Each excess memorandum of sale issued by a field assistant shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur on the memorandum of sale.

§ 724.537 *Bill of nonwarehouse sale.* Each first marketing of farm tobacco, except a warehouse sale, shall be identified by a bill of nonwarehouse sale (reverse side of the memorandum of sale) completely executed by the buyer and the farm operator.

Each bill of nonwarehouse sale shall be presented to a field assistant for issuance of a memorandum of sale and for recording in the Dealer's Record (Tobacco 715) in case of a purchase by a dealer other than a warehouseman.

§ 724.538 *Marketings free of penalty.* Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

§ 724.539 *Marketings subject to penalty and collection of penalties—(a) Farm tobacco.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for market-

ing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of each marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.

(b) *Dealer's tobacco.* Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer is in excess of the total amount of purchases as shown on such dealer's records shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Administrator showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.

(c) *Tobacco not identified by a valid memorandum.* Any tobacco marketed from a farm which is not identified by a valid memorandum of sale shall be subject to penalty.

§ 724.540 *Persons to pay penalty.* The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable.

(a) *Warehouseman.* If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Dealer.* If the tobacco is acquired from the producer by a dealer, the penalty shall be paid by the dealer who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Agent.* If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Warehouseman and dealer on dealer's tobacco.* Any penalty due upon tobacco subject to penalty under paragraph (b) of § 724.539 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.

(e) *Producer marketing outside United States.* If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

§ 724.541 *Rate of penalty.* The penalty shall be ten cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not iden-

tified under these regulations as being free of penalty.

§ 724.542 *Payment of penalty.* Penalties upon the marketing of tobacco shall become due at the time of the marketing and shall be paid by remitting the amount thereof to the office of the State Committee not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check drawn payable to the Treasurer of the United States should be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

§ 724.543 *Penalty for false identification or failure to account for disposition of tobacco.* If any producer falsely identifies or fails to account for the disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in 1943 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

§ 724.544 *Request for return of penalty.* Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may request the return of the amount of such penalty which is in excess of that amount equal to ten cents per pound upon the number of pounds of excess tobacco marketed.

Any request for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (a) the marketing of tobacco from the farm has been completed and (b) satisfactory proof is furnished to the county committee that all unmarketed excess tobacco is unmerchantable.

Return of penalty collected upon marketing of tobacco from any farm having excess tobacco shall be made only upon the basis of tobacco produced on the farm and, if the county committee determines that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee determines was not produced on the farm.

#### RECORDS AND REPORTS

§ 724.545 *Producer's records and reports—(a) Report on marketing card.* The operator of each farm on which tobacco is produced in 1943 shall return to the office of the county committee each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets. Failure to return the marketing card within the time specified (after formal notification) shall constitute failure to give proof of disposition of tobacco marketed from the farm

in the event that satisfactory proof of such disposition is not furnished otherwise.

(b) *Additional reports by producers and identification of tobacco.* In addition to any other reports which may be required under these regulations, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall upon written request by the Chairman of the State Committee and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Administrator, by sending the same to the Chairman of the State Committee, a written report showing, as to the farm at the time of filing said report (1) the number of acres of tobacco harvested, (2) the total production of tobacco, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

§ 724.546 *Warehouseman's records and reports—(a) Record of marketings.* Each warehouseman shall keep such records as will enable him to furnish to the Administrator a report of the following information with respect to each sale or resale of tobacco made at his warehouse:

(1) The name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced).

(2) The name of the purchaser.

(3) The date of sale.

(4) The number of pounds sold.

(5) The gross sale price.

(6) The amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer).

All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Tobacco 716). In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale (or a Sale

Cleared Without Marketing Card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in these regulations) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with properly executed bill of nonwarehouse sale.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended" write thereon the serial number of the suspended sale, and record the bills on the Field Assistant's Report (Tobacco 719) *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant as soon as one is available.

(e) *Warehouse entries on dealers' records.* Each warehouseman shall enter on each form Tobacco 715 the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1943 the entry on the dealer's record shall clearly show such fact.

(f) *Daily report of warehouse business and report of penalties.* Each warehouseman shall make reports on Form Tobacco 716 and on the Report of Penalties (Tobacco 717) showing the information required on the respective reports. Form Tobacco 716 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the office of the State Committee not later than the end of the next following calendar week. Form Tobacco 717 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the office of the State Committee not later than the end of the next following calendar week.

(g) *Additional records and reports.* In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Administrator as the Chairman of the State Committee may find necessary in order to enforce these regulations.

§ 724.547 *Dealer's records and reports.* Each dealer except as provided in § 724.548 below, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the office of the State Committee the page "Receipt for Dealer's Record" contained in Form Tobacco 715 which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Form To-

bacco 715 showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1943, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1943.

(c) *Report of penalties.* Each dealer shall make a report on Form Tobacco 717 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.

(d) *Memorandum of sale and bill of nonwarehouse sale.* For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant. No memorandum of sale shall be issued unless the bill of nonwarehouse sale, on the reverse side of the memorandum of sale has been executed.

(e) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him:

- (1) The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced).
- (2) The name of the purchaser.
- (3) The date of the transaction.
- (4) The number of pounds purchased or sold.
- (5) The gross purchase or sale price.
- (6) In the event of resale of tobacco bought by him and carried over from a crop produced prior to 1943, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the office of the State Committee not later than the end of the week following the calendar week covered by the reports.

§ 724.548 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 724.547 of these regulations; but each dealer shall make such reports to the Administrator as the Chairman of the State Committee may find necessary to enforce these regulations.

§ 724.549 *Records and reports of truckers, redryers, etc.* Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Adminis-

trator a report with respect to each lot of tobacco received by him showing the name and address of the farm operator, the date of the receipt of the tobacco, the number of pounds received, and the place to which it was delivered. Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Administrator a report showing the information provided above for truckers and in addition the purpose for which the tobacco was received, the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Administrator as the Chairman of the State Committee may find necessary to enforce these regulations.

§ 724.550 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on Form Tobacco 715, if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on form Tobacco 716.

§ 724.551 *Failure to keep records or make reports.* Any warehouseman, dealer, processor, or common carrier of tobacco, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any records as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by regis-

tered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Chairman of the State Committee.

§ 724.552 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chairman of the State Committee such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of such person.

§ 724.553 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1943-44 marketing year shall be kept by him until September 30, 1945, and for such longer period of time as may be requested in writing by the Chairman of the State Committee.

§ 724.554 *Information confidential.* All data reported to or acquired by the Administrator pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the War Food Administration and only such data so reported or acquired as the Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

§ 724.555 *Approval of Bureau of the Budget.* (a) Additional record keeping or reporting requirements which may be required in accordance with these regulations are subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(b) The record keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 6th day of October 1943.

GROVER B. HILL,  
Acting War Food Administrator.

[F. R. Doc. 43-16380; Filed, October 7, 1943;  
11:20 a. m.]

#### PART 724—BURLEY TOBACCO

#### PROCLAMATION OF 1944-45 NATIONAL MARKETING QUOTA

Whereas Public Law No. 118, 78th Congress, requires the proclamation of a na-



tional marketing quota for Burley tobacco for the 1944-45 marketing year equal to the amount of the national marketing quota for the 1943-44 marketing year, and

Whereas section 312 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that such national marketing quota may be increased by not more than 20 percent if it is determined that an increase is necessary in order to meet market demands, and

Whereas the War Food Administrator has caused an investigation to be made and has determined that it is necessary to increase the national marketing quota for Burley tobacco by 20 percent in order to meet market demands:

Now, therefore, it is hereby proclaimed that:

§ 724.601 *National marketing quota for Burley tobacco for the marketing year beginning October 1, 1944.* (a) The amount of the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1944 is 337,050,000 pounds, the same amount as the national marketing quota for the marketing year beginning October 1, 1943, as proclaimed on November 28, 1942 (7 F.R. 9913), and May 14, 1943 (8 F.R. 6326).

(b) The national marketing quota for Burley tobacco for the marketing year beginning October 1, 1944, as established in (a) above is increased by 20 percent.

(52 Stat. 46, 53 Stat. 1261, 54 Stat. 392; 7 U.S.C., 1940 ed. 1312 (a); Pub. Law 118, 78th Cong., 1st Session, approved July 7, 1943; E.O. 9322, of March 26, 1943, as amended, by E.O. 9334, of April 19, 1943)

Issued at Washington, D. C., this 6th day of October 1943.

GROVER B. HILL,  
*Acting War Food Administrator.*

[F. R. Doc. 43-16381; Filed, October 7, 1943; 11:19 a. m.]

#### PART 727—FLUE-CURED TOBACCO

##### PROCLAMATION INCREASING THE 1944-45 NATIONAL MARKETING QUOTA

Whereas on July 13, 1943, the War Food Administrator proclaimed a national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1944, of 714,000,000 pounds, and

Whereas section 312 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that such national marketing quota may be increased by not more than 20 percent if it is determined that an increase is necessary in order to meet market demands, and

No. 200—2

Whereas the War Food Administrator has caused an investigation to be made and has determined that it is necessary to increase the national marketing quota for flue-cured tobacco by 20 percent in order to meet market demands:

Now, therefore, it is hereby proclaimed that:

§ 727.601 *National marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1944.* The amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1944, as announced on July 13, 1943 (8 F.R. 9641) is increased by 20 percent.

(52 Stat. 46, 53 Stat. 1261, 54 Stat. 392; 7 U.S.C., 1940 ed. 1312 (a); Pub. Law 118, 78th Cong., 1st Session, approved July 7, 1943; E.O. 9322, of March 26, 1943, as amended, by E.O. 9334, of April 19, 1943)

Issued at Washington, D. C., this 6th day of October 1943.

GROVER B. HILL,  
*Acting War Food Administrator.*

[F. R. Doc. 43-16382; Filed, October 7, 1943; 11:19 a. m.]

#### PART 728—WHEAT

##### PROCLAMATION OF 1944 ACREAGE ALLOTMENTS AND 1944-45 MARKETING QUOTAS

Whereas, the Agricultural Adjustment Act of 1938, as amended, provides for the proclamation of certain data concerning the supply and consumption requirements requisite to the establishment of a national acreage allotment and marketing quotas for wheat, and

Whereas, said Act further provides that the powers therein granted shall not be used to discourage the production of sufficient supplies of foods and fibers to maintain normal domestic consumption, taking into consideration current trends in consumption and exports and the quantities of substitutes available at fair prices, and

Whereas, said Act further provides that quotas shall be terminated if it is determined that such action is necessary in order to effectuate the declared policy of the Act or to meet a national emergency, and

Whereas, an investigation has been made which reveals that it is necessary, in order to meet the present national emergency and to effectuate the declared policy of the Act, to dispense with marketing quotas for wheat for the marketing year beginning July 1, 1944, and with national, State, county and farm

acreage allotments for wheat for the 1944 crop:

Now, therefore, pursuant to the foregoing authority and in accordance with Executive Order 9322, as amended by Executive Order 9334, it is hereby determined and proclaimed that:

§ 728.501 *1944 acreage allotment for wheat.* In order to encourage the production of a sufficient supply of food to maintain normal domestic consumption, taking into consideration current trends in consumption and exports and the quantities of substitutes available at fair prices and otherwise to effectuate the declared policy of the Act, no national, State, county, or farm acreage allotments for wheat for the 1944 crop will be established under provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

§ 728.505 *National marketing quota for wheat for the 1944-45 marketing year.* In order to meet the present national emergency and to effectuate the declared policy of the Act, wheat marketing quotas will not be in effect for the marketing year beginning July 1, 1944.

(52 Stat. 39, 43, 45, 53, 54, 64, 203, 775; 53 Stat. 1125; 7 U.S.C. 1940 ed. 1301 (b), 1301 (c), 1304, 1332, 1333, 1334, 1335, 1371; and E.O. 9322, March 26, 1943, as amended by E.O. 9334, April 19, 1943)

Issued at Washington, D. C., this 6th day of October 1943.

GROVER B. HILL,  
*Acting War Food Administrator.*

[F. R. Doc. 43-16383; Filed, October 7, 1943; 11:19 a. m.]

#### Chapter XI—War Food Administration (Distribution Orders)

[FDO 40, as Amended, Termination]

##### PART 1495—EGGS AND EGG PRODUCTS SALE AND STORAGE OF SHELL EGGS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, *It is hereby ordered*, As follows:

That Food Distribution Order No. 40, issued by the Secretary of Agriculture on March 22, 1943, as amended (8 F.R. 3563, 8527), restricting the sale and storage of shell eggs, be, and the same is hereby, terminated at 12:01 a. m., e. w. t., October 7, 1943.

With respect to violations of said Food Distribution Order No. 40, as amended,

rights accrued, liabilities incurred, or appeals taken under said order, as amended, prior to the effective time of the termination thereof, said Food Distribution Order No. 40, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 6th day of October 1943.

GROVER B. HILL,  
Acting War Food Administrator.

[F. R. Doc. 48-16384; Filed, October 7, 1943;  
11:19 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### Chapter V—Military Reservations and National Cemeteries

#### PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS

##### INSPECTION OF STEAM BOILERS

Section 52.21 is added as follows:

§ 52.21 *Inspection of steam boilers*—  
(a) *Boilers requiring inspection.* All steam boilers located at military installations will be inspected at least once a year, except (1) those which are operated at 15 pounds per square inch steam pressure or less, (2) those which are not in service, and (3) equipment tested at class I railroad shops and at Army railroad repair shops.

(b) *By whom inspected.* All Government-owned boilers located at military installations operated by private contractors and all privately-owned boilers located at military reservations will be inspected by recognized insurance companies or other agencies qualified for such work.

(c) *Responsibility for arranging inspections.* The commanding officer or officer in charge of the military installation at which boilers designated in paragraph (b) of this section are located will be responsible for requiring the owner or operator of such boilers to have inspections made at the proper time. The owner or operator will arrange with a recognized insurance company or with a boiler inspection agency specializing in such work, for necessary inspections, will bear the cost of such inspections, and will make such repairs as are recommended.

(d) *Reports of inspection.* The commanding officer or officer in charge of the military installation will obtain for his files from the owner or operator a copy of the report rendered by the inspecting agency and will require that steps be taken to correct all deficiencies.

(R.S. 161; 5 U.S.C. 22) [AR 850-300, 21 September 1943]

[SEAL]

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

[F. R. Doc. 43-16375; Filed, October 7, 1943;  
10:12 a. m.]

## Chapter VI—Organized Reserves

### PART 62—RESERVE OFFICERS' TRAINING CORPS

#### TEXT AND REFERENCE BOOKS

In § 62.54 (b) (1) subdivision (iii), relating to inventory of publications, is rescinded.

§ 62.54 *Issue of text books and reference books.* \* \* \*

(b) *Accountability for publications.*  
(1) Publications issued under the provisions of paragraph (a) (2) above will be accounted for as follows: \* \* \*  
(iii) [Rescinded.]

(Sec. 47, 39 Stat. 192; Sec. 34, 41 Stat. 777; 10 U.S.C. 389) [Par. 36b, AR 145-20, 1 July 1938 as amended by C7, 16 August 1943]

[SEAL]

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

[F. R. Doc. 43-16377; Filed, October 7, 1943;  
10:12 a. m.]

## Chapter VII—Personnel

### PART 77—MEDICAL AND DENTAL ATTENDANCE

#### MISCELLANEOUS AMENDMENTS

In § 77.15 (b) subparagraphs (19) and (20) are redesignated (20) and (21) and a new subparagraph (19) is added; and §§ 77.18 (a), 77.24 (e) and 77.27 (c) are amended as follows:

The regulations in these sections are also contained in Army Regulations 40-590 and 40-600, the particular paragraphs being shown in brackets at end of sections.

§ 77.15 *Persons who may be admitted to Army hospitals.* \* \* \*

(b) *List.* \* \* \*

(19) Employees of commercial air lines under contract to the Air Transport Command will be admitted to Army hospitals and other medical installations outside the continental limits of the United States for care and treatment when necessary, such hospitalization and treatment to be without cost to the individual patients, except for subsistence and medicine charges as prescribed in § 77.18.

(20) Civilians not in the public service \* \* \*

(21) Such other persons \* \* \*

[Par. 6, AR 40-590, 2 Feb. 42 as amended by 14, 27 Sep. 43]

§ 77.18 *Subsistence and other charges for patients*—(a) *Subsistence charges; rates.* The following is the schedule of rates for subsistence charges for patients in Medical Department establishments (except as otherwise stated in §§ 77.24 and 77.27 for the Army and Navy and the Fitzsimons General Hospitals), who are not entitled to commutation of rations under the provisions of Army Regulations: \* \* \*

[Par. 12, AR 40-590, 2 Feb. 42 as amended by C-14, 27 Sep. 43]

§ 77.24 *Army and Navy General Hospital.* \* \* \*

(e) *Charges*—(1) *Subsistence charges.* \* \* \*

(ii) Subsistence charges will be collected from other pay patients as follows:  
(a) For officers and those subsisted on a like status, at the rates prescribed in § 77.18.

[Par. 11, AR 40-600, 6 October 1942 as amended by C4, 27 September 1943]

§ 77.27 *Fitzsimons General Hospital.* \* \* \*

(c) *Charges.* \* \* \*

(2) *Subsistence charges.* Subsistence charges for cadets of the United States Military Academy and for midshipmen of the United States Naval Academy will be \$1 per day.

[Par. 15, AR 40-600, 6 October 1942 as amended by C4, 27 September 1943]

(RS 161; 5 U.S.C. 22)

[SEAL]

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

[F. R. Doc. 43-16376; Filed, October 7, 1943;  
10:12 a. m.]

Chapter VIII—Procurement and Disposal  
of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY  
SUPPLIES AND ANIMALS

The following amendments and additions to the regulations contained in Parts 81 and 83 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (7 F.R. 8082), as amended by Change 25, 24 September 1943.<sup>1</sup>

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

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

GENERAL INSTRUCTIONS

In § 81.107 paragraph (d) is amended to read as follows:

§ 81.107 Authority with respect to procurement. \* \* \*

(d) Orders, directives, regulations and instructions relating to procurement policy, organization or procedure. Under date of 16 September 1943, the Under Secretary of War addressed the following memorandum to the Commanding General, Army Air Forces and the Commanding General, Army Service Forces:

Memorandum for: The Commanding General, Army Air Forces; The Commanding General, Army Service Forces.

1. Until otherwise directed, existing orders, directives, regulations and instructions with reference to procurement policy, organization of procedure, which have heretofore been issued by the Under Secretary of War, or by The Commanding General, Army Service Forces (formerly Services of Supply), or by higher authority, are applicable to the Army Air Forces as well as the Army Service Forces, unless otherwise specifically indicated.

2. Uniformity of policies and procedures in procurement and related matters will be accomplished in so far as practicable. To achieve this objective the following procedure is prescribed:

a. Prior to their issuance, important orders, directives, regulations or instructions affecting major policies on procurement or related matters will be presented to the Under Secretary of War for his approval.

b. All other orders, directives, regulations or instructions to carry out approved policies will be processed and issued by the Commanding General, Army Service Forces, without reference to the Under Secretary of War.

c. Orders, directives, regulations and instructions indicated in paragraphs a. and b. above will be issued by the Commanding General, Army Service Forces. They will be applicable to the Army Air Forces unless otherwise specifically indicated. Where so applicable, they shall, prior to their issuance, be cleared in each case with the Commanding General, Army Air Forces, through an Army Air Forces Liaison Officer designated by him. The Director, Purchases Division,

Army Service Forces, will be responsible for referring such orders, directives, regulations and instructions to the Army Air Forces Liaison Officer for clearance. If the Army Air Forces disagree with the proposal in so far as it would be applicable to them, the matter will be submitted to the Under Secretary of War for decision.

d. The Commanding General, Army Service Forces, will furnish the Commanding General, Army Air Forces, with such number of copies of said orders, directives, regulations and instructions as the latter desires for redistribution to agencies under his jurisdiction.

3. This memorandum will supersede my communication dated 9 April 1942 to The Commanding General, Matériel Command, Army Air Forces and The Commanding General, Services of Supply, on the same subject. [The superseded memorandum was formerly set forth in this paragraph (d)]

ROBERT P. PATTERSON,  
Under Secretary of War.

In § 81.117 the last sentence is amended so as to omit "Material Command", as follows:

§ 81.117 Action of Legislative Division. \* \* \* With respect to such proposal originating from sources outside the Office of the Under Secretary of War, the Army Service Forces or the Army Air Forces, Legislative Division, Office of the Under Secretary of War will, upon receipt of such proposals, take the action described in paragraphs (a), (c) and (e) above.

GENERAL PURCHASE POLICIES

Section 81.228 is rescinded and the following reference substituted therefor:

§ 81.228 Labor aspects of production rescheduling. [Rescinded] See § 88.15-324.

Section 81.232a is added:

§ 81.232a Time and material or labor-hour contracts. The buying of articles or services on the basis of: direct labor at specified hourly rates, which rates are intended to include wages, overhead and profit, and—material at cost, is usually referred to as the time and material or labor-hour system of purchasing. The system was developed primarily for use in those situations where it was not possible at the time of placing the order or contract to estimate accurately the amount or duration of the work or to anticipate costs with any substantial accuracy, and has been employed to some extent in the procurement by the Army or by cost-plus-a-fixed-fee contractors of: engineering and design services in connection with production of supplies—the engineering, design and manufacture of dies, jigs, fixtures, gauges and special machine tools—repair work of various kinds, and—outside work on regular production in emergency cases.

(a) Use discouraged. In the light of present procurement conditions and the cost experience now accumulated the necessity for the use of this system either in direct procurement or in purchases by cost-plus-a-fixed-fee contractors has been greatly reduced. The chiefs of the services will cause the use of this system of purchasing to be restricted to

those situations where no practicable alternative exists.

(b) Conditions on use. In the restricted situations where this system is permitted to be used, the chiefs of the services will assure that reasonable precautions are taken to prevent the abuses to which it is susceptible. In this connection it is important that particular care be exercised to select firms of known integrity and efficiency and that the use of complete, clear and definite orders or contracts be insisted upon. Adequate control will also require that all time and material or labor-hour purchase orders or contracts issued by a cost-plus-a-fixed-fee prime contractor be approved or ratified by the contracting officer.

(c) Adequacy of contract provisions. In determining the adequacy of the provisions of any such orders or contracts where their use is permitted, consideration of the following basic elements will be helpful:

(1) Labor. Only direct labor should be included in the billing and the types of labor or work to be included in the category of direct labor should be specified. It should also be specified that the time of non-productive personnel will not be included in direct labor. The time of partners, officers, supervisors, foremen, clerks, typists, timekeepers, material handlers, stockroom employees, tool crib attendants, cleaners, janitors, maintenance men, packers, watchmen, truck drivers, and receiving and shipping employees, would normally be considered as non-productive work.

(2) Hourly rate. Separate rates should be specified for (i) engineering and design, and (ii) manufacturing and construction work. Separate rates should also be quoted for normal time, overtime and double time work where overtime and double time are necessary.

(3) Cost of materials. The materials for which reimbursement is to be made should be adequately specified and should be billed at cost and without the addition of any so-called handling charge or profit. For example, it may be specified that material cost will include only raw materials and fabricated parts entering directly into the products; that purchases made specifically for the contract may be charged at their actual price; that materials withdrawn from stores may be charged at cost under any recognized method of pricing conforming to sound accounting practices and consistently followed; and that incoming transporting charges may be included. Provision should be made for a reduction in cost of materials for cash and trade discounts, rebates and allowances and the value of resulting scrap, where the amount of such scrap is appreciable.

(4) Overtime. In order to prevent excessive overtime and double time a provision having substantially the effect of one of the following should be employed:

(i) Vendor (the person or firm with whom the time and material or labor-hour order is placed) should covenant that the amount of overtime and double time used on the work will be fair and reasonable and will be in accordance

<sup>1</sup> For previous changes see 7 F.R. 9268, 9660, 10184, 10247, 10640, 10906, 8 F.R. 401, 411, 2531, 3339, 3486, 3752, 5311, 5210, 6576, 7526, 8629, 8918, 9908, 11609, 12043.

with the exigencies of the particular job. (This will support any claims on account of excess overtime developed by an audit.)

(ii) The vendor should specify the maximum amount of overtime and double time, if any, which he anticipates will be required for the job and should agree that this amount cannot be exceeded without the prior written approval of the contracting officer or contractor, as the case may be, placing the order.

(iii) The vendor should agree that no overtime or double time may be used on the work without the prior written approval of the contracting officer or contractor, as the case may be, placing the order.

(5) *Subcontracting by the vendor.* The vendor will not be permitted to derive any profit on account of subcontracting a portion of the work. Where subcontracting is contemplated or is to be permitted, it should be provided that the amount billed on account of such work will neither exceed the amount charged therefor by the subcontractor nor the rates for such work regularly agreed upon between the vendor and the subcontractor. In order to control the amount of subcontracting, provision may be made that the vendor cannot subcontract any portion of the work in excess of a stated percentage without the prior written approval of the contracting officer or contractor, as the case may be, placing the order. Provision should be made that there can be no subcontracting by a vendor at an hourly rate which exceeds the vendor's hourly rate, without the prior written approval of the contracting officer.

(6) *Records.* Provision will be made that the vendor will maintain detailed, complete and accurate accounting records on a job order basis; that the hours of labor will be supported by individual daily job time cards preferably signed by the workers performing the services and in all cases by evidence of actual payment; that material charges will be supported by paid invoices or storeroom requisitions; and that the records will be preserved for a period of at least three years.

(7) *Invoices.* A contractor placing a time and material or labor-hour order should require the vendor to support all invoices by a certificate that the amount billed is correct and just. In this connection, a contractor placing such an order may be required to furnish a supporting certificate that the prices stated in the invoice are fair and reasonable, or are not excessive.

(8) *Audit.* Provision should be made that the representatives of the Government and the contractor placing the order, or either of them, will be permitted to inspect and audit the books and records of the vendor and will have the right to determine the correctness and propriety of the costs charged. Provision should also be made that any overcharge found will be promptly refunded.

(9) *Excessive use of unskilled labor.* The vendor may be required to covenant that employees used on the work will on the average be as efficient as the

average for the departments of his plant concerned.

(d) *Ceiling price.* In any case or class of cases where the chief of the service is of the opinion that the use of a ceiling price will be effective and practicable in reducing costs, a provision should be incorporated in such contracts or orders that payment will be made on a time and material basis but not in excess of a stated maximum figure.

(e) *Definite hourly rate.* A definite hourly labor rate must be stated at the time of issuance in all orders intended to be priced on a time and material or labor-hour basis. In the exceptional emergency cases where work must be started before the rate is agreed upon, the complete confirming order must be issued as soon as possible and in any event prior to completion of a substantial portion of the work.

(f) *Audit manual.* Reference to the Manual for Administrative Audit of Time and Material Vendors' Charges, prepared by the Office of the Fiscal Director, will be helpful in the consideration of effective control measures in particular cases. Copies of this Manual may be obtained by addressing a request to the Publication Section, Administrative Division, Office of the Fiscal Director, Headquarters, Army Service Forces, Washington 25, D. C.

In § 81.292 paragraphs (b) and (c) are amended as follows:

§ 81.292 *Responsibility of the chiefs of the technical services and the commanding generals of the service commands.*

(b) Responsibility for the preparation, typing, checking, and distribution of the daily report on procurement (daily log). The Statistics and Progress Branch, Control Division, Headquarters, Army Service Forces, will advise as to the form and distribution of this report. The Control Approval Symbol for this report is ICY-32. For the present no changes will be made in the report form that has been used since 1 September 1942, copies of which have been forwarded to all services.

(c) Responsibility for the preparation of individual strips for all purchase actions in excess of \$150,000. From these strips arranged in alphabetical order, pages will be made up for a quarterly report. These pages will be submitted to the Statistics and Progress Branch for reproduction and final compilation of the report required to be filed with Congress pursuant to Public Law 528, 77 Congress. That Branch will advise as to the form and time schedule of these strips. The Control Approval Symbol for this report is ICY-35. For the present no changes will be made in the report form that has been used since 1 July 1942, copies of which have been forwarded to all services.

In § 81.293 a sentence is added at the end of the introductory paragraph and paragraph (a) (1) is amended as follows:

§ 81.293. *Reports of purchase actions exceeding \$10,000.* \* \* \* The requisition should refer to the blue stock as

W. D., A. G. O. Form No. 495 and to the white stock as W. D., A. G. O. Form No. 496.

(a) *Explanation of report form for purchase actions exceeding \$10,000.* \* \* \*

(1) Serial number. This was established to enable the contracting station and the controlling service to reconcile their records. As many stations may originate purchase actions for various services, a separate series of serial numbers may be used for each service (see §§ 81.309 and 81.318b (e) for types of contract symbols for the various services). Each series of serial numbers will begin with serial No. 1 for the new fiscal year and continue in exact sequence (based on the date of award as established in subparagraph (6) of this paragraph (a)) to the end of the fiscal year. No service symbol need appear as part of the serial number as it will be identical with the symbol shown in the contract number. Purchase Action Reports made in the new fiscal year for awards made in the previous fiscal year should have a serial number in the series of the previous fiscal year.

#### CONTRACTS

In § 81.303 paragraph (d) (3) is added as follows:

§ 81.303 *General requirements for contracts.* \* \* \*

(d) (3) The provisions of this paragraph and of paragraphs (b) and (c) are not applicable to interbranch or interdepartmental purchases (see § 81.605a and §§ 81.606 to 81.613). Regardless of the amount involved, such purchases need not be evidenced by formal contracts. They should be evidenced by a delivery order (for suggested form see § 81.1317e).

In § 81.304 paragraph (a) is amended as follows:

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

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

(i) United States Standard forms of contract, *Provided*, They comply with the requirements of §§ 81.322 to 81.367.

(ii) Long Form Supply Contract: Lump Sum Supply Contract (See § 81.1301).

(iii) Short Form Supply Contracts: Purchase Order and Voucher (See § 81.1317a). Purchase Order (See § 81.1317b).

Governments Order and Contractors Acceptance (See § 81.1317c). Informal Invitation, Informal Bid and Acceptance (See § 81.1317d). Offer and Acceptance (See § 81.1306). Delivery Order (See § 81.1317e).

(iv) Construction and related contracts: Lump Sum Construction Contract (See § 81.1302).

Cost-Plus-A-Fixed-Fee Construction Contract (See § 81.1303).

Cost-Plus-A-Fixed-Fee Architect-Engineer Contract (See § 81.1304).

Fixed-Fee Architect-Engineer-Construction-Management Services Contract (See § 81.1312).

Lump-Sum Contract for Architect-Engineer Services (With Optional Supervision) (See § 81.1316).

(v) Letter Orders:

Letter Order for Supplies (No Price Stated) (See § 81.1307).

Letter Order for Supplies (Price Stated) (See § 81.1308).

Letter Order Contract for Cost-Plus-A-Fixed Fee Construction (See § 81.1309).

Letter Order Contract for Lump-Sum Construction (See § 81.1310).

(vi) Supplemental Agreements for Advance payments:

Supplemental Agreement for Advance Payments with Interest on Fixed-Price Contracts (See § 81.1320).

Supplemental Agreement for Advance Payments with Interest on Fixed-Fee Contracts (See § 81.1321).

Supplemental Agreement for Advance Payments with Interest on a Letter Purchase Order (See § 81.1322).

Supplemental Agreement for Advance Payments without Interest on Fixed-Price Contracts (See § 81.1323).

Supplemental Agreement for Advance Payments without Interest on Fixed-Fee Contracts (See § 81.1324).

Supplemental Agreement for Advance Payments without Interest on Letter Purchase Orders (See § 81.1325).

(vii) Miscellaneous Contracts:

Defense Supplies Corporation (See § 81.1311).

War Supplies Limited (See § 81.1313).

Government-Owned Equipment Rental Agreement (See § 81.1314).

Negotiated Electric Service Contract (See § 81.1315).

(2) Forms of contract, devised by a particular technical service, or a staff division exercising procurement functions, to meet the needs of a recurrent situation of a special type, which may from time to time be approved by the Chief Counsel or the Chief, Legal Branch, Purchases Division, Headquarters, Army Service Forces (See § 81.107 (h)), for the general use of that technical service or staff division. Forms so approved should be periodically revised (see § 81.301 (a)) to accord with requirements of these procurement regulations published following approval of the forms. If deviation from such requirements appears to be necessary, the forms should be resubmitted for approval.

(3) The forms of contract enumerated below have been approved pursuant to subparagraph (2) of this paragraph. Except where the particular form was approved by separate indorsement or memorandum, in which case the precise terms approved will appear from the file containing the indorsement or memorandum, it may be assumed that that version of the form was approved which on 7 July 1943 was authorized for use by the technical service or staff division involved.

Office of the Chief of Chemical Warfare Service:

Short Form Research Contract (consideration nominal).

Office of the Chief of Engineers:

Engineer Form No. 84. Release of Claim for Additional Fee.

Engineer Form No. 85. Release of Claim for Additional Fee to Extent only of Joint-Venturer.

Engineer Form No. 17. Hire by Government of Plant or Equipment.

CE Form No. 186. Lease of Plant.

Engineer Form No. 213a. Quotation.

Engineer Form No. 213b. Purchase Order.

Engineer Form No. 429. Water Service, No Connection Charge.

Engineer Form No. 430. Electric Service, No Connection Charge.

Engineer Form No. 431. Gas Service, No Connection Charge.

Office of the Chief of Ordnance:

Notice of Award (Ordnance Procurement Instructions, 13,002).

Purchase Order Form (O.P.I., 13,003).

Equipment Lease Form (O.P.I., 13,004).

Facility, Lease and Operation Form (O.P.I., 13,005).

Disposition of Personal Property—Form S (O.P.I., 13,006.1).

Disposition of Personal Property—Form S (Allocation) (O.P.I., 13,006.2).

Sale of Property to Defense Plant Corporation (O.P.I., 13,006.4).

Sale of Property by Defense Plant Corporation to Ordnance (O.P.I., 13,006.5).

Gage Repair Contract (O.P.I., 13,008).

Lease of Government-Owned Machine Tool Equipment, etc., and Supplement There-to (O.P.I., 13,009.1 and 13,009.2).

Supplemental Agreement for Modifying Production Rates in Existing Contracts (O.P.I., 13,015).

Extension of Letter Contract (O.P.I., 13,016).

Office of The Quartermaster General:

QMC Form No. 300. Purchase Order for Use in Purchasing Certain Food Supplies.

QMC Form No. 308. Purchase Order.

QMC Forms No. 315 and 316. Invitation, Bid and Acceptance Form for Purchasing Coal. (Tentative).

QMC Form No. 327. Contract for Sale of Waste Material.

Uniform Burial Contract:

QMC Form No. P640. Petroleum Purchase and Storage (Interior).

QMC Form No. P641. Petroleum Storage Contract (Interior).

QMC Form No. P642. Contract for Purchasing Lubricating Oils and Greases.

Contract for Warehouse Facilities.

Office of the Chief Signal Officer:

O.C.S.O. Form No. 6-D. Purchase Order.

W.D.S.C. Form No. 57. General Contract for Trunkline and other Communication Facilities and Services.

W.D.S.C. Form No. 134. Contract for Communication and Electric Time Facilities and Services.

W.D.S.C. Form No. 1137. Telephone Service Order.

W.D.S.C. Form No. 1165. General Contract for Commercial Telephone Service Similar to that Furnished the Business Public.

Letter Contract for Supplies.

Letter Contract for Motion Picture Training Film.

Contract for Motion Picture Training Film.

General Contract for Operation and Maintenance in Connection with Army Telephone Systems.

Office of The Surgeon General:

S.G. Form No. 1-C. Supply Contract.

S.G. Form No. 2. Long Form Supply Contract.

S.G. Form No. 3-A. Purchase Order.

Contract with Universities for Courses of Instruction.

Contract with Universities for Research in Prevention of Epidemic Diseases.

Contract for Blood Plasma Processing.

Supplemental Agreement for Use of Cellular Residue.

Office of the Chief of Transportation:

TC Form No. 101. Lease of Equipment Under Public No. 779, 77th Congress.

TC Form No. 102. Lease of Equipment, with Indemnity, Under Public No. 779, 77th Congress.

TC Form No. 104. Freight Handling Agreement.

Army Air Forces:

Matériel Command, Contract Form No. 32—Fixed Price Supply Contract.

Army Air Forces, Form No. 98—Purchase Order.

Letter Contract, Fixed Price.

Letter Contract, Cost-Plus-A-Fixed-Fee.

Cost-Plus-A-Fixed-Fee Supply Contract (CPFF Form 3, revised).

General Airlines Service Contract.

Flying School Contract.

Office of The Provost Marshal General:

Contract for Prisoner of War Labor.

Army Specialized Training Division:

Contract for Training in Medicine and Dentistry.

Contract for Training in Veterinary Medicine.

Training Unit Contract.

Special Service Division:

Contract for Correspondence Instruction.

Contract for Physical Distribution of 16-mm Films.

Contract for Physical Distribution of 35-mm Films.

Contract for Production Services and Articles, Materials, Equipment and Facilities in Connection with Production of Films.

Government Job Order and Contractor's Acceptance under Contract for Production Services, etc.

Contract for Radio and Phonograph Recordings.

Service Commands:

General and Medical Laundry Contracts (see Memorandum No. S5-93-43, Office of The Adjutant General, May 22, 1943).

Section 81.309 (a) is amended as follows:

§ 81.309 Numbering contracts—(a) When required. (1) Every contract involving the receipt or expenditure of public moneys will be numbered when:

(i) The actual or estimated amount involved is \$5,000 or more, or

(ii) When more than one payment (or receipt) is involved, regardless of the amount involved.

(2) The provisions of subparagraph (1) of this paragraph are not applicable to delivery orders evidencing interbranch or interdepartmental purchases (see § 81.605a and §§ 81.606 to 81.613).

Such delivery orders need only be given such designation as may be prescribed by the chiefs of the technical services. If however, any such order involves more than one payment, it must be numbered in accordance with §§ 81.309 (b) or 81.318b

(e) unless the procedure prescribed in § 81.318 (a) (3) is followed.

Section 81.310 is amended as follows:

§ 81.310 *Fiscal procedures*—(a) *Allotments of funds not to be exceeded.* The authority to make contracts is subject to the proviso that allotments made for supplies will not be exceeded. Officers who are charged with making contracts will submit, prior to the incurrence of obligations, all proposed contracts to the fiscal officer for verification as to the sufficiency of funds for that purpose. Officers who are charged with the fiscal record keeping will be held strictly responsible that obligations incurred on the basis of documents submitted for determination as to the sufficiency of funds do not exceed the amounts authorized and that such obligations include no other purpose than indicated in the allotment.

(b) *Statements as to availability of funds.* See AR 35-840<sup>1</sup> for the statements which will be made on contracts and on purchase orders placed under existing contracts as to the funds chargeable and the sufficiency thereof.

In § 81.311 paragraph (d) is amended as follows:

§ 81.311 *Execution of contracts.* \* \* \*

(d) *Contracts with corporations.* (1) A contract with a corporation will have the name of the corporation written in the blank space provided therefor at the end of the contract form, followed by the word "by", after which the officer or person who has been authorized to contract on behalf of the corporation will sign his name, with the designation of his official capacity.

(2) The contracting officer will in all cases endeavor to satisfy himself that the signer has authority to bind the corporation.

(3) If the contract form being used contains alternate certificates of the type set forth in Article 24 in § 81.1301, the contracting officer will, if practicable, procure or make one of such alternate certificates.

(4) If the contract form being used does not contain alternate certificates of the type set forth in Article 24 in § 81.1301, no such certificate need be executed, nor will the evidence specified in subparagraph (5) of this paragraph be required.

(5) In lieu of complying with subparagraph (3) above, the contracting officer may obtain satisfactory evidence of the authority of the signer to bind the corporation and file such evidence with the contract. Such evidence will consist of extracts from the records of the corporation showing either:

(i) The election or appointment of the officer executing the contract on behalf of the corporation and the grant of authority to such officer to execute the contract; or

(ii) If the contract is signed by someone other than an officer of the corpora-

<sup>1</sup> Administrative Regulations of the War Department relating to fiscal procedure.

tion, the grant of authority to such person to execute the contract,

The above-mentioned copies will be certified by the custodian of such records, under the corporate seal (if there be one), to be true copies of the records of the corporation.

Section 81.315 is amended as follows:

§ 81.315 *General.* The following general instructions are applicable to the distribution of both numbered and unnumbered contracts:

(a) Contracts will not be distributed until properly signed by all parties, and approved, if approval is required.

(b) All instructions relating to distribution of contracts are subject to the provisions of AR 380-5 and all other current instructions governing the safeguarding and disclosing of information affecting the national defense of the United States. The General Accounting Office has requested that when contracts containing secret or confidential matter are forwarded to it, such contracts be transmitted under two covers, each cover to be addressed to the appropriate Army Audit Branch of the General Accounting Office (see § 81.317b). The inner cover only will be marked "Confidential".

In § 81.316 paragraph (a) (1) is amended as follows:

§ 81.316 *Numbered contracts.* (a) \* \* \*

(1) The original signed number will be forwarded to the Army Audit Branch of the General Accounting Office (see § 81.317b).

In § 81.317 paragraph (a) is amended as follows:

§ 81.317 *Unnumbered contracts.* (a) The original signed number will be furnished the disbursing officer and will be attached to the voucher on which payment is made and will accompany such voucher to the Army Audit Branch of the General Accounting Office (see § 81.317b).

In § 81.317a paragraph (a) (1) is amended as follows:

§ 81.317a *Supplemental agreements and change orders.* (a) \* \* \*

(1) The original signed number will be forwarded to the Army Audit Branch of the General Accounting Office (see § 81.317b).

Section 81.317b is added.

§ 81.317b *Army Audit Branches of the General Accounting Office.* In order to decentralize its work, the General Accounting Office has established an Army Audit Branch at each Army Regional Accounting Office. Accordingly, contracts, supplemental agreements and change orders, which formerly were required to be forwarded to the General Accounting Office in Washington, D. C., will in the future be forwarded to the appropriate Army Audit Branch.

(a) The Army Audit Branches are maintained at the various Army Regional

Accounting Offices. The Army Audit Branch to which a particular contract, supplemental agreement or change order should be sent is the one located at the Army Regional Accounting Office to which the disbursing officer under the contract is required to submit his accounts (see paragraph (b) of this section). If a particular contract permits payment by more than one disbursing officer, and the accounts of such disbursing officers are submitted to different Army Regional Accounting Offices, copies of the contract (and of supplements and change orders) should be provided for the Army Audit Branches at each of such Army Regional Accounting Offices. In such cases, the original signed number and sufficient copies for each of the other Army Audit Branches concerned will be submitted to the Army Audit Branch for the area in which the contracting officer is located. The latter Branch will retain the original and distribute the copies to the other Army Audit Branches.

(b) The following is a list of the Army Regional Accounting Offices to which disbursing officers presently are required to submit their accounts.

(1) Army Regional Accounting Office, 63 Vesey Street, New York 7, New York.

(i) Disbursing officers stationed in Washington, D. C., except the Disbursing Officer, Finance Office, U. S. Army, Washington, D. C., Transportation Division.

(ii) Disbursing officers stationed in the Military District of Washington, D. C.

(iii) Disbursing officers stationed within the geographical limits of the First, Second, and Third Service Commands, except those assigned to tactical organizations and mobile units.

(iv) Disbursing officers stationed in the offices of the Military Attachés.

(v) Disbursing officers stationed in the European, the North African, and the Middle Eastern Theaters of Operations.

(vi) Disbursing officers serving with U. S. Army Forces in Central Africa, India, Burma, and China.

(vii) Disbursing officers stationed at any Atlantic Base Command, excluding the Caribbean Defense Command.

(viii) Disbursing officers of Task Forces in the Atlantic Area.

(2) Army Regional Accounting Office, 366 West Adams Street, Chicago 6, Illinois.

(i) Disbursing officers who are assigned to tactical organizations and mobile units which operate within the continental limits of the United States.

(ii) Disbursing officers who are stationed within the geographical limits of the Fifth, Sixth, Seventh, and Eighth Service Commands.

(iii) Disbursing officers of the Northwest Service Command, the Alaska Defense Command, and other U. S. Army Forces in Canada.

(iv) Special Disbursing Agents assigned to United States Army Transports.

(3) Army Regional Accounting Office, 499 West Peachtree Street, Atlanta 3, Georgia.

(i) Disbursing officers stationed within the geographical limits of the Fourth Service Command except those assigned to tactical organizations and mobile units.

(ii) Disbursing officers serving with U. S. Army Forces in Central and South America.

(iii) Disbursing officers located in the Caribbean Defense Command.

(iv) The Disbursing Officer, Finance Office, U. S. Army, Washington, D. C., Transportation Division.

(4) Army Regional Accounting Office, 1206 Santee Street, Los Angeles 25, California.

(i) Disbursing officers within the geographical limits of the Ninth Service Command except those assigned to tactical organizations and mobile units.

(ii) Disbursing officers stationed within the Hawaiian Department.

(iii) Disbursing officers serving with U. S. Army Forces in South Pacific and Southwest Pacific Area.

Section 81.318 is amended as follows:

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

(2) The chief of the technical service concerned will secure compliance with all special instructions of the respective agencies which make the contracts. For example, the regulations of the Procurement Division, Treasury Department require that a copy of all delivery orders placed under General Schedule of Supplies Contracts be forwarded to that Division.

(3) Vouchers submitted to the Army Audit Branch of the General Accounting Office (see § 81.317b) may relate to less than all of the items covered by the delivery order. The original signed number of the delivery order will be submitted to said Army Audit Branch with the first voucher. When vouchers are submitted to said Army Audit Branch covering subsequent payments, a reference will be made to the first voucher. The reference should contain the date on which the invoice covered by the first voucher was paid and the name of the disbursing officer by whom such payment was made.

In § 81.318b paragraph (c) (1) (ii) and (iv) is amended as follows:

§ 81.318b *Contract procedure*. \* \* \* (c) (1) \* \* \*

(ii) Contracts which are executed under the supervision of the commanding generals of the service commands and which are to be financed under an open allotment (see Part V, section 1, of the War Department Fiscal Code), are to be regarded as service command contracts.

(iv) Contracts for the disposition of property, by sale or otherwise, are to be designated as service command contracts unless, as in the case of contracts for the disposition of real estate, the contract is of a type over which the chief of one of the technical services exercises direct supervision. In connection with contracts, for the disposition of property. See § 83.706a.

Section 81.328 is amended as follows:

§ 81.328 *Notice of shipments*. (a) In paragraph (b) of the clause set forth below there are described certain types of shipment. Except as indicated in paragraph (b) of this section, every contract which may involve such a shipment will contain a clause substantially as follows:

*Notice of shipments*. (a) In connection with any shipment hereunder of the type described in subparagraphs (i), (ii) or (iii)

of paragraph (b) of this Article, consigned to any unit or officer of the War Department, the shipper at the time the equipment or supplies are ordered for loading for rail, motor or water transport, will send consignee notice thereof by prepaid telegraph or teletype, including date, route, size, and brief general description of the equipment or supplies comprising the shipment. When authorized such notice may be sent by air mail, in lieu of telegraph or teletype, where secrecy is essential and where the use of air mail is practicable. This provision is not to be substituted for any other requirement, such as mailing bills of lading.

(b) Paragraph (a) is applicable to the following types of shipment:

(i) Shipments of one carload or more consigned to ports of embarkation, depots, arsenals, and arsenal plants.

(ii) Shipments of ammunition and/or gasoline of one carload or more consigned to all War Department installations or units of the Army.

(iii) Shipments (other than as specified in (i) and (ii) above) of 10 carloads or more consigned to other War Department installations or units of the Army.

(b) The above contract clause need not be inserted in any contract for the furnishing of supplies in connection with which the Government Inspector or other Government official at the plant or warehouse of the contractor is charged with the duty of issuing notices of shipment.

In § 81.338 paragraph (d) of the third plant protection clause is amended as follows:

§ 81.338 *Plant protection clauses*. \* \* \* *Plant protection*. \* \* \*

(d) The Contractor or Subcontractor shall be reimbursed upon the submission of a voucher approved by the Contracting Officer, or his duly authorized representative, for the cost of maintaining such additional personnel as may have been required under paragraph (c) hereof, and the Contractor shall be reimbursed also for all payments made by it to Subcontractors pursuant to paragraph (h). The Contractor or Subcontractor shall be reimbursed, upon the submission of a voucher approved by the Contracting Officer or his duly authorized representative, the invoice price of the additional plant protective devices or equipment so required pursuant to paragraph (c). In addition the Contractor or Subcontractor shall be reimbursed the reasonable cost of installing such additional plant protective devices or equipment. Such reasonable cost shall include only transportation to the Contractor's or Subcontractor's plant, direct labor, and direct material necessary for the installation of the additional plant protective devices or equipment. The Government shall not be under obligation to make reimbursement of total cost of such additional plant protective devices or equipment and of installing the same in excess of the estimate approved in advance by the Contracting Officer unless payment of such excess shall be approved or ratified by the Contracting Officer as reasonable. If the Contracting Officer and the Contractor or Subcontractor, as the case may be, are able to agree upon the amount of the cost of such additional devices or equipment, such sum shall be the amount to be reimbursed hereunder.

In § 81.342 subparagraph (6) (b) of the contract articles in paragraphs (a) and (b) of this section are amended as follows:

§ 81.342 *Price renegotiation clauses*

(a) *Form I—Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 as amended*.

(d) \* \* \*

(6) As used in this Article — \* \* \*

(b) The term "subcontract" means any purchase order, agreement or arrangement within the definition set forth in section 403 (a) (5) of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, and not exempt under or exempted pursuant to that Act.

(b) *Form II—Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, as amended, 1942*.

(6) As used in this Article — \* \* \*

(b) The term "subcontract" means any purchase order, agreement or arrangement within the definition set forth in section 403 (a) (5) of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended, and not exempt under or exempted pursuant to that Act.

The introductory paragraph in § 81.351 is amended as follows:

§ 81.351 *Price adjustment articles*. The price adjustment articles set forth in paragraphs (a) through (f) of this section may be used when it is desired to provide for Price Adjustment under certain circumstances. Such articles will be used in accordance with the instructions contained in §§ 81.1232 to 81.1233.

Section 81.394 (d) is amended as follows:

§ 81.394 *Contracts for electric power*.

(d) *Execution of contracts*. Power contracts for electric service in excess of 1,000 kilowatts, and supplemental agreements thereto which extend the time, alter the contract price or make any other substantial change in the contract terms, will, when executed, contain a statement that the contract (or supplemental agreement) is subject to the approval of the War Department Power Procurement Officer, and will not be binding until so approved. Such contracts and supplemental agreements will then be forwarded to the War Department Power Procurement Officer, Office of the Chief of Engineers, for such approval. The foregoing is not applicable to change orders.

BONDS AND INSURANCE

Section 81.487 is amended as follows:

§ 81.487 *Fire insurance*—(a) *Release form*. A noninterest release form will be used in all applicable cases where the contracting officer is required to execute an instrument in connection with fire insurance purchased pursuant to a provision contained in a War Department contract. For form see § 81.497 (a).

(b) *Endorsement form*. (1) Where a contract requires that the contractor shall provide and maintain fire insur-

ance in a sum at least equal to the value of the property belonging to the United States which is in his possession, the form of endorsement set forth in § 81.497 (b) will be used. This endorsement is designed for the purpose of clearly defining the interest of the government and of providing the manner in which losses shall be settled. Its use will not eliminate the necessity of reviewing each insurance policy submitted in order to determine that the amount of insurance conforms to requirements and that the exclusions which appear in the policy do not deprive the United States of any of its rights.

(2) If any outstanding endorsement does not contain a provision with respect to cancellation substantially similar to that contained in paragraph 2 of the endorsement set forth in § 81.497 (b), such endorsement should be amended as promptly as practicable to conform to said paragraph 2.

Paragraph 2 of the fire insurance endorsement contained in § 81.497 (b) is amended as follows:

§ 81.497 *Insurance forms.* \* \* \*

(b) *Fire insurance endorsement.* \* \* \*

2. This policy, with respect to the interest of the United States, shall not be altered, cancelled, or further endorsed, transferred or assigned, unless written notice to that effect shall be given, at least twenty days in advance, to the United States of America, through \_\_\_\_\_

(Insert name or names and addresses of Contracting Officer of the technical service involved); except that, upon written request of the United States to the contractor, this policy may be cancelled at any time by the contractor upon mailing copy of such request to the company, and the company shall refund the excess of the paid premium above the pro rata premium for the expired time.

INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

Paragraph (f) of § 81.606 is rescinded and a reference substituted therefor:

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

(f) *Form of purchase order to be sent to General Schedule of Supplies contractors.* [Rescinded] See § 81.614.

Section 81.610 (f) is amended as follows:

§ 81.610 *Purchases from Government Printing Office.* \* \* \*

(f) Pursuant to the provisions of AR 30-2120, The Quartermaster General is charged with the responsibility of coordinating all Army field printing. Questions concerning policies and propriety of field contract printing will be referred to the Office of The Quartermaster General. It is no longer necessary to obtain the prior approval of The Quartermaster General for expenditures of \$200 or more for any individual purchase.

Section 81.614 is added as follows:

§ 81.614 *Form of order to be used in making Interdepartmental and Interbranch purchases.* (a) There is contained in § 81.1317e, a suggested form of delivery order. This form has been prepared for use in placing orders:

(1) Against already existing contracts executed by another department of the government (see §§ 81.606, 81.606a, 81.607 and 81.609);

(2) Against indefinite quantity contracts executed by other technical services (see § 81.605a and following); and

(3) With other agencies of the government which render particular services or supply certain supplies (see §§ 81.608, 81.608a, 81.610 and 81.611).

(b) The suggested form contained in § 81.1317e is particularly designed for placing orders of the types described in paragraphs (a) (1) and (a) (2) of this section. If it is used for placing orders of the types described in paragraph (a) (3), there will of course be no basic purchase agreement; and so it will be necessary to modify the form appropriately.

(c) It is to be noted that the suggested form of delivery order set forth in § 81.1317e does not contain any "General Provision" such as those contained in § 81.1317b (b). Such provisions are unnecessary in connection with interbranch and interdepartmental purchases.

(d) Orders placed under General Schedule of Supplies contracts are frequently referred to as "Purchase Orders." Inasmuch as a binding contract already exists between the Government and the TPS contractor, it is evident that the order serves a different function than that served by an ordinary purchase order. Accordingly, the term "delivery order" has been used throughout Parts 81 and 83 of this chapter as being a term more descriptive of orders placed under already existing contracts.

LABOR

In § 81.908 paragraph (c) (3) is amended as follows:

§ 81.908 *Procedure.* \* \* \*

(c) *Submission of weekly affidavits and subcontractors summaries.* \* \* \*

(3) Affidavits and payrolls for all contracts (except shipbuilding and railroads) located in the States listed below should be mailed to the addresses indicated:

*State and Location of Regional Office*

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia: Regional Wage Analyst, Bureau of Labor Statistics, 4th Floor, Carl Witt Building, 249 Peachtree Street, N. W., Atlanta, Georgia.

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont: Regional Wage Analyst, Bureau of Labor Statistics, 294 Washington Street, Boston, Massachusetts.

Illinois, Indiana, Minnesota, North Dakota, South Dakota, Wisconsin: Regional Wage Analyst, Bureau of Labor Statistics, Room 1212, Merchandise Mart, 222 West North Bank Drive, Chicago, Illinois.

Louisiana, Oklahoma, Texas: Regional Wage Analyst, Bureau of Labor Statistics, 1610 Mercantile Bank Building, Dallas, Texas.

Kentucky, Ohio, West Virginia: Regional Wage Analyst, Bureau of Labor Statistics, 133 Federal Building, Public Square, Cleveland, Ohio.

Colorado, Idaho, Montana, New Mexico, Utah, Wyoming: Regional Wage Analyst, Bureau of Labor Statistics, 422 Chamber of Commerce Building, Denver, Colorado.

Michigan: Regional Wage Analyst, Bureau of Labor Statistics, Room 926, David Stott Building, 1150 Griswold Street, Detroit, Michigan.

New York, New Jersey Counties: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, Warren: Regional Wage Analyst, Bureau of Labor Statistics, Room 713, Parcel Post Building, 341 Ninth Avenue, New York, New York.

Delaware, District of Columbia, Maryland, Pennsylvania, New Jersey Counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, Salem: Regional Wage Analyst, Bureau of Labor Statistics, Room 1634, Widener Building, Chestnut and Juniper Streets, Philadelphia, Pennsylvania.

Arkansas, Iowa, Kansas, Missouri, Nebraska, Regional Wage Analyst, Bureau of Labor Statistics, 3000 Fidelity Building, Kansas City, Missouri.

Arizona, California, Nevada: Regional Wage Analyst, Bureau of Labor Statistics, Room 410-412, Golden Gate Building, 25 Taylor Street, San Francisco, California.

A separate office for the Southern California area is maintained at: Room 1529, Post Office and Court House Building, Los Angeles, California.

Oregon, Washington: Regional Wage Analyst, Bureau of Labor Statistics, 516 Seaboard Building, Seattle, Washington.

Section 81.911 is amended as follows:

§ 81.911 *Applicability of Davis-Bacon Act; character of contracts covered.*

The Act as amended applies to all contracts in excess of \$2000 to be performed in any of the States of the United States, the Territory of Alaska, the Territory of Hawaii or the District of Columbia, for construction, alteration or repair including painting or decorating of public buildings or public works where the same require or involve the employment of mechanics or laborers. The act applies to contracts entered into upon a cost-plus-a-fixed-fee basis or otherwise with or without advertising for bids, as well as to contracts entered into upon a lump sum basis.

(a) *Definition of "building" and "work" by regulation.* The Secretary of Labor has, by regulation, defined the words "building" and "work" as including, generally, construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work.

(b) *Definition of "construction", or "repair".* The Secretary of Labor has defined the above terms as used in the Act and in the Copeland Act covered in §§ 81.309 to 81.314 above as, in substance including all types of work done under a construction contract such as altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work by persons



employed at the site by the contractor or subcontractor. (29 CFR 2.2 (b))

(c) *Exceptions.* The law does not apply to contracts between the War Department and any one of the several States of the Union or the political subdivisions thereof. The law, however, is applicable to any subcontract covering any part of the work covered by such prime contract with a State (or political subdivision thereof) where it is sublet to a private contractor.

(d) *Exceptions based on nature of work contemplated by contract.* The Act does not apply to:

(1) Contracts for servicing and maintenance work generally (29 CFR 2.2 (a)).

(2) Contracts for manufacturing and furnishing materials or supplies (see 22 CFR 2.2 (a)), and servicing and maintenance work incident thereto.

(3) Contracts covering the furnishing of equipment and operating personnel for work only incidental to public works (see 19 Comp. Gen. 467, Dec. B-6009, Nov. 1, 1939).

(e) *Exceptions, "Servicing and maintenance work" defined.* The terms "servicing and maintenance work" as used in paragraphs (d) (1) and (d) (2) of this section, include:

(1) Movement of machinery into or out of or from one part to another part of a building or plant completed or substantially completed.

(2) Installation of machinery, machine tools or other equipment in a plant or building completed or substantially completed.

(3) Plant rearrangement and production facilities adjustment or alternations incident to (1) or (2) above.

NOTE: This definition in connection with paragraphs (d) (1) and (d) (2) does not relate to servicing and maintenance prosecuted by a construction contractor as a part of construction work.

(f) *Exceptions based on other grounds.* The Act does not apply to:

(1) Contracts for construction, alteration or repair, though otherwise meeting the tests of coverage hereinabove set out, where the place of performance of the contract is not known or cannot be reasonably ascertained at the time the contract is negotiated.

(2) Contracts with railroad carriers and airline carriers engaged in interstate or foreign commerce, or subcontracts let to such carriers for the construction, alteration or repair of railways, or other facilities, insofar as such contracts involve railways or other facilities, insofar as such contracts involve wage rates payable to employees of such carriers operating under collective bargaining agreements with such carriers made agreeable to the provisions of the Railway Labor Act, as amended. (Letter March 14, 1942 from the Secretary of Labor to the Secretary of War, and amendment dated April 10, 1936, 49 Stat. 1189, 45 U.S.C. 181 through 188, of the "Railway Labor Act" of 1926).

(g) *Determination by chief of technical service.* The act contemplates an administrative determination of the application of the law to particular contracts and the War Department is

authorized to make such determination. The chief of the technical service involved will determine within his own office whether the foregoing regulations require the inclusion of Davis-Bacon (and Copeland) Act provisions in any particular contract. In cases of doubt the question, accompanied by full statement of the facts, shall be referred to the Industrial Personnel Division, Headquarters, Army Service Forces, for determination.

In § 81.912 paragraph (g) is redesignated (h) and a new paragraph (g) is added as follows:

§ 81.912 *Regulations, forms and procedures.* \* \* \*

(g) *Procedures; service commands.* Requests by commanding generals of service commands to the Department of Labor for the confirmation or establishment of prevailing wage determinations for construction work prosecuted under a contract to which the provisions of the Act are applicable, should be channeled through the Division Engineer of the Corps of Engineers, who will forward the request to the Department of Labor through the Chief of Engineers. The Division Engineer has available current Davis-Bacon wage rate schedules to be employed in the award of such contracts and trained personnel familiar both with War Department construction policies and the technical requisites for procuring proper wage determinations.

(h) *Reports of violation.* \* \* \*

Section 81.819 (c) is amended as follows:

§ 81.919 *Knitting, knitwear and woven underwear.* \* \* \*

(c) The manufacturing of underwear and bathing suits from any woven fabric. Date effective. April 20, 1943.

Wage. Not less than 40 cents an hour or \$16.00 for a week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under Fair Labor Standards Act, as amended on June 28, 1943, which were adopted for the purposes of this determination.

Section 81.923 is amended as follows:

§ 81.923 *Rainwear industry.* Manufacture or supply of men's raincoats, including vulcanized and rubberized raincoats and raincoats made from material known under the registered trademark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant, of oiled waterproof cotton outer garments, and of other types of rainwear.

Date effective. December 4, 1942, except that learners may be employed at subminimum rates, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after December 4, 1942, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Wage. 40 cents an hour or \$16 per week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938, as amended on June 28, 1943, which were adopted for the purposes of this determination.

The last paragraph of § 81.924 is amended as follows:

§ 81.924 *Cotton garments and allied industries.* \* \* \*

Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on June 28, 1943, which were adopted for the purposes of this determination.

Section 81.976 is amended as follows:

§ 81.976 *Regulations of Economic Stabilization Director approved by the President.* On August 31, 1943, the Economic Stabilization Director issued amended regulations (32 CFR Part 4001) pursuant to authority vested in, and with the approval of, the President, relative to wages and salaries, in order to conform the regulations promulgated by him with the approval of the President, dated October 27, 1942, to the provisions of the Public Debt Act of 1943. The amended regulations, effective as of October 2, 1942, are set forth in the succeeding sections which are designated §§ 81.976 followed by a letter of the alphabet.

Definitions in that part of § 81.976a preceding paragraph (a) are amended as follows:

§ 81.976a *Definitions.* (§ 4001.1).

(h) The term "insurance and pension benefits in a reasonable amount" means:

(1) Contributions by an employer to an employees' retirement plan which meets the requirements of section 165 (a) of the Code but does not include contributions of an employer to a stock bonus or profit-sharing plan providing benefits distributable other than on the death, retirement, sickness or disability of the employee.

(2) Amounts, not to exceed 5 per cent of the employee's annual salary or wages determined without the inclusion of insurance and pension benefits and without the inclusion of bonuses or other additional compensation, paid by an employer on account of premiums on insurance on the life of the employee, and amounts, regardless of the amount of salary otherwise received annually by the employee, paid by the employer on account of premiums for participation in group life insurance without cash surrender value covering the lives of his employees or in group hospitalization policies or group health and accident insurance policies, the beneficiaries of which are employees. The type of insurance on the life of the employee referred to in this section is the ordinary or whole life policy which does not provide for a cash surrender or loan value, or both, amounting to a large percentage of the premiums paid.

(k) The terms "approval by the War Food Administrator" and "determination by the War Food Administrator" shall, except as

may be provided in regulations prescribed by the Administrator, include an approval or determination by an agent or agents of the Administrator duly authorized to perform such act.

(l) The term "agricultural labor" shall mean persons working on farms and engaged in producing agricultural commodities whose salary or wage payments exclusive of bonuses and additional compensation and without the contemplated adjustment are not in excess of \$2400 per annum. The War Food Administrator may by regulation issue such interpretations of this term as he finds necessary.

(m) The term "in contravention of the Act" means in contravention of the Act, these regulations, Executive Order 9250, Executive Order 9328, or any other orders, rulings or regulations promulgated under the Act.

A portion of the regulations quoted in § 81.976b is amended as follows:

**§ 81.976b Authority of National War Labor Board (§ 4001.2).**

The Board shall, subject to the provisions of Sections 1, 2, 3, 4, and 8 of Title II of Executive Order No. 9250, of October 3, 1942, and except as otherwise provided in Executive Order No. 9299, of February 4, 1943, prescribing regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act, have authority to determine whether any:

- (a) Wage payments, or
- (b) Salary payments to an employee where the rate at which the salary, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, computed on an annual basis, is not in excess of \$5,000 per annum (and where such employee:

Section 81.976d is amended as follows:

**§ 81.976d Authority of the Commissioner of Internal Revenue (§ 4001.4).**

The Commissioner, except as otherwise provided in Executive Order 9299, of February 4, 1943, prescribing regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act, shall have authority to determine, under regulations to be prescribed by him with the approval of the Secretary of the Treasury, whether any salary payments other than those specified in paragraph (b) of § 4001.2 (§ 81.976b) and § 4001.6 (§ 81.976c (a)) of these regulations are made in contravention of the Act, or any regulations or rulings promulgated thereunder. Any such determination by the Commissioner, made under such regulations, that a payment is in contravention of the Act, or any rulings or regulations promulgated thereunder shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulations either heretofore or hereafter enacted or promulgated including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Commissioner made pursuant to the authority conferred on him shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings. No increase in a salary rate approved by the Commissioner shall increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices or furnish the basis of further wage or salary increases.

Section 81.976e is amended as follows:

**§ 81.976e Rules and regulations of Commissioner (§ 4001.5).**

The Commissioner may prescribe such regulations with the approval of the Secretary of the Treasury, and make such rulings as he deems necessary, to enforce and otherwise carry out the provisions of these regulations.

(a) *Provisions with respect to wages and salaries of agricultural labor.* On August 31, 1943, the Director of Economic Stabilization issued amended regulations bearing section numbers 4001.6, 4001.7, 4001.8, and 4001.9, with the approval of the President, conferring upon the War Food Administrator the authority to determine whether any salary or wage payments to agricultural labor receiving not in excess of \$2,400 per annum are made in contravention of the Stabilization Act of October 2, 1942. The text of these sections is omitted.

Paragraph (a) of § 81.976f is amended as follows:

**§ 81.976f Salary increases (§ 4001.10)—(a) General.**

In the case of a salary rate of \$5,000 or less per annum existing on October 27, 1942, or established thereafter, and in the case of a salary rate of more than \$5,000 per annum existing on October 3, 1942, or established thereafter, no increase shall be made by the employer except as provided in regulations, rulings, or orders promulgated under the authority of these regulations. Except as herein provided, any increase made after such respective dates shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder from the date of the payment if such increase is made prior to the approval of the Board or the Commissioner, as the case may be.

In the case, however, of a reasonable increase in the rate at which the salary (exclusive of bonuses and additional compensation) is computed, made both in accordance with the terms of a salary plan or a salary rate schedule and as a result of

- (1) Individual promotions or reclassifications,
- (2) Individual merit increases within established salary rate range.
- (3) Operation of an established plan of salary increases based on length of service within established rate ranges.
- (4) Increased productivity under incentive plans,
- (5) Operation of a trainee system, or
- (6) Such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations, no prior approval of the Board or the Commissioner is required. No such adjustment shall increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices or furnish the basis of further wage or salary adjustments.

Section 81.976g is amended as follows:

**§ 81.976g Decreases in salaries of less than \$5,000 (§ 4001.13).**

In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of less than \$5,000 per annum for any particular work, no decrease shall be made by the employer below the highest salary rate paid for such work between January 1, 1942, and September 15,

1942, unless to correct gross inequities or to aid in effective prosecution of the war. Any decrease in such salary rate after October 3, 1942, shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder if such decrease is made prior to the approval of the Board or the Commissioner, as the case may be. The words "for any particular work" in the first sentence of this section refer to the particular work of the particular employee and not merely to a particular type of work. For example, the Act does not invalidate or prohibit a wage stabilization order establishing maximum wages for any particular type of work, so long as exception is made allowing the payment of wages higher than such maximum wages to any particular employee for the particular type of work where such higher wages were being paid to such employee for such work at the time the order was issued.

Section 81.976h is amended as follows:

**§ 81.976h Decreases in salaries of over \$5,000 (§ 4001.14).**

In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of \$5,000 or more per annum, no decrease in such rate made by the employer shall be considered in contravention of the Act and the regulations promulgated thereunder (see section 5 (b) of the Act set forth in § 81.976a(c)); *Provided, however,* That if by virtue of such decrease the new salary paid to the employee is less than \$5,000 per annum, then the validity of such decrease below \$5,000 shall be determined under the provisions of § 4001.13 (§ 81.976g) of these regulations.

Section 81.976i is amended as follows:

**§ 81.976i Limitation on wage and salary increases (§ 4001.11).**

(a) (1) No further increase in wages or salaries shall after April 8, 1943, be authorized by the Board or the Commissioner, as the case may be, except in the following cases:

(i) Such increases as are clearly necessary to correct substandards of living.

(ii) Such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the Little Steel formula as heretofore defined by the Board, for the rise in the cost of living between January 1, 1941 and May 1, 1942.

(iii) Salary and wage adjustments necessary to adjust salaries or wages up to the minimum of the tested and going rates paid for the same work in the same or most nearly comparable plants or establishments in the same labor market, except in rare and unusual cases in which the critical needs of war production require the setting of a wage or salary at some point above the minimum of the going wage or salary bracket.

(iv) Reasonable adjustments in wages or salaries in case of promotions, reclassifications, merit increases, incentive wages or the like, provided that such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or

(2) In connection with the approval of wage or salary adjustments necessary to eliminate substandards of living or to give effect to the Little Steel formula or in connection with the adoption of a longer work-week, nothing herein contained shall be construed to prevent the approval of a wage or salary adjustment for workers in immediately interrelated job classifications to the extent required to keep minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency. Such adjustments are to be tapered off rigorously in application

to higher job classifications so as to apply only in those classifications and only to the extent necessary for productive efficiency in the interrelated job classifications.

(b) *Increases subject to approval of Economic Stabilization Director.* (§ 4001.12).

All wage adjustments made by the Board which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments, shall become effective only if also approved by the Economic Stabilization Director.

Section 81.976j is amended as follows:

§ 81.976j *Effect of unlawful payments* (§ 4001.15).

(a) If any wage or salary payment is made in contravention of the Act or the regulations, ruling or orders promulgated thereunder, as determined by the Board, the Commissioner, or the War Food Administrator, as the case may be, the entire amount of such payment shall be disregarded by the Executive Department and all other agencies of the Government in determining the costs of expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses of any contract made by or on behalf of the United States. The term "law or regulations" as used herein includes any law or regulation hereafter enacted or promulgated. In the case of wages or salaries decreased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued. In the case of wages or salaries increased in contravention of the Act or regulations, rulings, or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued and not merely an amount representing an increase in such wage or salary.

(b) Payments made or received in violation of any regulations, rulings or orders promulgated under the authority of the Act are subject to the penal provisions of the Act.

Section 81.976k is amended as follows:

§ 81.976k *Exempt employers* (§ 4001.16). The provisions of §§ 4001.10 (§ 81.976f), 4001.11 (§ 81.976i), 4001.13 (§ 81.976g) and 4001.14 (§ 81.976h) shall apply only in the case of an employer who employs more than eight individuals.

The headnote in § 81.976l is amended to show reference to § 4001.17.

§ 81.976l *Salary allowances under Internal Revenue Code* (§ 4001.17). \* \* \*

In § 81.976m paragraph (b) is amended as follows:

§ 81.976m *Statutory salaries and wages* (§ 4001.18). \* \* \*

(b) On December 26, 1942, the National War Labor Board and Commissioner of Internal Revenue issued a joint statement which effected changes of the procedure provided for in the joint statement of the Board and Commissioner of November 12, 1942, (paragraph (a) of this section). The joint statement of

December 26, 1942, took the form of General Order No. 12-A. On May 25, 1943, General Order No. 12-A was revoked, and in its stead there was adopted, as General Order No. 12-B, the Joint Statement of the National War Labor Board and the Commissioner of Internal Revenue, dated May 25, 1943, and set forth in § 81.9801.

Sections 81.976n, 81.976o, and 81.976p are amended as follows:

§ 81.976n *Territories and possessions* (§ 4001.19). The Board, the Commissioner, and War Food Administrator shall have the authority to exempt from the operation of these regulations any wages or salaries paid in any Territory or possession of the United States where deemed necessary for the effective administration of the Act and these regulations.

§ 81.976o *Regulations of Economic Stabilization Director* (§ 4001.21). The Director shall have authority to issue such regulations as he deems necessary to amend, modify or rescind these regulations.

§ 81.976p *Applicability* (§ 4001.20). These amended regulations supersede as of their effective date (October 2, 1943) the regulations promulgated by the Director of Economic Stabilization, with the approval of the President, dated October 27, 1942, as amended, and are applicable to all salary adjustments within the authority of the Commissioner, the Board, or the War Food Administrator, as the case may be, which are made after that date.

In § 81.979 Regions VI and VII in paragraph (a) are amended as follows:

§ 81.979 *Jurisdiction and procedure of Regional War Labor Boards.* \* \* \*

(a) *Constitution of regions and regional war labor boards.* \* \* \*

REGION VI. Illinois (excepting the following counties: Madison, St. Clair, Monroe, Jersey, Green, Calhoun), Indiana, Iowa (the following counties: Scott, Clinton, Jackson, Dubuque), Wisconsin, Minnesota, North Dakota, South Dakota. 222 W. Adams Street, Room 533, Chicago, Ill.

REGION VII. Missouri, Arkansas, Kansas, Iowa (excepting the following counties: Scott, Clinton, Jackson, Dubuque), Nebraska, Illinois (the following counties: Madison, St. Clair, Monroe, Jersey, Greene, Calhoun). 11th Floor, Fidelity Building, 911 Walnut Street, Kansas City, Mo.

In § 81.980n that portion preceding paragraph (a) is amended as follows:

§ 81.980n *General Order No. 14.* General Order No. 14, adopted by the National War Labor Board on November 24, 1942, was amended on August 17, 1943, to read as follows:

AUTHORIZATION TO THE WAR DEPARTMENT TO PASS ON WAGE AND SALARY ADJUSTMENTS FOR DESIGNATED CIVILIAN EMPLOYEES

(A) The National War Labor Board hereby delegates to the Secretary of War, to be exercised on his behalf by the Wage Administration Section within the Industrial Personnel Division, Headquarters, Army Service Forces (hereinafter referred to as the "War Department Agency"), the power to rule upon all applications for wage and salary

adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering civilian employees within the continental limits of the United States, employed by

- (1) The War Department
- (2) The Army Exchange Service, and
- (3) Government-owned, privately-operated facilities of the War Department,

all in accordance with the further provisions of this order.

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

(C) In the performance of their respective duties the War Department Agency and the Appeals Committee shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, Executive Order No. 9328, dated April 8, 1943, the Supplementary Directive of May 12, 1943, and all general orders and policies of the National War Labor Board announced thereunder.

Any wage or salary adjustment approved by the Agency "which may increase production costs above the level prevailing in comparable plants or establishments" shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings and orders issued by the War Department Agency in wage cases.

Applications for approval of voluntary wage adjustments within the jurisdiction of the War Department Agency shall state whether or not the adjustment if granted may increase production costs above the level prevailing in comparable plants or establishments. If the answer is in the affirmative, the War Department Agency shall send to the War Labor Board for processing to the Office of the Director of Economic Stabilization a copy of the application and a copy of its ruling at the time of issuance thereof, for approval as mentioned above.

The War Department Agency, without making an initial ruling thereon, may refer to the Board for decision by the Board any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(D) The War Department Agency and the Appeals Committee shall transmit to the Wage Stabilization Division of the National War Labor Board copies of their respective rulings and rules of procedure as they are issued. In administering the provisions of this order the Agency shall also transmit monthly reports of its rulings to the Wage Stabilization Director of the National War Labor Board, and such additional data as said Division or the Board may from time to time deem necessary.

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

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

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

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

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

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

(G) Any ruling by the War Department Agency hereunder shall be deemed to be the Act of the National War Labor Board unless and until reversed or modified by the Appeals Committee or by the Board.

(H) The term "government-owned, privately-operated facilities of the War Department" shall include for the purposes of this Order only those facilities (1) in which the War Department has contractual responsibility for the approval of pay roll costs, and (2) which are designated in lists furnished from time to time, to the Board by the War Department Agency. The Board may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Board believes that the policies of Executive Order No. 9017, Executive Order No. 9250, Executive Order No. 9328, or the Supplementary Directive of May 12, 1943, will be furthered by the Board's acting directly upon the wage and salary adjustments of such facility.

(I) Where disputes about wages and salaries arise between the private operators of said facilities and their employees, the following procedure shall be followed. The dispute shall first be referred for negotiation to the U. S. Conciliation Service. If an agreement is reached, that portion of the agreement pertaining to wages shall be submitted to the War Department Agency for approval. If no agreement is reached, the dispute shall be referred for decision to the appropriate Regional Board, subject to the regular rules of procedure of the National War Labor Board. At the same time, the War Department Agency shall be notified of the dispute and the nature of the case. On its own initiative the Agency may request the Regional Board for any further information concerning the case. When a decision has been reached by the Regional Board, copies of the Board's decision shall be sent to the War Department Agency and the Wage Stabilization Director of the National War Labor Board at the same time that copies are sent to the parties in the dispute. Within the fourteen day period allowed for filing a petition for review, the War Department Agency may request a review of the case according to the rules of procedure, as amended, of the National War Labor Board.

In paragraph (b) the following Ordinance Facilities are added in their proper sequence:

(b) *Government-owned, privately-operated facilities.* \* \* \*

GOVERNMENT-OWNED, PRIVATELY-OPERATED  
ORDNANCE FACILITIES

Lordstown Ordnance Depot—Warrentown, Ohio.

Rossford Ordnance Depot—Toledo, Ohio.

In § 81.980p paragraph (b) is amended:

§ 81.980p *General Order No. 16.* \* \* \*  
(b) *General Order No. 30.*

*General Order No. 30.* In accordance with the provisions of section 4 of Title II of Executive Order 9250, increase in wage or salary rates which do not bring such rates above 40¢ per hour may be made without the approval of the National War Labor Board.

Section 81.980r is amended as follows:

§ 81.980r *General Order No. 18.*

*General Order No. 18.* (a) The National War Labor Board hereby delegates to the Secretary of the Navy, to be exercised in his behalf by the Office of the Assistant Secretary of the Navy (hereinafter referred to as "The Navy Department Agency"), power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board), covering civilian employees within the continental limits of the United States and Alaska, employed directly by the Navy Department (but excluding persons employed in government owned, privately operated facilities of the Navy Department), all in accordance with the further provisions of this order.

(b) In performance of its duties hereunder the Navy Department Agency shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, Executive Order No. 9328, dated April 8, 1943, the supplementary directive of May 12, 1943, and all general orders and policies of the National War Labor Board, announced thereunder.

Any wage or salary adjustment approved by the Agency "which may increase the production costs above the level prevailing in comparable plants or establishments" shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings issued by the Navy Department Agency hereunder.

Applications for approval of voluntary wage adjustments within the jurisdiction of the Navy Department Agency shall state whether or not the adjustment if approved may increase the production costs above the level prevailing in comparable plants or establishments. If the answer is in the affirmative, the Navy Department Agency shall send to the National War Labor Board for processing to the Office of the Director of Economic Stabilization a copy of the application and a copy of its ruling at the time of issuance thereof, for approval as mentioned above.

The Navy Department Agency, without making an initial ruling thereon, may refer to the National War Labor Board for decision, any case in which the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Navy Department Agency shall, so far as is practicable, utilize the information and data of the National War Labor Board or the several Regional War Labor Boards in the determination of area rates in accordance with the wage rate brackets established by the Regional War Labor Boards.

(d) The Navy Department Agency shall transmit to the Wage Stabilization Division of the National War Labor Board copies of its rulings and rules of procedure, if any, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(e) Any ruling by the Navy Department Agency or the Secretary of the Navy, hereunder shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative.

(f) Any ruling by the Navy Department Agency or the Secretary of the Navy hereunder shall be deemed to be the act of the National War Labor Board, unless and until reversed or modified by the Board. Any such order of reversal or modification shall allow a period of two weeks from the date of the Board's order within which to comply with the order.

That part of § 81.980bb preceding paragraph (a) is amended as follows:

§ 81.980bb *General Order No. 31.*  
*General Order No. 31* adopted by the

National War Labor Board on May 26, 1943, was amended on August 24, 1943, to read as follows:

The following regulations supplementary to General Orders 5, 6, and 9 relating to wage and salary schedules and to plans for making individual wage or salary adjustments under such schedules are hereby adopted:

#### I. EMPLOYERS OF 30 OR FEWER EMPLOYEES

Without regard to the requirements of General Orders 5, 9, or 31, an employer of 30 or fewer employees may, without approval of the National War Labor Board, make individual increases in the wage or salary rates of his employees for particular jobs as a reward for improved quantity and/or quality of work or service, *Provided, That:*

A. The total of such increases to any individual employee (subject to National War Labor Board jurisdiction) shall not exceed ten cents per straight-time hour during any year (beginning July 1, 1943), and the total amount expended on such increases during any such year shall not exceed an average of five cents per straight-time hour for all the employees in the establishment whose wage or salary rates are subject to the jurisdiction of the National War Labor Board.

B. Such increases shall not be made the basis of an application to the National War Labor Board for approval of increases to eliminate intraplant inequities.

C. Such increases shall not result in the payment to any employee of a rate in excess of the highest rate paid by the employer between July 1, 1942, and June 30, 1943, for jobs of similar skill, duties, and responsibilities.

D. Such increases shall not result in any appreciable increases in the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

E. Such increases shall not be made contrary to the terms of any collective bargaining agreement covering any or all of the employees of such employer.

Such employer is not precluded from applying to the National War Labor Board for approval of a schedule of making individual wage or salary adjustments as provided below for employers of 31 or more employees.

#### II. EMPLOYERS OF 31 OR MORE EMPLOYEES

An employer of 31 or more employees may make individual increases in the wage or salary rates of his employees under General Orders 5 and 9 without National War Labor Board approval only under a schedule which conforms to the following standards:

In order to have a "schedule" within the meaning of General Orders 5 and 9, an employer must satisfy the following two requirements: He must have (a) job classification wage or salary rates or rate ranges and (b) a plan for making individual adjustments within and between such wage or salary rates or rate ranges.

#### A. JOB-CLASSIFICATION RATES OR RATE RANGES PROPERLY IN EXISTENCE DO NOT REQUIRE APPROVAL OF THE NATIONAL WAR LABOR BOARD

1. A job classification is a category of jobs or positions which are similar in nature and content and in required amount of knowledge, skill, experience, and responsibility. A job classification involves more than a mere descriptive title; the classification must be clearly defined and described. Where jobs differ as to knowledge, skill, experience, and responsibility, there should be different job classifications. (For example, typists, stenographers, and secretaries should each be considered separate job classifications because the respective work differs as to skill, content, and responsibility. These three categories may not be grouped together in one job classification.)

2. A job classification rate exists where an employer pays a single rate rather than a range of rates for a given job classification. Jobs remunerated on a piece-rate basis are normally considered to be in single-rate job classifications.

3. A job classification rate range exists where an employer pays, for a given job classification, a number of rates varying from a clearly designated minimum rate to a clearly designated maximum rate.

(a) A mere descriptive job title and a poorly defined or extremely wide rate range is not a job classification rate range.

(b) The minimum and maximum rates are not necessarily the lowest and highest rates being paid at a given time for a particular job classification. For special reasons (e. g., lack of experience or superior ability) particular employees may be receiving less than the minimum or more than the maximum rate. Moreover, it may happen at a given time that no employee is receiving the actual minimum or maximum rate for a particular job classification.

4. Job classification rates or rate ranges properly in existence are those (as defined above) which were (a) in existence prior to October 3, 1942, or (b) those resulting from permitted or approved adjustments subsequent to that date, or (c) rates set for new jobs under either the former or the revised General Order No. 6. Improper adjustments of rates for job classifications or for individual employees are not a basis for determining a job classification rate or rate range.

#### B. A PLAN PROPERLY IN EXISTENCE DOES NOT REQUIRE APPROVAL OF THE NATIONAL WAR LABOR BOARD

1. A plan is an orderly, definite procedure or a group of procedures for making adjustments, within specified limits, in the wage or salary rates of individual employees (a) within particular job classifications and (b) when they move from one job classification to another.

Such a plan ordinarily includes (a) tests and procedures for determining whether employees are to be given individual rate adjustments and (b) limits on the number of adjustments, the timing of adjustments, and the average or total amount of money to be granted in the adjustments over a given period of time. (It is not essential that a given plan include all the foregoing items.)

2. A plan properly in existence is one (as defined above) under which individual rate adjustments are made in conformity with the provisions of (a) collective bargaining or other bona fide established agreement which was in effect on June 30, 1943, or (b) written statements, minutes, or memoranda of the employer which were in existence and effect on or before June 30, 1943, or (c) a plan approved by the National War Labor Board or by any of its authorized agents or agencies, or (d) the plan outlined below.

#### C. EMPLOYERS HAVING NO EXISTING PLAN

Employers who have no plan properly in existence (as defined under (a), (b), or (c) of the paragraph immediately above) may adopt the following plan without obtaining approval from the National War Labor Board.

Employers who wish to replace properly existing plans with the following plan may also do so without Board approval (but see Section III-A-3 below):

1. Merit Increases or Automatic Length-of-Service Increases:

(a) Merit increases are individual wage or salary rate adjustments made as a reward for improved quantity and/or quality of work or service. Automatic length-of-service increases are individual adjustments usually made automatically at the end of specified periods of satisfactory service.

(b) Both such increases must be made only within job classification rate ranges (as defined above).

(c) The total of such increases to any individual employee (subject to National War Labor Board jurisdiction) shall not exceed, during any year (beginning July 1, 1943), ten cents per straight-time hour or more than two-thirds of the difference between the appropriate minimum and maximum rates, whichever increase is greater; and the total amount expended on such increase during any such year shall not exceed an average of five cents per straight-time hour for all the employees in the establishments who are covered by the plan and whose wage or salary rates are subject to National War Labor Board jurisdiction.

2. Promotions or reclassifications involve individual adjustments which result from moving an employee into a different job classification. Promotions and reclassifications may be made between jobs which bear single rates as well as between jobs which bear rate ranges. When promoted or reclassified to a higher-rated job, an employee (subject to National War Labor Board jurisdiction) may receive a rate not in excess of 15 percent above his rate on his former job or the minimum rate for the new job, whichever is higher: *Provided, however,* That where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience.

3. Apprentice or trainee programs involve individual rate adjustments resulting from improvement over specified periods of time in the productive abilities of apprentices or trainees who are employed under a bona fide apprentice or trainee program as defined below. Under these programs, adjustments may be made with respect to jobs which bear single rates as well as with respect to jobs which bear rate ranges. Apprenticeship or trainee programs for a given job classification—with respect to length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen; and relation of apprentice or learner wage rate at various periods to the rate paid to experienced workmen—should conform to the standards set forth in a collective bargaining agreement or in the applicable regulations of federal or state agencies. The reexamination or modification of existing apprentice or trainee programs in the interests of greater production for the war effort is not precluded. Any change in existing apprentice or trainee programs, however, requires Board approval unless made in conformity with changes in the applicable regulations of federal or state agencies.

#### D. REQUIREMENTS OF SCHEDULES WITH RESPECT TO ALL SCHEDULES

1. Each job classification must be clearly distinguished and described.

2. No appreciable increases in the level of production costs may result from individual rate adjustments, nor shall such adjustments furnish a basis either to increase prices or to resist otherwise justifiable reduction in prices.

3. Individual rate adjustments may not be made the basis for an application to the National War Labor Board for approval of wage or salary rate increases to eliminate intra-establishment inequities.

#### E. RECORDS

Any employer who makes individual wage or salary rate adjustments pursuant to a schedule must hereafter keep available in his establishment(s) for a period of two years records showing (1) for each job classification, (a) the rate or range of rates and (b) the description; (2) a statement of the plan making adjustments within the rate ranges and be-

tween the rates or rate ranges; (3) the date when the schedule was established; (4) for each employee who received an adjustment, his name, the date hired, the date of and the reason for adjustment, the job classification, and the rate of pay before and after the adjustment. No particular order or form is prescribed for these records, provided that the information required is readily obtainable.

#### III. GUIDES FOR OBTAINING BOARD APPROVAL WHERE REQUIRED

##### A. REQUIREMENTS FOR APPROVAL

All wage or salary rate schedules (as defined) which are not exempt from the requirement of Board approval (as stated above) must be submitted for approval to the appropriate Regional War Labor Board. In order that the making and the examination of such applications for approval may be facilitated, certain requirements are outlined below.

1. Proposed rate ranges (where it is desired to make individual merit or automatic length-of-service increases) as well as promotions and reclassification involved.

2. Proposed single rates (where it is desired to make promotions or reclassifications but not to make merit increases or automatic length-of-service increases) should be set forth for each job classification involved.

3. Each job classification involved should be clearly distinguished and described.

4. So far as plans for making individual adjustments between rates or within and between rate ranges (either for existing establishments or for new establishments and departments) are concerned, a proposed plan should contain the following information with respect to one or more of the methods outlined below. The plan so submitted need not necessarily conform to the criteria of the plan set forth above, which does not require Board approval.

(a) Merit increases: The average amount of increase to be given during any year for all employees covered by the plan and the maximum amount (in cents per hour or in terms of the percentage of the difference between the minimum and maximum rates of the range) of the increase to be given during a given year to any employee.

(b) Automatic length-of-service increases: The average amount of increase to be given during any year for all employees covered by the plan and the maximum amount (in cents per hour or in terms of the percentage of the difference between the minimum and maximum rates of the range) of the increase to be given during a given year to any employee.

(c) Promotions or reclassifications: The rate to be paid upon promotion or reclassification to a higher-rated job, whether the minimum rate called for by the new job or a rate in excess of such minimum, and, if a rate in excess of the minimum called for by the new job is to be paid, the criteria that will determine the rate should be described (e. g., special skill and experience, other unusual qualifications, etc.).

(d) Apprentice or trainee systems: The conformity of the plan with the standards set forth in appropriate collective bargaining agreements or in appropriate regulations of federal or state agencies with respect to the following items: length of apprenticeship or learner period; proportion of number of experienced workmen in a given job classification; and relation of apprentice or learner rate at various periods to the rate paid experienced workmen.

The plan should also indicate the approximate percentage increase in payroll costs and in production (total) costs.

5. If there is a duly recognized or certified labor organization which is entitled to bargain on wage matters for any or all of the employees included in a proposed schedule or in a proposed change in an existing schedule, approval must be jointly requested by the

employer and such labor organization, of that part of the schedule which directly involves employees represented by such labor organization. Similarly, agreement with such labor organization must be obtained by the employer before he can adopt or change to the plan which does not require Board approval. If an agreement on any point cannot be reached, the parties may jointly submit the issue to the appropriate Regional War Labor Board for determination or may ask the Regional Board to refer the matter to the National War Labor Board for determination. Failing joint submissions, the matter will be treated as a dispute case.

6. Where an application includes more than one establishment, it shall set forth separately a schedule for each establishment or for each group of similar establishments.

7. Companies having establishments in more than one region may apply for approval of schedule, where approval is necessary, in each of the regions where the establishments are located or in the region in which is located the company office at which the schedules are determined. In the latter case, the Regional Board may, if it considers that the application warrants national consideration, refer it to the National War Labor Board.

#### B. CHANGES IN EXISTING SCHEDULES

Any employer who wishes to make a change in one or more provisions of his properly existing wage or salary rate schedule (except changes in conformity with the plan which may be adopted without Board approval) may obtain consideration of such proposed change from the appropriate Regional War Labor Board without the necessity of having his entire schedule approved or reapproved.

#### MISCELLANEOUS PURCHASE INSTRUCTIONS

Paragraph (d) of § 81.1122 is amended as follows:

§ 81.1122 *Joint action with Navy with respect to contingent fees.* \* \* \*

(d) Major H. C. Rose, Legal Branch, Purchase Division, Headquarters, Army Service Forces, Extension 6247, has been designated as the Army representative. In addition to the activities specifically authorized, as set forth in paragraph (a) of this section and without limitation of outstanding authority exercised by the chiefs of the technical services the Army representative has been authorized to collect data, investigate, and negotiate or participate in negotiations with reference to contingent fees or commissions paid to any salesman, broker, or sales representative by any prime contractor or subcontractor on War Department contracts and to make recommendations to the several chiefs of technical services with reference to the disposition of specific cases of illegal or excessive sales compensation. The several technical services will furnish to the Army representative such assistance as he may request, and make recommendations to him as occasion may arise.

Sections 81.1150-81.1156 are added as follows:

§ 81.1150 *Agreement with Rubber Reserve Company.* (a) Rubber Reserve Company, a subsidiary of Reconstruction Finance Corporation, owns and con-

trols the supply of all natural rubber and substantially all synthetic rubber in this country. Effective June 1, 1943 Rubber Reserve Company found it necessary to increase its price for natural rubber from 22½ cents per pound to 40 cents per pound, but reduced its prices for synthetic rubber to 36 cents per pound for GRS (Buna S); 33 cents per pound for GRI (Butyl); and 45 cents per pound for GRM (Neoprene Type GN).

(b) In order to avoid the necessity of adjusting the outstanding contracts of the War Department and subcontracts thereunder based on a price for natural rubber of 22½ cents per pound and in order to facilitate transition from natural to synthetic rubber and to simplify future procurement of rubber products, the War Department has made an agreement with Rubber Reserve Company to pay directly to it part of the cost of such natural and synthetic rubber used for War Department purposes and thereby to maintain lower, stable, prices to rubber manufacturers for such natural and synthetic rubber.

(c) Under this agreement Rubber Reserve Company will supply natural and synthetic rubber to War Department contractors and subcontractors upon payment by them to Rubber Reserve Company at the following rates per pound.

Type:	Price per pound (cents)
Natural.....	22½
GRS Synthetic (Buna S).....	18½
GRI Synthetic (Butyl).....	15½
GRM Synthetic (Neoprene Type GN).....	27½

These rates apply to natural, GRS and GRI Synthetic used after June 1, 1943 and to GRM synthetic used after August 1, 1943.

(d) The War Department will pay Rubber Reserve Company the difference between these amounts and the prices fixed by Rubber Reserve Company specified in paragraph (a) of this section, or such lower prices as the Rubber Reserve Company may fix from time to time. This contract will remain in force until June 30, 1944 unless extended by the War Department or terminated on ninety days' notice before that date.

§ 81.1151 *Administration of agreement.* (a) To simplify administration of this agreement with Rubber Reserve Company the Ordnance Department is handling the contract on behalf of the entire War Department and will administer it for all of the technical services.

(b) Rubber Reserve Company will obtain from rubber manufacturers reports of the amount of natural and synthetic rubber used on account of War Department contracts and subcontracts and will bill the War Department monthly through the Ordnance Department on the basis of these reports showing the amount due with respect to the contracts and subcontracts of each technical service.

(c) The chief of each technical service has been directed to make available to

the Ordnance Department by special allotment or otherwise sufficient funds to cover the estimated amounts payable to Rubber Reserve Company under this agreement with respect to its contracts and subcontracts up to June 30, 1944. The Chief of Ordnance is authorized to issue such directives or instructions to the chiefs of the other technical services as he deems necessary for the administration of the agreement and the furnishing of such allotments.

§ 81.1152 *Effect of agreement on contracts involving natural rubber.* (a) Since natural rubber will continue to be supplied to rubber manufacturers by Rubber Reserve Company at 22½ cents per pound as heretofore, existing contracts made on this basis will not need to be adjusted.

(b) Likewise, future contracts involving the use of natural rubber can continue to be made on the same basis of 22½-cent rubber, as heretofore.

§ 81.1153 *Existing contracts involving synthetic rubber.* (a) The prices for synthetic rubber specified in the agreement between Rubber Reserve Company and the War Department are substantially lower than the prices previously in effect for the same types of synthetic rubber.

(b) Accordingly, the prices under existing contracts involving the use of synthetic rubber and made on the basis of the prices in effect before the agreement, should be promptly adjusted to reflect the reduced prices for such synthetic rubbers.

(c) By its Circular No. 21 dated May 31, 1943, the Rubber Reserve Company has directed all rubber manufacturers to report to it all existing contracts made on the basis of prices for natural or synthetic rubber higher than those fixed by the agreement with the War Department and has directed such rubber manufacturers promptly to adjust their prices under such contracts to reflect the reduced prices for synthetic.

§ 81.1154 *Conversion from use of natural rubber to use of synthetic.* (a) At the present time the cost of processing synthetic rubber is greater than the cost of processing natural rubber for many types of articles. The lower price per pound for synthetic rubber as compared to natural rubber will offset to the extent of the price differential the additional costs of processing such synthetic rubber.

(b) In the case of certain types of commodities such as tires, the shift from natural to synthetic rubber involves an additional factor affecting costs of production. When such commodities are made from natural rubber it is often possible to use a substantial amount of reclaimed rubber which is much less expensive than either natural or synthetic. When the same commodities are made from synthetic rubber, however, it is at present not feasible to use reclaimed rubber to the same extent or at all. Consequently, synthetic must be substituted

not only for the natural rubber but also for the reclaimed rubber in such cases.

(c) When it becomes necessary to amend the specifications under existing contracts under the "changes" article to substitute synthetic rubber for natural rubber, the contract price must be equitably adjusted in accordance with that article. In fixing this adjustment it is necessary to take into account, (1) any additional costs of processing synthetic in place of natural rubber; (2) the lower price per pound of synthetic as compared with natural rubber; (3) the extent to which reclaimed rubber is superseded by synthetic; (4) any other factors relevant in the particular case. Accordingly, the adjustment under any particular contract will depend primarily on the circumstances with respect to processing and the ratio of natural and reclaimed rubber in the particular type of commodity.

(d) Likewise, when new contracts are made for the manufacture from synthetic rubber of commodities previously made from natural rubber, the proper price will depend on the consideration of the same factors discussed in paragraph (c) of this section.

§ 81.1155 *Price adjustment provisions.* In order to assure rubber manufacturers that they may fix their prices on the basis of the cost for natural and synthetic rubber specified in the agreement between the War Department and Rubber Reserve Company a special price adjustment article contained in § 81.351 (a) has been authorized for use in contracts involving natural or synthetic rubber (see § 81.1232 (b)). It provides for equitable adjustment in the contract price to the extent that any change in the price payable for natural or synthetic rubber affects the cost of performing the contract.

Section 81.1182a is added as follows:

§ 81.1182a *Ordering of less than full carloads to be avoided.* In view of the shortage of transportation facilities, it is apparent that it is wasteful to have a railroad car move with less than a full load. Therefore, unless other factors make such action unwise, supplies should be ordered in amounts equal to one or more full carloads; and the practice of ordering amounts that will result in the loading of a portion of a railroad car should be avoided.

RENEGOTIATION AND PRICE ADJUSTMENTS

In § 81.1204 paragraphs (e) (1) and (f) are amended as follows:

§ 81.1204 *Exemptions from statutory renegotiation.* \* \* \*

(e) *Contracts and subcontracts outside of the United States.* (1) The chief of a technical service is authorized, in his discretion, to exempt from some or all of the provisions of section 403, as

amended, any contract with his technical service, or any subcontract thereunder, which is to be performed outside of the territorial limits of the continental United States, or in Alaska. This authority applies to contracts and subcontracts heretofore or hereafter made or performed.

(f) *Patent licenses.* The chief of a technical service may exempt from some or all of the provisions of section 403, as amended, any contract or subcontract granting a license under a patent or patent application or transferring a patent or patent application to the Government, or to a contractor or subcontractor, if the aggregate royalty payable under the contract or subcontract for its duration or for any stated period is either (1) a fixed amount determinable at the time of the execution of the contract, or (2) limited by contract to a maximum amount determinable at the time of the execution of the contract, and if, in his opinion, the fixed amount or maximum amount will not yield excessive profits to the contractor or subcontractor. In all other cases, the renegotiation article will be included in the contract. In such cases subsections (a), (b), (c) and (f) (1), (3) and (4) of Form I (see § 81.342 (a)) will be used. (See also § 81.1112.)

FORMS OF CONTRACTS

The list of contract forms preceding § 81.1301 is amended as follows:

See Procurement Regulations No. 3, §§ 81.304 to 81.308g and §§ 81.319 to 81.321, defining the scope of authority to use the forms of contracts set forth below.

It should be noted that many of the clauses in the forms are not included in full text, but by reference to sections of Procurement Regulation No. 3, §§ 81.322 to 81.367. These clauses will be included in contracts written on the forms only in compliance with the sections referred to. There will also be included in contracts written on the forms such of the other clauses contained in those sections, not expressly mentioned in the forms, as are required in the particular case.

In certain cases it may be necessary to make certain editorial changes in clauses contained in §§ 81.322 to 81.367 so that certain words or phrases used throughout the contract will be in conformity.

In certain instances, especially in the case of the short forms of contracts (see §§ 81.1317 and following), the forms contain shorter or modified versions of some of the clauses set forth in §§ 81.322 to 81.367. In such cases the use of the shorter or modified forms of clauses is to be deemed authorized, notwithstanding the provision of said §§ 81.322 to 81.367.

Description	War Department Contract Form No.	Section
Long Form Supply Contract:		
Lump Sum Supply Contract.....	1	81.1301
Short Form Supply Contracts:		
Purchase Order and Voucher.....	383	81.1317(a)
Purchase Order.....	18	81.1317(b)
Government's Order and Contractor's Acceptance.....	47	81.1317(c)
Informal Invitation, Informal Bid and Acceptance.....	5	81.1317(d)
Offer and Acceptance.....	6	81.1306
Delivery Order.....	19	81.1317(e)
Construction and Related Contracts:		
Lump Sum Construction Contract.....	2	81.1302
Cost-Plus-A-Fixed-Fee Construction Contract.....	3	81.1303
Cost-Plus-A-Fixed-Fee Architect-Engineer Contract.....	4	81.1304
Fixed-Fee Architect-Engineer-Construction-Management Services Contract.....	12	81.1312
Lump-Sum Contract for Architect-Engineer Services (With Optional Supervision).....	16	81.1316
Letter Orders:		
Letter Order for Supplies (No Price Stated).....	7	81.1307
Letter Order for Supplies (Price Stated).....	8	81.1308
Letter Order for Cost-Plus-A-Fixed-Fee Construction.....	9	81.1309
Letter Order for Lump-Sum Construction.....	10	81.1310
Supplemental Agreements for Advance Payments:		
Supplemental Agreement for Advance Payments with Interest on Fixed-Price Contracts.....	20	81.1320
Supplemental Agreement for Advance Payments with Interest on Fixed-Fee Contracts.....	21	81.1321
Supplemental Agreement for Advance Payments with Interest on a Letter Purchase Order.....	22	81.1322
Supplemental Agreement for Advance Payments without Interest on Fixed-Price Contracts.....	23	81.1323
Supplemental Agreement for Advance Payments without Interest on Fixed-Fee Contracts.....	24	81.1324
Supplemental Agreement for Advance Payments without Interest on Letter Purchase Orders.....	25	81.1325
Miscellaneous Contracts:		
Defense Supplies Corporation.....	11	81.1311
War Supplies Limited.....	13	81.1313
Government-Owned Equipment Rental Agreement.....	14	81.1314
Negotiated Electric Service Contract.....	15	81.1315

In § 81.1301 the note at the end of Article 2 is amended as follows:

§ 81.1301 *W. D. Contract Form No. 1.* \* \* \*

ART. 2 *Changes.* \* \* \*  
 [NOTE: (1) For alternative form of this Article see § 81.329a.

(2) For the purposes of the fourth sentence of this Article, and for the purpose of any like provision contained in any contract clause which has been inserted in a contract in lieu of the above article, the chief of the technical service or such person as he may designate shall be deemed to be the "duly authorized representative of the Secretary of War".]

In § 81.1303 paragraphs s, t, and u of section 1, Article II, and section 5 of Article III of contract form are amended as follows:

§ 81.1303 W. D. Contract Form No. 3.

ART. II. Cost of work.—1. Reimbursement for contractors expenditures.

s. In the event the Contracting Officer shall determine that the best interests of the Government require that the Contractor initiate or defend litigation in connection with claims of third parties arising out of the performance of this contract, the Contractor will proceed with such litigation in good faith and the costs and expenses of such litigation, including judgments and court costs, allowances rendered or awarded in connection with suits for wages, overtime or salaries, and reasonable attorneys' fees for private counsel when the Government does not furnish Government counsel, shall be reimbursable under this contract.

t. Such other items not expressly excluded by other provisions of this contract as should, in the opinion of the Contracting Officer, be included in the cost of the work. When such an item is allowed by the Contracting Officer, it shall be specifically certified as being allowed under this Subsection.

u. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated \_\_\_\_\_, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.<sup>1</sup> This subsection u shall be deemed to be included herein if and only if this contract is preceded by a Letter Contract.

ART. III. Payments.

5. Final Payment. a. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II, and of the fee, less any sum that may be necessary to settle any unsettled claims in connection with this contract, or any claim the Government may have against the Contractor. The Contracting Officer shall accept the completed work with reasonable promptness.

b. Prior to final payment and as a condition thereof the Contractor shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract, other than (1) such claims, if any, as may be specifically excepted by the Contractor from the operation of the release in stated amounts to be set forth therein, or in estimated amounts where the amounts are not susceptible of exact statement, and (2) any claim based upon responsibility of the Contractor to third parties arising out of the performance of this contract not known to the Contractor at the time of furnishing the release.

c. Even though the existence or amount thereof shall not be determined until after the furnishing of such release as is described next above, reimbursement to be made for payments made by the Contractor shall include, along with wages and salaries otherwise reimbursable, all additional amounts determined (either by approval of the Contracting Officer or by litigation as provided in subsection s, section 1, Article II) to be due and payable for overtime compensation and allowances under local, state or Federal laws in connection with such wages and salaries.

d. The Contractor shall promptly notify the Contracting Officer of any claims of the type described in clause (2) of subsection b of this section which are asserted subsequent to the execution of the release.

In § 81.1304 Articles III-E and III-G of contract form are amended as follows:

<sup>1</sup> This Contract will bear same date as Letter Contract.

§ 81.1304 W. D. Contract Form No. 4.

ART. III-E. Reimbursement for expenditures. 1. In addition to the payment of the fixed-fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items:

a. Actual salaries or wages paid to principal assistant engineers, engineers, architects and other technical, administrative and field employees of the Architect-Engineer directly engaged in the work including those in both his home and field office. The payment of any excess over the scheduled amounts shown in the approved salary schedule, Appendix "C" attached hereto and made a part hereof, shall not be reimbursable, unless and until the Chief of the Technical Service has so approved in writing.

r. In the event the Contracting Officer shall determine that the best interests of the Government require that the Architect-Engineer initiate or defend litigation in connection with claims of third parties arising out of the performance of this contract, the Architect-Engineer will proceed with such litigation in good faith and the costs and expenses of such litigation, including judgments and court costs, allowances rendered or awarded in connection with suits for wages, overtime or salaries, and reasonable attorneys' fees for private counsel when the Government does not furnish Government counsel, shall be reimbursable under this contract.

2. No salary, wages or like compensation of the Architect-Engineer, partners or corporate officers of the Architect-Engineer's organization and no salary, wages or like compensation of the resident manager referred to in Article I-B shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work. 3 and 4 [Rescinded].

ART. III-G. Method of payment. 1. Payments to the Architect-Engineer are to be made as follows:

a. At intervals of not less than two weeks, the Architect-Engineer shall prepare a statement of the actual salaries paid, as hereinbefore mentioned, during the preceding period of two weeks, together with a statement of all other reimbursable expenses and including an estimate of the portion of the Architect-Engineer's fixed-fee earned. These statements, with original certified payrolls, receipted bills for all expenses including materials, rentals, supplies and equipment, and all other supporting data as may be required, shall be delivered to the Contracting Officer. The approved amounts of such statements shall be the basis for the preparation of the public voucher.

b. Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

c. Prior to final payment and as a condition thereof the Architect-Engineer shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract, other than (1) such claims, if any, as may be specifically excepted by the Architect-Engineer from the

operation of the release in stated amounts to be set forth therein, or in estimated amounts where the amounts are not susceptible of exact statement, and (2) any claim based upon responsibility of the Architect-Engineer to third parties arising out of the performance of this contract not known to the Architect-Engineer at the time of furnishing the release.

d. Even though the existence or amount thereof shall not be determined until after the furnishing of such release as is described next above, reimbursement to be made for payments made by the Architect-Engineer shall include, along with wages and salaries otherwise reimbursable, all additional amounts determined either by approval of the Contracting Officer or by litigation as provided in subsection 4, section 1, Article III-E) to be due and payable for overtime compensation and allowances under local, state or Federal laws in connection with such wages and salaries.

e. The Architect-Engineer shall promptly notify the Contracting Officer of any claims of the type described in clause (2) of Subsection c of this Section which are asserted subsequent to the execution of the release.

f. In the event that the Government does not exercise the option under Title II of this contract within 30 days after the satisfactory completion and acceptance by the Contracting Officer of the work done by the Architect-Engineer under Article I-B, subsections a through h inclusive, the Architect-Engineer shall be paid the unpaid balance of any money due for work done under said Article I-B, subsections a through h inclusive.

Section 81.1305 is rescinded and reference substituted therefor as follows:

§ 81.1305 W. D. Contract Form No. 5. [Rescinded] See § 81.1317d.

In § 81.1312 Articles XI and XII of the contract form are amended as follows:

§ 81.1312 W. D. Contract Form No. 12.

ART. XI. Cost of the work.

2.

t. In the event the Contracting Officer shall determine that the best interests of the Government require that the A-E-M initiate or defend litigation in connection with claims of third parties arising out of the performance of this contract, the A-E-M will proceed with such litigation in good faith and the costs and expenses of such litigation, including judgments and court costs, allowances rendered or awarded in connection with suits for wages, overtime or salaries, and reasonable attorneys' fees for private counsel when the Government does not furnish Government counsel, shall be reimbursable under this contract.

u. Such other items not expressly excluded by other provisions of this contract as should, in the opinion of the Contracting Officer, be included in the cost of the work. When such an item is allowed by the Contracting Officer, it shall be specifically certified as being allowed under this Subsection.

If this contract was preceded by a Letter Contract, the following provision shall be deemed to be included herein:

v. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated \_\_\_\_\_, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.

3. Reservations by Government.

b. Insert § 81.365 (a).

e. [Rescinded]



ART. XII. *Payments.* \* \* \*

5. *Final payment.* a. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the A-E-M the unpaid balance of the cost of the work determined under Article XI, and of the fee, less any sum that may be necessary to settle any unsettled claims in connection with this contract, or any claim the Government may have against the A-E-M. The Contracting Officer shall accept the completed work with reasonable promptness.

b. Prior to final payment and as a condition thereof, the A-E-M shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract, other than (1) such claims, if any, as may be specifically excepted by the A-E-M from the operation of the release in stated amounts to be set forth therein, or in estimated amounts where the amounts are not susceptible of exact statement, and (2) any claim based upon responsibility of the A-E-M to third parties arising out of the performance of this contract not known to the A-E-M at the time of furnishing the release.

c. Even though the existence or amount thereof shall not be determined until after the furnishing of such release as is described next above, reimbursement to be made for payments made by the A-E-M shall include, along with wages and salaries otherwise reimbursable, all additional amounts determined (either by approval of the Contracting Officer or by litigation as provided in subsection t, section 1, Article XI) to be due and payable for overtime compensation and allowances under local, state, or Federal laws in connection with such wages and salaries.

d. The A-E-M shall promptly notify the Contracting Officer of any claims of the type described in clause (2) of subsection b of this section which are asserted subsequent to the execution of the release.

Section 81.1317 is rescinded and a new section under that number is added:

§ 81.1317 *Short forms.* In § 81.1317a and the sections immediately following, there are set forth certain short forms of contracts for procuring supplies or services, to be used in accordance with the "Explanatory Notes" applicable to each.

Sections 81.1317a to 81.1317e are added as follows:

§ 81.1317a *W. D. Contract Form No. 383 (W. D. Forms Nos. 383, 383a, 383b and 383c)—Short Form.*

*Explanatory notes.* (1) W. D. Contract Form No. 383, comprising W. D. Forms Nos. 383, 383a, 383b and 383c, is prescribed for use by posts, camps and stations for procuring any supplies or services, regardless of the number or period of deliveries involved, where:

- (a) The amount of the purchase does not exceed \$5,000; and
- (b) Only one payment is expected to be made; and
- (c) No special contract form is provided (for example, the General and Medical Laundry Contracts); and
- (d) No special contractual provisions are necessary.

(2) The form is available for optional use by all procuring agencies other than posts, camps and stations under conditions (a), (c) and (d) above. Condition (b) will not apply.

(3) The procedure for use and distribution of the form by posts, camps and stations is graphically shown in Army Service Forces Manual M403, to be published around 1 October 1943.

(a) *W. D. Form No. 383 [White Page].*

Form approved by Comptroller General U. S. August 26, 1943 PURCHASE ORDER AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL UNITED STATES WAR DEPARTMENT

Location.....	Date.....	D. O. Vol. No. ....
	P. O. No. ....	Paid by.....
To.....	* Req. No. ....	
Please furnish the following, subject to the conditions stated on both sides of this form:		
Ship to.....	Pur. Auth. ....	
F. o. b. ....	Negotiated under authority of the First War Powers Act, 1941, and Executive Order No. 9001, December 27, 1941. [For use of paying office]	
Terms: .....	Payment will be made by Finance Officer at .....	
Vendor: Mail the original with Vendor's certificate completed or the original with original certified invoice and ..... copies.	Funds chargeable.....	(available balance of which is sufficient)
To: .....	Purchasing and contracting officer	

Item No.	Articles or service	Quantity	Unit	Unit price	Amount		Quantity received
					Dollars	Cents	
Total.....							
Vendor's Certificate: I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amounts billed.							
(Vendor must not use this space)							
Differences.....							
Account verified, correct for.....							
Payee (Sign original only.).....							
For Title..... (This certificate not required when a like certificate is made by payee on attached bill or bills.)							
(Signature or initials)							

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

Signature..... Title.....  
Accounting Classification (for completion by Administrative Office)

Appropriation, limit'n or project symbol	Abbreviated appropriation title	Allotment, project, and object symbols	Station code	Limit'n or proj't amount	Appropriation amount

Paid by { Check No. .... dated ....., 19.., for \$..... on Treasurer of the United States in favor of payee named above.  
{ Cash, \$....., on ....., 19.., Payee..... (Sign original only)  
Per.....  
Title.....

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

(b) *(Reverse side of W. D. Form No. 383) [White Page].*

SPECIAL PROVISIONS AND CONDITIONS APPLYING TO THIS ORDER

1. *Payments.* (§ 81.1301, Art. 8)
2. *Inspection.* All material and workmanship shall be subject to inspection and test at all times and places and when practicable during manufacture. In case any articles are found to be defective in material or workmanship or otherwise not in conformity with

the specification requirements the Government shall have the right to reject such articles or require their correction. In the event public necessity requires the use of materials or supplies not conforming to the specifications payment therefor shall be made at a proper reduction in price.

3. *Variation in quantities.* (§ 81.329)
4. *Acceptance.* In accepting this order the contractor agrees that the terms and conditions stated on both sides of this purchase order are a part of the agreement between the parties hereto.

(d) W. D. Form No. 383b [Yellow Page.]

Form Approved by Comptroller General U. S. August 26, 1943. PURCHASE ORDER AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL UNITED STATES WAR DEPARTMENT

Location, Date, P. O. No., Req. No., Pur. Auth., Paid by, [For use of paying Office]

To: Please furnish the following, subject to the conditions stated on both sides of this form:

Ship to

Negotiated under authority of the First War Powers Act, 1941, and Executive Order No. 9001, December 7, 1941.

Payment Will Be Made By Finance Officer At

F. o. b. Terms: Funds chargeable (available balance of which is sufficient).

To: Purchasing and Contracting Officer

under this General Provision 11 if the delay is due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including without being limited to, any preference, priority, or allocation order issued by the Government or any other act of the Government.

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

13. Assignment of rights hereunder. This General Provision 13 shall apply if this contract is for \$1,000 or more. (§ 81.355)

14. Officials not to benefit. (§ 81.322) 15. Covenant against contingent fees. (§ 81.323)

16. Definitions. (§ 81.1301 Art. 22)

5. Notice of shipments. (§ 81.328) 6. Shipping instructions.

(a) Mark each package with complete destination, Purchase Order number, name of Contractor, commodity, quantity, Purchase Order item number, package number. (b) Packing list must accompany each shipment, showing package number and contents.

(c) Prepay all carrier charges to destination (unless otherwise instructed) forwarding shipping notices, bills of lading, and paid tariff bills.

7. Taxes. (§ 81.357 (b)) 8. Eight-hour law. (§ 81.346)

9. Anti-discrimination. (§ 81.325) 10. Convict labor. The Contractor shall not employ any person undergoing sentence of imprisonment at hard labor.

11. Delays-damages. If the Contractor refuses or fails to perform this contract within the time specified, or any extension thereof, the Government may, by written notice, terminate the right of the Contractor to proceed with deliveries or with such part or parts thereof as to which there has been delay, and may hold the Contractor liable for any damage caused the Government by reason of such termination. The right of the Contractor to proceed with the performance of this contract shall not be terminated

(c) W. D. Form No. 383a [White Page].

Form Approved by Comptroller General U. S. August 26, 1943. PURCHASE ORDER AND VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL UNITED STATES WAR DEPARTMENT

CONTINUATION SHEET

Table with columns: Item No., Articles or service, Quantity, Unit price, Unit, Amount (Dollars, Cents), Quantity received. Includes Total row.

P. O. No. Sheet. of

Total

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

Date Inspecting Officer

Date Accountable Officer

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

Accounting Classification (for Completion by Administrative Office)

Appropriation, limit'n or project symbol	Abbreviated appropriation title	Allotment, project and object symbols	Station code	Limit'n or profit/amount	Appropriation amount

Paid by: Check No. .... dated .., 19.., for \$..... on Treasurer of the United States in favor of Payee named above  
 Cash, \$..... on .., 19.., Payee ..  
 (Sign original only)

Per ..  
 Title ..

(e) (Reverse side of W. D. Form No. 383b) [Yellow Page]. This is the same as the reverse side of W. D. Form No. 383 (see paragraph (b) of this section).  
 (f) W. D. Form No. 383c, Form Approved by Comptroller General U. S., August 26, 1943 [Yellow Page]. This is the same as W. D. Form No. 383a (see paragraph (c) of this section).  
 § 81.1317b W. D. Contract Form No. 18—Short Form.

Explanatory notes. (1) W. D. Contract Form No. 18 is available for optional use by the technical services (including the service commands) for procuring any supplies or services, regardless of the number or period of deliveries or of the number of payments involved, where:  
 (a) the amount of the purchase does not exceed \$500,000; and  
 (b) no special contract form is available and suitable for the particular type of procurement; and  
 (c) no special contract provisions are required, the insertion of which in the particular case would unduly complicate the form; and

(a) W. D. Contract Form No. 18.

WAR DEPARTMENT PURCHASE ORDER

Date ..  
 W. D. establishment, office or station, and address: ..

To ..  
 Address ..  
 Factory address ..  
 Ship to ..

Schedule of deliveries

In accordance with your price list (oral quotation) written quotation of ..  
 Please furnish the following on the terms specified on both sides of this page and on the continuation sheets numbered .. 19 .. inclusive, attached hereto, including delivery f. o. b. ..

Methods of packing, marking, and shipping shall be as provided herein except as otherwise directed by the Contracting Officer.  
 Inspection points: ..

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
Total ..					

This order is authorized by and negotiated under the First War Powers Act, 1941 (Public 384, 77th Cong.), and Executive Order No. 9001 (Dec. 27, 1941).

By .. UNITED STATES OF AMERICA  
 Title .. Contracting Officer

(b) Reverse side of W. D. Contract Form No. 18.

GENERAL PROVISIONS

1. Payments. (Insert § 81.1301, Art. 81)  
 2. Inspection. Whether or not an inspection point is specified herein, all material and workmanship shall be subject to inspection and test at all times and places (including destination) and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with specification requirements, the Government shall have the right to reject such articles, or require their correction. Final inspection shall be conclusive except as regards latent defects, fraud or such gross mistakes as amount to fraud. In the event public necessity requires the use of materials or supplies not conforming to the specifications, payment therefor shall be made at a proper reduction in price.

3. Variation in quantities. (Insert § 81.329)

4. Notice of shipments. (Insert § 81.328)

5. Taxes. (Insert § 81.357 (b))

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

7. Eight-hour law. This General Provision shall apply if General Provision 6 is not applicable. (Insert § 81.346)

8. Anti-discrimination. (Insert § 81.325)

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

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

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

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

Contractor shall diligently proceed with the performance of this contract.

13. *Assignment of rights hereunder.* This General Provision 13 shall apply if this contract is for \$1,000 or more. (Insert [§ 81.355])

14. *Officials not to benefit.* (Insert [§ 81.322])

15. *Covenant against contingent fees.* (Insert [§ 81.328])

16. *Definitions.* Except for the original signing of this contract, and except as other-

(c) Continuation Sheet.

Sheet No. ....					
Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
Total.....					

(d) Sheet to be added when applicable.

Sheet No. ....

PARAGRAPHS ON THIS SHEET WHICH ARE NOT DELETED SHALL APPLY TO THIS CONTRACT. MARGINAL INSTRUCTIONS ARE NOT PART OF THIS CONTRACT

INSTRUCTIONS: Include where contract is for \$100,000 or more and subject to renegotiation statute.

A. *Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public 528, 77th Cong.), as amended.* (Insert [§ 81.342 (a)])

(e) Reverse side of (d).

INSTRUCTIONS: Include unless contract (a) is to be completed in six months or less and is for an amount less than \$500,000; or (b) is for an amount less than \$50,000 regardless of the date of completion.

B. *Termination for the convenience of the Government.* (Insert [§ 81.324], except that (a) (2) should read: "transfer to the Government, by delivery by such means as the Contracting Officer may direct \* \* \*"; and references in (1) should be to "General Provision 11 (Delays—Damages).")

§ 81.1317c *W. D. Contract Form No. 47 (W. D. Forms Nos. 47 and 47-a)—Short Form.*

*Explanatory notes.* (1) This form was formerly known as W.D. Contract Form No. 17. It has been renumbered as W.D. Contract Form No. 47 to make the "W.D. Contract Form No." conform to the "W.D. Form No."

(2) W.D. Contract Form No. 47 comprising W.D. Forms Nos. 47 and 47-a, is available for optional use by the technical services (including the service commands) for procuring any supplies or services, regardless of the number or period of deliveries or the number of payments involved, where:

(a) the amount of the purchase does not exceed \$1,000,000; and

(b) no special contract form is available and suitable for the particular type of procurement; and

(c) no special contract provisions are required the inclusion of which in the particular case would unduly complicate the form.

(3) The form calls for execution both by the Contracting Officer and the contractor. When so executed, it should be complete in

wise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

SPECIAL PROVISIONS

1. *Methods of presenting invoices or vouchers.* [Appropriate clauses to be inserted.]

2. *Methods of packing, shipping, and marking.* [Appropriate clauses to be inserted.] [Add further appropriate clauses.]

Quantities) permits a variation of 10% "unless otherwise specified." Statement of a permitted variation other than 10% may be inserted in any space on the form or on a continuation sheet.

(7) Methods of presenting invoices or vouchers, and of giving notice of and marking shipments, will be as specified in any space on the form or on a continuation sheet, or, in the absence of such statement, as directed by the Contracting Officer.

(8) Continuation sheets may be used as extensions of columns on the form (for example, the column marked "Supplies or Services"), or for inclusion of any further contract clauses which may be necessary or advisable (for example, the clause on subcontracting, § 81.367, or patents clauses, § 81.335).

(9) General Provision No. 7 (Anti-Discrimination), as printed on the reverse side of W.D. Form 47, requires correction to correspond with § 81.325 as recently modified in compliance with Executive Order No. 9346.

(10) The clause "Renegotiation Pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public 528, 77th Cong.), as Amended", as printed in W. D. Form No. 47-a, requires correction to correspond with § 81.342 (a) as recently modified in compliance with legislative enactments.

(11) In view of the extensions of the authority to use the form to include purchases not exceeding \$1,000,000 in amount, the instructions regarding the clause "Termination for the Convenience of the Government" which are printed on the margin of W.D. Form No. 47-a should be disregarded. The following instructions will apply:

The article "Termination for the Convenience of the Government" will be included unless the contract (a) is to be completed in six months or less and is for an amount less than \$500,000; or (b) is for an amount less than \$50,000 regardless of the date of completions.

(12) The form may be obtained in quantity upon request from the Procurement and Accounting Division, Office of the Secretary of War, Pentagon Building, Washington, D. C. Requests for the form should indicate the quantity of each sheet (W.D. Forms 47 and 47-a) desired and the type of duplicating process intended to be used by the agency in making copies for distribution and files (two grades of paper are available for convenience in handling).

(13) W.D. Contract Form No. 47, in its present form, is being revised. When the revised form is available, it will be published in these Procurement Regulations. Procuring agencies will exhaust existing stocks of the present form before using the revised form. For the time being, the present form is reproduced in paragraphs (a) to (d) of this section.

itself, without reference to other documents such as proposal or bid forms.

(4) When filled in, signed by the Contracting Officer, and delivered to the Contractor, the form (W. D. Form No. 47 alone, or both W. D. Forms Nos. 47 and 47-a, with or without further continuation sheets) constitutes an offer by the Government to contract on the terms set forth. So far as the information is available at the time the form is delivered to the Contractor, all applicable blanks should be filled in. Where a particular matter is not known at the time the form is delivered to the Contractor (for example, "Ship To" or "Schedule of Deliveries"), the blanks should be filled in with appropriate language indicating how such information will be subsequently furnished.

(5) When signed by the contractor in the space marked "Contractor's Acceptance" and returned to the Government in the time allowed, the form becomes a binding contract provided the Contractor has not made any changes by way of deletion, interlineation or addition, thus departing from the terms of the offer. Contractors should be instructed to inform the Contracting Officer of any changes which appear to be required, so that amendments may be made and initialed by both parties, or a corrected form issued.

(6) General Provision No. 2 (Inspection) provides that "unless an inspection point is specified herein," inspection may occur at all times and places, etc. An inspection point may be specified under the column "Supplies or Services" or in any other space on the form or on a continuation sheet. Similarly, General Provision 3 (Variation in

(a) W. D. Contract Form No. 47.

W. D. Form No. 47  
Approved March 8, 1943

WAR DEPARTMENT GOVERNMENT'S ORDER AND CONTRACTOR'S ACCEPTANCE

Date .....  
W. D. establishment, Office or station, and address:

.....  
.....

To .....  
(Contractor)

.....  
(Address)

.....  
(Factory Address)

Ship to .....

Contract No. (if any) W-.....  
Order No. ....  
Other Government identifying numbers or symbols:

.....  
.....

All these numbers must appear on all packages and papers relating to this order.

Payment will be made by Finance Officer, U. S. Army, at

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

This contract is authorized by and negotiated under the First War Powers Act, 1941 (Public 354, 77th Cong.), and Executive Order No. 9001 (Dec. 27, 1941).

GOVERNMENT'S ORDER

Please furnish the following on the terms specified on both sides of this page and on the continuation sheets, if any, attached hereto, including delivery f. o. b. \_\_\_\_\_ days after the date first above written. Acceptance must be received by the Government within \_\_\_\_\_ days after the date first above written. Methods of presenting invoices or vouchers, and of giving notice of and marking shipments, shall be as indicated herein and/or as directed by the Contracting Officer. Minimum wages under the Walsh-Healey Act are: \_\_\_\_\_ Schedule of delivery: \_\_\_\_\_

- 12. Assignment of rights hereunder. This General Provision 12 shall apply if this contract is for \$1,000 or more. (Insert [§ 81.355])
- 13. Officials not to benefit. (Insert [§ 81.322])
- 14. Covenant against contingent fees. (Insert [§ 81.323])
- 15. Definitions. (Insert [§ 81.1301, Art. 22])

(c) W. D. Form No. 47-a.

(Approved March 8, 1943)  
Continuation Sheet No. \_\_\_\_\_ of \_\_\_\_\_ Continuation Sheets.

ALL PARAGRAPHS OF THIS CONTINUATION SHEET NOT DELETED SHALL APPLY TO THIS CONTRACT. MARGINAL INSTRUCTIONS ARE NOT PART OF THIS CONTRACT

INSTRUCTIONS: Include where contract is for \$100,000 or more and subject to renegotiation statute.

A. Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public 528, 77th Cong.), as amended. (Insert [§ 81.342 (a)])

(d) Reverse side of W. D. Form 47-a.

Include where contract is to be completed in more than 6 months, unless contract is for less than \$50,000. In other cases inclusion is optional.

B. Termination for the Convenience of the Government. (Insert § 81.324, except that (a) (2) should read: "transfer to the Government, by delivery by such means as the Contracting Officer may direct \* \* \*"; and references in (1) should be to "General Provision 10 (Delays-Damages).")

§ 81.1317d W. D. Contract Form No. 5—Short Form.

Explanatory notes. (1) W. D. Contract Form No. 5 is available for optional use by the technical services (including the service commands) for procuring any supplies or services, regardless of the number or period of deliveries or of the number of payments involved, where—

(a) the amount of the purchase does not exceed \$1,000,000; and

(b) no special contract form is available and suitable for the particular type of procurement; and

(c) no special contract provisions are required, the inclusion of which in the particular case would unduly complicate the form.

(2) Each technical service will insert, under "Special Provisions" appearing on the reverse side of the first sheet, appropriate clauses covering "Methods of Presenting Invoices or Vouchers" and "Methods of Packing, Shipping and Marking," and such other clauses as may be necessary or advisable (for example, the clause on subcontracting, § 81.367, and patents clauses, § 81.335).

(3) The sheet containing standard clauses regarding termination for the convenience of the Government and statutory renegotiation will be used in accordance with the marginal instructions appearing thereon.

Item No.	Quantity	Unit	Supplies or services	Unit price	Amount
			Total.....		

CONTRACTOR'S ACCEPTANCE  
Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 194...  
By \_\_\_\_\_  
Title \_\_\_\_\_  
(Authorized to accept this order)

UNITED STATES OF AMERICA,  
By \_\_\_\_\_  
Title \_\_\_\_\_  
Contracting Officer.

(b) Reverse side of W. D. Contract Form No. 47.

GENERAL PROVISIONS

- 1. Payments. (Insert [§ 81.1301 Art. 8])
- 2. Inspection. Unless an inspection point is specified herein, all material and workmanship shall be subject to inspection and test at all times and places (including inspection and test after arrival at destination) and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with the specification requirements, the Government shall have the right to reject such articles, or require their correction.
- 3. Variation in quantities. (Insert [§ 81.329])
- 4. Taxes. (Insert [§ 81.357(b)])
- 5. Walsh-Healey Act. If this contract is for an amount in excess of \$10,000, the representations and stipulations required by section 1 of the Act of June 30, 1936 (Walsh-Healey Act, Public 846, 74th Cong.), to be included in all contracts therein specified are hereby incorporated and made a part of this contract with the same force and effect as if fully set forth in the contract, subject to all applicable regulations, determinations, and exemptions of the Secretary of Labor now or hereafter in effect. (Minimum wage determination by the Secretary of Labor, if any, is shown on the reverse side of this page.)
- 6. Eight-Hour Law. This General Provision 6 shall be applicable if General Provision 5 is not applicable. (Insert [§ 81.346])
- 7. Anti-discrimination. (Insert [§ 81.325])
- 8. Convict labor. The Contractor shall not employ any person under going sentence of imprisonment at hard labor.
- 9. Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in the drawings or specifications. Changes as to shipment and packing of all supplies may also be made as above provided. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable

adjustment shall be made and the contract shall be modified in writing accordingly.

10. Delays—damages. If the Contractor refuses or fails to perform this contract within the time specified, or any extension thereof, the Government may, by written notice, terminate the right of the Contractor to proceed with deliveries or with such part or parts thereof as to which there has been delay, and may hold the Contractor liable for any damage caused the Government by reason of such termination. The right of the Contractor to proceed with the performance of this contract shall not be terminated under this General Provision 10 if the delay is due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including without being limited to, any preference, priority, or allocation order issued by the Government or any other act of the Government.

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

(a) W. D. Contract Form No. 5.

WAR DEPARTMENT—INFORMAL INVITATION, INFORMAL BID, AND ACCEPTANCE

Date \_\_\_\_\_ Contract No. (if any) W. \_\_\_\_\_  
W.D. establishment, office or station, and address: \_\_\_\_\_  
Order No. \_\_\_\_\_  
These numbers must appear on all packages and papers relating to this order.  
Invitation No. \_\_\_\_\_

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

This contract is authorized by and negotiated under the First War Powers Act, 1941 (Public 354, 77th Cong.), and Executive Order No. 9061 (Dec. 27, 1941).

For methods of presenting invoices or vouchers, see Special Provision 1.  
Payment will be made by Finance Officer, U. S. Army at \_\_\_\_\_

§ 81.1317e W. D. Contract Form No. 19.

WAR DEPARTMENT—DELIVERY ORDER

Delivery Order No. \_\_\_\_\_  
 This delivery order applies to the following basic purchase agreement: \_\_\_\_\_  
 Contract (or purchase order) No. \_\_\_\_\_

For methods of presenting invoices or vouchers, see basic purchase agreement.  
 Payment will be made by Finance Officer, U. S. Army, at \_\_\_\_\_

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

Please furnish the following on the terms specified in the basic purchase agreement identified above, including delivery, f. o. b. \_\_\_\_\_  
 Methods of packing, marking and shipping shall be as provided in the basic purchase agreement, except as otherwise directed by the Contracting Officer.  
 Inspection points: \_\_\_\_\_

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
Total					

Contractor is requested to acknowledge receipt of this Delivery Order to the issuing office.  
 UNITED STATES OF AMERICA,  
 By \_\_\_\_\_  
 Title \_\_\_\_\_  
 Contracting officer

**PART 83—DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY**  
 Section 83.726 is amended as follows:  
 § 83.726 *Required clauses.* Contracts and agreements authorized by §§ 83.721, 83.723 (a) or 83.724 will contain a "Disputes" clause (under the conditions mentioned in § 81.326, and in the form set forth in § 81.326 or in General Provision 11 of W.D. Contract Form No. 17, § 81.1317), an "Officials Not to Benefit" clause (§ 81.322) and a "Covenant Against Contingent Fees." The latter clause will read as follows:  
 The Purchaser warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or at its option, to recover from the Purchaser the amount of such commission, percentage, brokerage, or contingent fee, in addition to the consideration herein set forth. This warranty shall not apply to commissions payable by the Purchaser upon contracts or purchases secured or made through bona fide established commercial agencies maintained by the Purchaser for the purposes of doing business.

Section 83.733 is amended as follows:  
 § 83.733 *Exchange of property.* The chiefs of technical services are authorized to make any exchanges of property which are authorized by the following statutes: 39 Stat. 635, 10 U.S.C. 1271; 40 Stat. 43, 849, 10 U.S.C. 1272; 38 Stat. 1064, 10 U.S.C. 1273; 38 Stat. 1161, 41 U.S.C. 26; 50 Stat. 64, 5 U.S.C. 1184; 53 Stat. 739, 10 U.S.C. 1271 (a); 44 Stat. 680, 10 U.S.C. 1209, 1210; Act of July 2, 1940, Public 703, 76th Cong. as extended; Act of June 5, 1942, Public 580, 77th Cong.; sec. 203 of the Act approved June 26, 1943, Pub. Law

INFORMAL INVITATION

Sealed informal bids, in \_\_\_\_\_, subject to the terms specified on both sides of this page and on the continuation sheets numbered \_\_\_\_\_ to \_\_\_\_\_ inclusive, attached hereto, will be received at this office until \_\_\_\_\_ o'clock, \_\_\_\_\_ m., \_\_\_\_\_ 194\_\_\_\_, for furnishing the supplies or services listed, including delivery f. o. b. \_\_\_\_\_ Each sheet must show the name of the bidder.

(Insert § 81.356).  
 Methods of packing, marking and shipping shall be as provided herein except as otherwise directed by the Contracting Officer.  
 Inspection points: \_\_\_\_\_  
 Ship to: \_\_\_\_\_

Schedule of deliveries: \_\_\_\_\_

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
Total					

UNITED STATES OF AMERICA,  
 By \_\_\_\_\_  
 Title \_\_\_\_\_  
 Contracting Officer

INFORMAL BID

In compliance with the above informal invitation for bids, and subject to all the conditions thereof, the undersigned offers, and agrees, if this bid be accepted within \_\_\_\_\_ calendar days from the date of the opening, to furnish any or all of the items upon which the undersigned has quoted prices, at the price set opposite each item. It is understood that the Government reserves the right to reject any and all bids regardless of whether the same constitute the lowest bids.  
 Bidder \_\_\_\_\_  
 Address \_\_\_\_\_

By \_\_\_\_\_  
 Title \_\_\_\_\_  
 authorized to make this bid.

ACCEPTANCE BY GOVERNMENT  
 Date \_\_\_\_\_  
 UNITED STATES OF AMERICA,  
 By \_\_\_\_\_  
 Title \_\_\_\_\_  
 Contracting Officer

(b) *Reverse side of (a).* This is the same as reverse side of Purchase Order, W. D. Contract Form No. 18 (see § 81.1317b (b)).  
 (c) *Continuation Sheet for W. D. Contract Form No. 5.* This is the same as continuation sheet for Purchase Order, W. D. Contract Form No. 18 (see § 81.1317b (c)).  
 (d) *Termination for the Convenience of the Government.* This is the same as added clause for Purchase Order, W. D. Contract Form No. 18 (see § 81.1317b (d)).  
 (e) *Reverse side of sheet contained in paragraph (d) of this section.* This is the same as added clause for Purchase Order, W. D. Contract Form No. 18 (see § 81.1317b (e)).

90, 78th Cong. Any other exchanges will be submitted for the approval of the Director, Production Division, Headquarters, Army Service Forces.

In § 83.740 paragraph (a) is amended as follows:

§ 83.740 *Disposition of nonrepairable industrial property*—(a) *Nonrepairable industrial property other than current production scrap.* \* \* \*

(3) Property so certified will be turned over to a salvage officer (who may be designated by the chief of the technical service concerned) together with a copy of such list appropriately certified.

(4) Where property in the hands of cost-plus-a-fixed-fee contractor is disposed of pursuant to the provisions of this paragraph (a) the certification procedure prescribed in subparagraph (1) above will not be required. In such cases the credit voucher to the property account will consist of a copy of the list of property turned over to a salvage officer supported by the Contracting Officer's written advice to the Accountable Property Officer as prescribed in paragraph 1004 (a) of the War Department Industrial Property Accounting Manual, or, if there is no question as to the responsibility of the contractor for condition of the property, supported by written order of the Contracting Officer directing transfer of the property to a salvage officer. Property which cannot be certified under the foregoing provisions of this paragraph (a) will be held for report of survey or other action in accordance with applicable regulations. Upon completion of such action, the property involved will be turned over to a salvage officer who may be designated by the chief of the technical service concerned.

[SEAL]

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

[F. R. Doc. 43-16241; Filed, October 5, 1943; 9:45 a. m.]

TITLE 32—NATIONAL DEFENSE  
Chapter VI—Selective Service System

[No. 209]

VOUCHER FOR ALLOWANCES TO SELECTIVE SERVICE ASSIGNEES

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. Sup. 301 et seq.); 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:

Addition of a new form designated as DSS Form 233, entitled "Voucher for Allowances to Selective Service Assignees," effective immediately upon the filing hereof with the Division of the Federal Register.

Addition of a new form designated as DSS Form 233A, entitled "Voucher for Allowances

to Selective Service Assignees," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing additions 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.

SEPTEMBER 22, 1943

[F. R. Doc. 43-16396; Filed, October 7, 1943; 11:55 a. m.]

[No. 210]

REPORT TO BOARD OF TRANSFER  
ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); 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:

Revision of DSS Form 65, entitled "Report to Board of Transfer," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

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

LEWIS B. HERSHEY,  
Director.

OCTOBER, 1, 1943.

[F. R. Doc. 43-16397; Filed, October 7, 1943; 11:55 a. m.]

[Order No. 211]

REEMPLOYMENT REFERENCE CARD  
ORDER PRESCRIBING 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 328A, entitled "Reemployment Reference Card," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

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.

OCTOBER 5, 1943.

[F. R. Doc. 43-16398; Filed, October 7, 1943; 11:55 a. m.]

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

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control  
[Amdt. 108]

PART 801—GENERAL REGULATIONS  
Correction

In F.R. Doc. 43-15973, appearing on page 13464 of the issue for Tuesday, October 5, 1943, paragraph b, immediately under the table in the second column should read as follows:

b. Paragraphs (b) and (d) are hereby deleted and paragraph (c) is hereby designated as paragraph (b).

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

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

[Priorities Regulation 16 as Amended October 7, 1943]

PROCEDURE FOR APPEALING FROM WAR PRODUCTION BOARD ORDERS

Section 944.37, *Priorities Regulation 16*, is hereby amended to read as follows:

§ 944.37 *Priorities Regulation 16*—(a) *Purpose and scope.* This regulation states the procedure for appealing from all War Production Board orders, determinations and regulations except suspension orders. An appeal, as the word is used in this regulation, means a request for individual relief from action taken by the War Production Board, and does not include an initial application or request for an authorization, a preference rating, an allocation or any other administrative action expressly contemplated by the orders and regulations of the Board.

(b) *Where appeals are filed.* An appeal from an order appearing on List A of this regulation must be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. Appeals from other orders containing Appeals clauses must be filed where the orders direct. Appeals from regulations and orders and other actions not appearing on List A and which do not contain Appeals clauses, should be directed to "Appeals Routing Unit, War Production Board, Washington 25, D. C."

(c) *The form in which appeals are filed.* Except in a case of an appeal from an order which contains an Appeals clause specifying a particular form, an appeal may be filed either on form WPB-1477 (formerly PD-500) or by letter, in triplicate, referring to the provision appealed from and fully stating the grounds for the appeal. An appeal not in proper form may be returned to the appellant without action.

(d) *Grants.* The grant of any appeal in whole or in part will be issued in the name of the War Production Board, countersigned or attested by the Execu-

tive Secretary or Recording Secretary, in accordance with WPB Regulation No. 1 (§ 903.0). The grant will show the official or the organizational unit on whose recommendation the action was finally taken, by a phrase such as "on the recommendation of the Appeals Board" or "on the recommendation of the Administrator of Order —."

(e) *Denials.* When an appeal is denied in all respects, the letter of denial will be signed by the official or organizational unit responsible.

(f) *Reconsideration of denials.* If an appellant whose appeal has been denied in whole or in part wishes the appeal to be reconsidered he should request such reconsideration by letter directed to the official or organizational unit responsible for the denial or, in the case of an appeal granted in part and denied in part, the official or organizational unit named in the grant as having recommended it. Every denial of an appeal may be reconsidered except that:

(1) The denial of any appeal, in whole or in part, by or on the recommendation of the Appeals Board, shall be final.

(2) The denial of an appeal from an "R" order by or on the recommendation of the Office of Rubber Director, and the denial of an appeal from a "U" order by or on the recommendation of the Office of War Utilities, shall be final.

(3) The denial of an appeal from action taken on an application for an authorization, a preference rating, an allocation or other administrative action, by or on the recommendation of the division of the War Production Board having jurisdiction of the subject matter of the application, shall be final.

(4) The denial of an appeal from an order directed to an individual and not of general applicability, by or on the recommendation of the division of the War Production Board having jurisdiction over the subject matter of the appeal, shall be final.

A final denial of an appeal may be reconsidered only if the official or the organizational unit responsible for the denial elects to reopen the case.

(g) *Public files.* Whenever an appeal has been granted, a public file shall be set up, consisting of the following:

(1) All papers filed by the appellant in support of the appeal.

(2) A memorandum containing the final recommendations of each organizational unit of the War Production Board which has considered the appeal.

(3) A transcript of the record of any public hearing held with respect to the appeal (or if the stenographic notes of the hearing have not been transcribed, a memorandum referring to the notes and stating how a transcript may be obtained).

The file shall be available for the public inspection at any time during the business hours of the War Production Board. This paragraph shall not apply to appeals first filed prior to the effective date of this regulation.

Issued this 7th day of October 1943.

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

## List A

\*E-1-b  
\*E-2-b  
\*E-4  
\*E-5-a  
\*E-6  
\*E-7  
\*E-9  
\*E-10  
\*E-11  
\*L-1-e  
\*L-1-g  
\*L-1-h  
\*L-1-j  
\*L-2-g  
\*L-3-f  
\*L-5-c  
\*L-5-d  
\*L-6-c  
\*L-7-c  
\*L-11  
L-13-a  
L-18-b  
L-18-c  
\*L-20  
L-21  
L-21-a  
\*L-22  
L-22-a  
\*L-23-b  
L-23-c  
L-27  
L-27-a  
\*L-28  
\*L-28-a  
L-29  
L-30-a  
L-30-b  
L-30-c  
L-30-d  
L-33  
L-36  
\*L-38  
L-42  
\*L-45  
L-49  
\*L-51  
\*L-53  
\*L-53-a  
\*L-53-b  
L-59-b  
L-62  
L-64  
\*L-65  
\*L-67  
\*L-69  
\*L-71  
\*L-71-a  
\*L-72  
L-73  
L-74  
\*L-75  
L-77  
\*L-78  
L-79  
\*L-80  
L-81  
\*L-89  
L-92  
L-93  
L-98  
\*L-100  
L-104  
\*L-106  
\*L-107  
\*L-110  
\*L-111  
\*L-112  
\*L-120  
\*L-123

\*L-126  
\*L-128  
\*L-131  
L-135  
L-136  
\*L-140  
L-142  
L-150  
L-150-a  
L-150-b  
L-152  
L-157 Sch. 1-5  
\*L-158  
L-161  
\*L-163  
L-165  
\*L-168  
\*L-172  
L-173  
\*L-175  
\*L-176  
L-179  
\*L-180  
L-182  
L-185  
L-187  
\*L-192  
\*L-193  
\*L-196  
L-199  
\*L-201  
L-205  
\*L-209  
\*L-212  
\*L-216  
\*L-217  
L-218  
\*L-221  
L-225  
\*L-227  
\*L-228  
\*L-235  
L-236  
\*L-237  
\*L-246  
L-248  
\*L-250  
\*L-253  
\*L-254  
\*L-257  
\*L-258  
\*L-264  
\*L-270  
L-277  
\*L-280  
\*L-285  
\*L-287  
\*L-290  
\*L-292  
\*M-11  
\*M-11-a  
M-11-b  
\*M-11-1  
\*M-12  
\*M-18-b  
\*M-19  
\*M-30  
\*M-34  
\*M-38  
\*M-41  
\*M-53  
\*M-54  
\*M-56  
\*M-65  
\*M-65-a  
\*M-69  
\*M-93  
\*M-100  
\*M-105

M-122  
M-126  
\*M-128  
\*M-130  
\*M-133  
\*M-137  
\*M-154  
M-177  
\*M-179  
\*M-186  
M-208  
M-209  
\*M-211  
\*M-216  
\*M-216-a  
\*M-216-b  
\*M-225  
\*M-228  
\*M-229  
\*M-234  
\*M-241  
\*M-241-a  
M-248  
\*M-251  
\*M-279  
\*M-286  
\*M-290  
\*M-294  
\*M-311  
\*M-319

[F. R. Doc. 43-16393; Filed, October 7, 1943; 11:50 a. m.]

PART 1176—IRON AND STEEL CONSERVATION  
[Iron and Steel Conservation Order M-126, Amdt. 2]

Section 1176.1 (*General Conservation Order M-126*) is hereby amended:

(a) By amending the lines of List A which now read:

Buckets and pails—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series and L-257.

to be and read as follows:

Buckets and pails—(1) except to fill orders of chemical plants and plants handling explosives and (2) except to fill other orders when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series and L-257.

(b) By amending the lines of List A which now read:

Fence posts—except for agricultural purposes and then only if made from steel in the form of re-rolled rail stock.

to be and read as follows:

Fence posts—except for agricultural purposes and for snow fences, but in either case only if made from steel in the form of re-rolled rail stock.

(c) By amending the lines of List A which now read:

Fireplace equipment, including but not limited to: andirons, fireplace screens, fireplace accessories, clean-out doors and ash dumps but not including dampers and grates. See also the item "Dampers \* \* \*" and "Fireplace grates \* \* \*" on List A hereof.

by deleting the comma after the word "accessories" and by deleting the words "clean-out doors."

(d) By amending the lines of List A which now read:

Furniture\*—except as may be permitted under Limitation Orders L-13-a, L-62, L-135, Schedule 3 of L-214, L-226, L-249, L-254 and L-260, but subject to the prohibition on the use of stainless steel in "Mechanical drawing and drafting equipment" on this List A.

by deleting the reference to Order L-254.

(e) By amending the line of List A which now reads:

Motion picture cameras\*.

to be and read as follows:

Motion picture cameras\* except that for motion picture cameras of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order.

(f) By amending the lines of List A which now read:

\*Until November 1, 1943, notwithstanding paragraph (b), an appeal from a listed order marked with an asterisk shall be filed where the order directs. On and after that date such an appeal shall be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.



Motion picture projectors and projection equipment\*.

to be and read as follows:

Motion picture projectors and projection equipment\* except that for motion picture projectors and projection equipment of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order.

(g) By amending the lines of List A which now read:

Name, data and instruction plates for machinery and equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

to be and read as follows:

Name, data and instruction plates for machinery and equipment—except when made from iron or steel other than stainless steel or when made from any steel obtained from idle or excessive inventory listed with Steel Recovery Corporation and, in each case, in accordance with any applicable orders of the War Production Board.

(h) By amending the lines of List A which now read:

Photographic accessories—except accessories used in connection with X-ray.

to be and read as follows:

Photographic accessories—(i) except accessories used in connection with X-ray; and (ii) except that for photographic accessories of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order.

(i) By amending the lines of List A which now read:

Photographic equipment\*—(i) except printing and publishing equipment as may be permitted under Limitation Order L-226; (ii) except X-ray film developing equipment; and (iii) except document copying machines and equipment therefor (other than blue print machines) for business purposes and for use by government agencies. See also the item "Blueprint machines \* \* \*" on this List A.

to be and read as follows:

Photographic equipment\*—(i) except printing and publishing equipment as may be permitted under Limitation Order L-226; (ii) except X-ray film developing equipment; (iii) except that for photographic equipment of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order; and (iv) except document copying machines and equipment therefor (other than blue print machines) for business purposes and for use by government agencies. See also the item "Blue print machines \* \* \*" on this List A.

(j) By amending the lines of List A which now read:

Pulp, paper, paper products and converter machinery and equipment\*—(i) except graphic arts machinery or equipment as may be permitted under Limitation Order L-226, and (ii) except that, with respect to pulp, paper, paper products and converter machinery and equipment not subject to Limitation Order L-226, particular machines and pieces of equipment of the types listed below, in production on August 9, 1943, may be finished if all fabrication and assembly is completed by September 20, 1943:

- Automatic paper packaging machines.
- Paper bag machinery.
- Paper corrugating machinery.
- Paper cup machinery.
- Paper cutting machinery.

No. 200—5

Paper paraffining machinery.  
Paper pasting machinery.  
Paper slitting machinery.  
Paper tube machinery.  
Slitters and winders.  
Waxing machines.

to be and read as follows:

Pulp, paper, paper products and converter machinery and equipment\*—(1) except graphic arts machinery or equipment as may be permitted under Limitation Order L-226, and (ii) except machinery or equipment for the fabrication of containers.

(k) By deleting the following lines of List A under the heading "Special industrial machinery of the following types."

Paint processing and manufacturing machinery.\*  
Soap-making machinery.\*  
Wire-bound box making machinery.

(l) By adding clarifying language to the item which now reads:

Spools for wire—except traverse and spools used in industrial processing.

so that the full item will read as follows:

Spools for wire—except traverse and spools used in industrial processing. This item does not include spools for solder.

(m) By amending the lines of List A which now read:

Weed cutters and pullers, including dandelion, thistle and dock cutters and pullers—except when made from steel in the form of re-rolled rail stock.

to be and read as follows:

Weed cutters and pullers, including dandelion, thistle and dock cutters and pullers—except when made from steel in the form of re-rolled rail stock or from idle or excessive inventory listed with Steel Recovery Corporation.

(n) By amending the lines of List C which now read:

Aircraft fire walls—stainless steel permitted where required for nonmagnetic properties, or when required as a structural member of aircraft.

to be and read as follows:

Aircraft fire walls—stainless steel permitted where required for nonmagnetic properties, or when required as a structural load carrying member of aircraft.

(o) By amending the lines of List C which now read:

Swimming pool equipment and materials for swimming pools for training purposes.

to be and read as follows:

Swimming pool equipment for training purposes.

Issued this 7th day of October 1943.

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

[F. R. Doc. 43-16394; Filed, October 7, 1943; 11:50 a. m.]

Chapter XI—Office of Price Administration

PART 1429—POULTRY AND EGGS

[Revised MPR 269; Incl. Amdt. 16]

POULTRY

Section 1429.19 (h) (2), (i) (2) and (3) amended by Amendment 16, effective

17 F.R. 10708.

October 11, 1943 so that Revised Maximum Price Regulation 269 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, that maximum prices be established for the sale of the poultry items named in this regulation.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the amended Act and Executive Order. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries affected by this regulation. A statement of the considerations<sup>2</sup> involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register. The following regulation supersedes Maximum Price Regulation No. 269, as amended,<sup>3</sup> and Maximum Price Regulation No. 280<sup>4</sup> with respect to the commodities specified in this regulation.

The maximum prices established herein for poultry items are not below prices which will reflect to the growers and producers of such poultry items prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250. The Price Administrator has consulted with the Secretary of Agriculture and has obtained his approval for the agricultural commodities covered herein.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order 57, 8 F.R. 12551, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1<sup>5</sup> issued by the Office of Price Administration, Revised Maximum Price Regulation No. 269 is hereby issued.

Sec.

- 1429.1 Prohibition against selling poultry at prices above the maximum.
- 1429.2 Exempt sales.
- 1429.3 Less than maximum prices.

<sup>2</sup> Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

<sup>3</sup> 7 F.R. 9292, 9620.

<sup>4</sup> 8 F.R. 5165, 6357, 7186, 7599, 7670, 8065, 8180.

<sup>5</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

Sec.	
1429.4	Records and reports.
1429.5	Evasion.
1429.6	Enforcement.
1429.6a	Licensing.
1429.7	Sales for export.
1429.8	Applicability.
1429.9	Applicability of certain provisions of the General Maximum Price Regulation, as amended.
1429.10	Geographical applicability.
1429.11	Transfers of business or stock in trade.
1429.12	Petitions for amendment.
1429.13	Adjustable pricing.
1429.14	Adjustment of maximum prices for live and dressed poultry.
1429.15	Federal and state taxes.
1429.16	Discounts and allowances.
1429.17	Definitions.
1429.18	Effective date.
1429.19	Maximum base prices for poultry items.
1429.20	Application of maximum base prices.
1429.21	Permitted increases to maximum base prices.
1429.22	Maximum prices for poultry items when sold by producers or processing plants at retail.
1429.23	Relief from extreme hardship in certain cases.
1429.24	Maximum prices for poultry items requisitioned or purchased by the United States Government or any agency thereof.
1429.25	Sale of poultry items requisitioned or purchased by the United States Government or any agency thereof.
1429.26	Service charge for the processing of poultry items owned by the United States Government or any agency thereof.

AUTHORITY: §§ 1429.1 to 1429.26, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1429.1 *Prohibition against selling poultry at prices above the maximum.* On and after December 18, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver or cause to be sold or delivered whether for his own account or otherwise, the poultry items specified in this regulation, and no person in the course of trade or business shall buy or receive such poultry items at a price higher than the maximum prices permitted by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of poultry items to a purchaser, if, prior to December 18, 1942, such poultry items have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

[§ 1429.1 as amended by Amendment 12, 8 F.R. 10940, effective 8-4-43]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments Whose Defense is Vital to the Defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1429.2 *Exempt sales.* The following sales are exempt from the provisions of this Revised Maximum Price Regulation No. 269, in addition to those exempted by the application of certain provisions of the General Maximum Price Regulation, as amended,\* as incorporated in this Revised Maximum Price Regulation No. 269.

(a) All sales at retail except those specified in § 1429.22 herein. Sales at retail shall be determined in accordance with the provisions of Maximum Price Regulation No. 268, entitled "Certain Perishable Food Products at Retail".

(b) All sales and purchases of breeding poultry when sold or purchased for breeding purposes only.

(c) All sales and purchases of "baby" or "started" chicks, ducklings, goslings, and poults when sold for purposes other than present human consumption.

(d) All sales and purchases of female poultry when sold or purchased for egg production purposes.

(e) All sales and purchases of pigeons, squabs, guineas, quail, and pheasants.

[Paragraph (e) added by Amendment 6, 8 F.R. 3316, effective 3-20-43]

§ 1429.3 *Less than maximum prices.* Lower prices than those established by this Revised Maximum Price Regulation No. 269 may be charged, demanded, paid or offered.

§ 1429.4 *Records and reports.* (a) Every seller and purchaser subject to this Revised Maximum Price Regulation No. 269 making sales or deliveries or purchases of poultry items to the value of \$200.00 or more in any one month, after December 21, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect a complete and accurate record of each sale or delivery of poultry items, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities, types, grades, weight classes of poultry bought and sold, the number of head of each type, grade, and weight class of poultry bought and sold, the type of sale made (delivered or nondelivered), and the price paid or received.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(b) Every person shipping any of the poultry items specified in this regulation by freight car, truck, or other means of transport from one place to another, shall post within such freight car, truck or other means of transport, a manifest showing the place from which such poultry items were shipped, the name and address of the owner of such poultry items while in transit, the name and address of the person or persons to whom such poultry items are being shipped,

\* 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

† Superseded by Maximum Price Regulation No. 422; 8 F.R. 9395, 10569, 12443, 12611, 13294 and Maximum Price Regulation No. 423; 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294.

the name and address of the seller or sellers, the quantities, types, grades, weight classes of poultry bought and sold, the number of head of each type, grade, and weight class of poultry bought and sold, and the price paid.

[Paragraph (b) amended by Amendment 8, 8 F.R. 5408, effective 4-22-43 and Amendment 12, 8 F.R. 10940, effective 8-4-43]

(c) Every seller and purchaser subject to this regulation shall keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

[Paragraph (c) added by Amendment 8, 8 F.R. 5408, effective 4-22-43]

§ 1429.5 *Evasion.* Price limitations set forth in this Revised Maximum Price Regulation No. 269 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the commodities prices of which are herein regulated, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege or other trade understanding or otherwise.

§ 1429.6 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 269 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this Revised Maximum Price Regulation No. 269 or any price schedule, regulation, or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1429.6a *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1429.6a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1429.7 *Sales for export.* The maximum prices at which a person may export any commodity covered by this Revised Maximum Price Regulation No. 269 shall be determined in accordance with the provisions of the Revised Maximum Export Regulation\* issued by the Office of Price Administration.

\* Second Revision: 8 F.R. 4132, 7662, 8998.

§ 1429.8 *Applicability.* The provisions of this Revised Maximum Price Regulation No. 269 supersede the provisions of Maximum Price Regulation No. 269, as amended, and the provisions of Maximum Price Regulation No. 280 with respect to sales and deliveries of the poultry items for which maximum prices are established by this regulation.

§ 1429.9 *Applicability of certain provisions of the General Maximum Price Regulation, as amended.* (a) The following sections of General Maximum Price Regulation, and amendments thereto, and Revised Supplementary Regulation Number 4<sup>9</sup> thereof, shall be applicable to every person making sales and deliveries covered by this Revised Maximum Price Regulation No. 269.

- (1) § 1499.4b (Special deals.)
- (2) § 1499.14 (Sales slips and receipts.)
- (3) [Revoked.]
- (4) [Revoked.]

[Paragraphs (3) and (4) revoked by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

(5) § 1499.29 (a) (5) (Developmental contracts.)<sup>10</sup>

(6) § 1499.29 (a) (6) (Secret contracts.)<sup>11</sup>

(7) § 1499.29 (a) (7) (Emergency purchases.)<sup>12</sup>

(8) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Departments' sales stores.)

§ 1429.10 *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 269 shall be applicable only to the 48 states of the United States and to the District of Columbia.

§ 1429.11 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any seller are sold or otherwise transferred on or after the effective date of this Revised Maximum Price Regulation No. 269, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1429.12 *Petitions for amendment.* Persons seeking an amendment of this Revised Maximum Price Regulation No. 269 may file a petition therefor in accordance with the provisions of Revised

Procedural Regulation No. 1, issued by the Office of Price Administration.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

§ 1429.13 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1429.14 *Adjustment of maximum prices for live and dressed poultry.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Revised Maximum Price Regulation No. 269 for live and dressed poultry items, in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such live and dressed poultry item; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such live and dressed poultry items; and

(3) That such adjustment will not create or tend to create a shortage, or need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) Applications for adjustment under this § 1429.14 shall be filed in accordance with Revised Procedural Regulation No. 1.

(c) Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this section.

[Paragraph (c) added by Amendment 3, 8 F.R. 567, effective 1-13-43]

(d) Each Regional Administrator of the Office of Price Administration is authorized to adjust the maximum base prices for any live poultry item, as established in § 1429.19 of this regulation, for all places within any political subdivision or other defined area in this region to one uniform maximum base price applicable to all places in such political subdivision or other defined area, *Provided, That:*

(1) Such uniform maximum base price for the live poultry item does not exceed by more than  $\frac{1}{10}$ th of one cent per pound the lowest maximum base price for the live poultry item in such political subdivision or other defined area.

(2) Such uniform maximum base price for the live poultry item will not create or tend to create a shortage, or need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(3) The Price Executive of the Poultry, Eggs, and Dairy Products Branch of the Food Price Division of the Office of Price Administration is notified in writing of the proposed uniform maximum base price for the live poultry item, and has consented in writing to the establishment of such uniform maximum base price.

*Example:* The maximum base price for live broilers in County X ranges from a low of 28.44 cents per pound to a high of 28.53 cents per pound. The Regional Administrator decides to adjust all maximum base prices for live broilers in County X to one uniform maximum base price of 28.5 cents per pound, in the interest of simplicity and effective enforcement. He ascertains that such uniform price will not create a shortage or need for increase in prices in another locality. He also knows that the uniform maximum base price of 28.5 cents per pound does not exceed by more than  $\frac{1}{10}$ th of one cent the lowest maximum base price of 28.5 cents per pound. Therefore, upon receiving the written consent of the Price Executive of the Poultry, Eggs, and Dairy Products Branch of the Food Price Division of the Office of Price Administration, he may establish 28.5 cents per pound as the uniform maximum base price for live broilers at all places in County X.

(4) The Administrator of the War Food Administration is notified in writing of every proposed uniform maximum base price for any live poultry item which reduces the maximum base price for such live poultry item at any place in the political subdivision or other defined area for which the uniform maximum base price is proposed by more than one-tenth of one cent per pound, and has consented in writing to the establishment of such uniform maximum base price.

[Paragraph (d) added by Amendment 9, 8 F.R. 6736, effective 5-26-43; paragraph (4) added by Amendment 12, 8 F.R. 10940, effective 8-4-43]

(e) *Regional adjustment of maximum base prices and permitted increases.* (1) The following powers are delegated to each Regional Administrator of the Office of Price Administration with respect to the purchase, sale, or delivery of any poultry item at all places or any number of places within his Region, subject to the limitations listed immediately below in subparagraph (2) of this paragraph.

(i) Each Regional Administrator is authorized to adjust the maximum base prices for dressed, kosher-killed, kosher-dressed and plucked, drawn, and quick-frozen eviscerated poultry items as established in this section.

[NOTE: No adjustment may be made to the maximum base prices for live poultry items as established in this section, except as provided for in paragraph (d) immediately above.]

(ii) Each Regional Administrator is authorized to adjust the permitted increases established in § 1429.21 of this regulation.

(iii) Each Regional Administrator is authorized to modify or change any of

<sup>9</sup> Superseded by Revised Supplementary Regulation No. 1.

<sup>10</sup> Superseded by § 1499.26, Sec. 4.4.

<sup>11</sup> Superseded by Supplementary Order No. 42, Exception of sales to Government agencies pursuant to secret contracts or subcontracts, 8 F.R. 4968.

<sup>12</sup> Superseded by § 1499.26, Sec. 4.3 (f).

the definitions listed in § 1429.21 (b) of this regulation, where it appears that such modified or changed definitions will aid in the enforcement of this regulation and in the proper distribution of poultry items in his region.

(2) The powers delegated to each Regional Administrator of the Office of Price Administration in subparagraph (1) immediately above, are subject to the following limitations:

(i) No Regional Administrator may take any action which will increase the maximum prices at which any poultry item may be sold at retail, or to ultimate consumers, including commercial, industrial, institutional, or governmental users.

(ii) No Regional Administrator may take any action which will decrease the margin of profit for retail sales of poultry items by more than one cent per pound.

(iii) No Regional Administrator may take any action which will create or tend to create a poultry shortage or need for increase in poultry prices in another locality, and which will nullify or defeat the purposes of the Emergency Price Control Act of 1942, as amended.

(iv) No adjustment may be made to any maximum base price or to any permitted increase, and no modification or change may be made to any definition, unless such adjustment, modification, or change has first been submitted in writing to the Price Executive of the Poultry, Eggs, and Dairy Products Branch of the Food Price Division of the Office of Price Administration, and to the Division Counsel For Food of the Office of Price Administration, and has been approved in writing by such Price Executive and by such Division Counsel.

[Paragraph (e) added by Amendment 11, 8 F.R. 9299, effective 7-10-43]

§ 1429.15 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of poultry items imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this Revised Maximum Price Regulation No. 269 for any poultry item.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 269.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from

the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 269.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for any poultry item.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1429.16 *Discounts and allowances.* The maximum prices established for poultry items in this Revised Maximum Price Regulation No. 269 shall apply to all sales, whether cash or credit. However, any seller may always give discounts or allowances which result in prices lower than the maximum.

§ 1429.17 *Definitions.* (a) "Poultry items" means the live and dressed poultry items defined in § 1429.19 herein.

(b) "Customary" or "customarily" means the usual practice during the period, December 1, 1941, to December 1, 1942, of the person to whom the word "customary" or "customarily" applies. When the person was not in business during this period, "customary" or "customarily" means his usual practice for the time he was in business.

(c) Unless the context requires otherwise, the definitions of the General Maximum Price Regulation, as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used in this Revised Maximum Price Regulation No. 269.

§ 1429.18 *Effective date.* This Revised Maximum Price Regulation No. 269 (Sections 1429.1 to 1429.22, inclusive) shall become effective December 18, 1942.

[Issued December 18, 1942]

[Effective dates of amendments are shown in notes following the parts affected]

§ 1429.19 *Maximum base prices for poultry items*—(a) Every place in the United States shall have its own maximum base price for the poultry items listed in Table A of this section.

(1) The word "place" means any city, town, village, hamlet, or any unincorporated area in the United States where the purchase and sale of any poultry item occurs.

(2) Every unincorporated area in the United States which is not a city, town, village, or hamlet shall have as its maximum base price for the poultry items listed in Table A of this section the same price as is established for the city, town, village, or hamlet nearest to such unincorporated area.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(b) The United States shall be divided into an "Eastern zone" and a "Western zone" for the purpose of calculating maximum base prices for poultry items.

(1) The "Eastern zone" shall consist of the Counties of Milwaukee, Racine, and Kenosha in the State of Wisconsin, the Counties of Cook, Lake, and Du Page, in the State of Illinois, and all of the United States east of the line running south from the Canadian border along the eastern shore of Lake Michigan, the Illinois-Indiana State Line, the Illinois-Kentucky State Line, and then south along the eastern bank of the Mississippi River to the Gulf of Mexico.

(2) The "Western zone" shall consist of all of the United States west of the above line, excluding the Counties of Milwaukee, Racine, and Kenosha in the State of Wisconsin, and the Counties of Cook, Lake, and Du Page in the State of Illinois.

[Paragraph (b) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(c) *Maximum base prices for poultry items, excluding duck items.* (1) The maximum base price for any poultry item, excluding duck items, purchased, sold, or delivered at any place in the "Eastern Zone" of the United States shall be calculated by taking the maximum base price for such poultry item in Chicago as set forth in Table A of this section, and adding thereto the "freight rate" from Chicago to such particular place.

"Freight rate" means the lowest carlot railroad freight rate for dressed poultry multiplied by 1.22.

(2) The maximum base price for any poultry item, excluding duck items, purchased, sold, or delivered at any place in the "Western Zone" of the United States shall be calculated as follows:

(i) The "freight rate" from the place to each of the five basing point cities of New York, Los Angeles, San Francisco, Seattle, and Portland, Oregon, shall be subtracted from the respective maximum base prices in each of these five cities for the poultry item as set forth below in Table A of this section, and the highest price so obtained shall be the maximum base price for the poultry item at such place.

Example: To determine the maximum base price for a Grade A dressed young turkey of less than 16 pounds in Denver, Colorado, subtract the following "freight rates" from the following maximum base prices:

	New York	San Francisco and Los Angeles	Portland and Seattle
Maximum base price.....	40.00¢	39.00¢	39.00¢
"Freight rate" from Denver to.....	2.26¢	1.38¢	1.72¢
Difference.....	37.74¢	37.62¢	37.28¢

The highest price is obtained by subtracting the Denver to New York "freight rate" from the New York maximum base price for a Grade A dressed young turkey of less than 16 pounds, and 37.74¢ per pound is the maximum base price for such turkey item in Denver, Colorado.

(d) *Maximum base prices for live duck items.* (1) The maximum base price for any live duck item purchased, sold, or delivered at any place in the United States shall be 25 cents per pound.

[Paragraph (d) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(e) *Maximum base prices for "kosher-killed" and "kosher-dressed-and-plucked" duck items.* (1) The maximum base price for any "kosher-killed" duck item purchased, sold, or delivered at any place in the United States shall be 28¢ per pound.

(2) The maximum base price for any "kosher-dressed-and-plucked" duck item purchased, sold, or delivered at any place in the United States shall be 30¢ per pound.

(f) *Maximum base prices for dressed, drawn, and quick-frozen eviscerated duck items.* (1) The maximum base price for any dressed, drawn, or quick-frozen eviscerated duck item purchased, sold, or delivered at any place in the "Eastern Zone" of the United States shall be calculated by taking the maximum base price for such duck item in New York as set forth below in Table A

of this section, and adding thereto the "freight rate" from New York to such particular place.

(2) The maximum base price for any dressed, drawn, or quick-frozen eviscerated duck item purchased, sold, or delivered at any place in the "Western Zone" of the United States shall be calculated as follows:

(i) The "freight rate" from any place in the "Western Zone" of the United States to each of the six basing point cities of Chicago, New Orleans, Los Angeles, San Francisco, Seattle, and Portland, Oregon, shall be subtracted from the respective maximum base prices in each of these six cities for the duck item as set forth in Table A of this section, and the highest price so obtained shall be the maximum base price for the duck item at such place.

(g) The following exceptions are made to paragraphs (c), (d), (e) and (f) immediately above:

(1) The maximum base prices for each poultry item purchased, sold, or delivered in the cities of San Diego, California; Phoenix, Arizona; Tucson, Arizona; and Reno, Nevada, shall be the same as those listed below in Table A of this section for Los Angeles.

(2) The maximum base prices for each poultry item purchased, sold, or delivered at all places in the State of Oregon west of the eastern boundaries of the counties of Multnomah, Clackamas, Marion, Linn, Lane, Douglas, and Jackson, shall be the same as those listed below in Table A of this section for Portland.

[Paragraphs (1) and (2) as amended by Amendment 11, 8 F.R. 9299, effective 7-10-43]

(3) The maximum base prices for each poultry item purchased, sold, or delivered at all places in the State of Washington west of the eastern boundaries of the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania shall be the same as those listed below in Table A of this section for Seattle.

(4) The maximum base price for any live broiler item weighing less than 2¼ pounds, produced and purchased, sold, or delivered at any place in the States of Washington, Oregon, California, Nevada, and Arizona, for ultimate consumption at any place in such States shall be 30 cents per pound.

(5) The maximum base price for any dressed, drawn, or quick-frozen eviscerated broiler item weighing less than 2 pounds dressed, and less than 1¼ pounds drawn or quick-frozen eviscerated, produced and processed and purchased, sold or delivered at any place in the State of Washington, Oregon, California, Nevada, and Arizona, for ultimate consumption at any place in such States shall be as follows:

	Cents per pound
Dressed.....	38.0
Kosher-killed.....	38.0
Kosher-dressed and plucked.....	39.5
Drawn.....	51.5
Quick-frozen eviscerated.....	59.5

[Paragraphs (4) and (5) added by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(h) *Maximum base prices for poultry items in the basing point cities.* (1) The "Eastern zone" basing point city for all poultry items designated below, excluding duck items, is Chicago. The "Western zone" basing point cities for all poultry items designated below, excluding duck items, are New York, Los Angeles, San Francisco, Seattle, and Portland, Oregon. The "Eastern zone" basing point city for all dressed, drawn, and quick-frozen eviscerated duck items designated below is New York. The "Western zone" basing point cities for all dressed, drawn, and quick-frozen eviscerated duck items designated below are Chicago, New Orleans, Los Angeles, San Francisco, Seattle, and Portland, Oregon.

The following maximum base prices are for poultry items as designated below delivered to the buyer's customary receiving point at the basing point cities listed immediately below:

(i) *Grade "A" poultry items.*

TABLE A

Type	Food products			Eastern zone basing-point city					Western zone basing-point cities												
	Weight			Chicago					New York		Pacific Coast—Los Angeles, San Francisco, Seattle, and Portland										
	Live weight	Kosher-killed, Kosher-dressed and dressed weight	Quick-frozen eviscerated and drawn weight	Live	Dressed	Kosher-killed	Kosher-dressed and plucked	Drawn	Quick-frozen eviscerated	Live	Dressed	Kosher-killed	Kosher-dressed and plucked	Drawn	Quick-frozen eviscerated						
Broilers and fryers.....	Under 4.....	Under 3½.....	Under 2¼.....	27.5	35.0	34.0	35.5	45.5	51.5	28.5	36.0	35.0	36.5	46.5	52.5	29.0	36.5	35.5	37.0	47.0	53.0
Roasters.....	4 and over.....	3½ and over.....	2¼ and over.....	27.5	35.0	34.0	35.5	43.5	48.5	28.5	36.0	35.0	36.5	44.5	49.5	29.0	36.5	35.5	37.0	45.0	50.0
Capons:																					
Light.....	Under 6.....	Under 5½.....	Under 4½.....	27.5	35.0	34.0	35.5	43.5	48.5	28.5	36.0	35.0	36.5	44.5	49.5	29.0	36.5	35.5	37.0	45.0	50.0
Heavy.....	6 and over.....	5½ and over.....	4½ and over.....	31.0	38.0	37.0	38.5	46.0	50.0	32.0	39.0	38.0	39.5	47.0	51.0	32.5	39.5	38.5	40.0	47.5	51.5
Fowl:	All weights.....	All weights.....	All weights.....	24.0	31.0	30.0	31.5	39.0	43.0	25.0	32.0	31.0	32.5	40.0	44.0	25.5	32.5	31.5	33.0	40.5	44.5
Stags and Old Roosters.....	All weights.....	All weights.....	All weights.....	20.0	26.5	25.5	27.0	33.0	37.0	21.0	27.5	26.5	28.0	34.0	38.0	21.5	28.5	27.0	28.5	34.5	38.5
Geese.....	All weights.....	All weights.....	All weights.....	25.0	29.0	29.0	30.5	42.5	45.5	26.0	30.0	30.0	31.5	43.5	46.5	26.5	30.5	30.5	32.0	44.0	47.0
Young Turkeys:																					
Light.....	Under 18.....	Under 16.....	Under 13.....	35.0	39.0	39.0	40.5	50.0	53.0	36.0	40.0	40.0	41.5	51.0	54.0	36.5	39.0	39.0	40.5	50.0	53.0
Medium.....	18 to 22.....	16 to 20.....	13 to 16½.....	33.5	37.5	37.0	39.0	47.5	50.5	34.5	38.5	38.5	40.0	48.5	51.5	35.0	37.5	37.5	39.0	47.5	50.5
Heavy.....	22 and over.....	20 and over.....	16½ and over.....	32.5	36.5	36.5	38.0	45.5	48.5	33.5	37.5	37.5	39.0	46.5	49.5	33.5	36.5	36.5	38.0	45.5	48.5
Old Turkeys:																					
Light.....	Under 18.....	Under 16.....	Under 13.....	33.0	37.0	37.0	38.5	48.0	51.0	34.0	38.0	38.0	39.5	49.0	52.0	34.5	37.0	37.0	38.5	48.0	51.0
Medium.....	18 to 22.....	16 to 20.....	13 to 16½.....	31.5	35.5	35.5	37.0	45.5	48.5	32.5	36.5	36.5	38.0	46.5	49.5	33.0	35.5	35.5	37.0	45.5	48.5
Heavy.....	22 and over.....	20 and over.....	16½ and over.....	30.5	34.5	34.5	36.0	43.5	46.5	31.5	35.5	35.5	37.0	44.5	47.5	32.0	34.5	34.5	36.0	43.5	46.5

[Table as amended by Amendment 14, 8 F.R. 13302, effective 10-12-43]

FOOD PRODUCT: DUCKS—ALL WEIGHTS

Basing-point cities	Live	Dressed	Kosher-killed	Kosher-dressed and plucked	Drawn	Quick-frozen eviscerated
Eastern Zone—New York.....	25.0	27.0	28.0	30.0	38.5	41.5
Western Zone:						
Chicago.....	25.0	28.0	28.0	30.0	39.5	42.5
New Orleans.....	25.0	28.4	28.0	30.0	39.9	42.0
Pacific Coast: Los Angeles, San Francisco, Seattle, and Portland.....	25.0	29.0	28.0	30.0	40.5	43.5

1 These are maximum base prices at all places in the United States.

[Paragraph (i) amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(a) For a period of 69 days, to and including the 30th day of June, 1943, any person who on the 22d day of April 1943, owned and was in possession of any of the dressed or quick-frozen eviscerated poultry items listed immediately below in Temporary Table A-1, and who prior to the 7th day of May 1943, filed with his Regional or State O. P. A. Office, a complete inventory in triplicate showing the quantities, types, grade and weight classes of such dressed or quick-frozen eviscerated poultry items owned by him, may sell and deliver such dressed or quick-frozen eviscerated poultry items at the maximum base prices established in Temporary Table A-1 immediately below, and may, if qualified to do so by the provisions of § 1429.21 of this regulation, add to such maximum base prices the proper permitted increase established for such person in § 1429.21, Table B.

For a period of 69 days, to and including the 30th day of June, 1943, any purchaser who purchases any of the dressed

or quick-frozen eviscerated poultry items listed immediately below in Temporary Table A-1, at the maximum base prices established in such table, from any seller authorized by the provisions of this § 1429.19 (h) (1) (i) (a) to sell at such maximum base prices, may resell such dressed or quick-frozen eviscerated poultry items at the maximum base prices established in Temporary Table A-1, and may, if qualified to do so by the provisions of § 1429.21 of this regulation, add to such maximum base prices the proper permitted increase established for such purchaser in § 1429.21, Table B. *Provided:* That, such purchaser file with his Regional or State O. P. A. Office, at the time of purchase, a statement in triplicate showing the quantities, types, grades, and weight classes of dressed or quick-frozen eviscerated poultry items purchased by him, the price paid for each such poultry item, the date of the purchase, and the name and address of the seller.

TEMPORARY TABLE A-1

[The prices established in this table shall remain in effect for a period of 69 days, to and including the 30th day of June 1943. Thereafter these prices shall be replaced by those established in Table A of this section. These prices do not apply to any poultry items dressed, processed, or quick-frozen eviscerated after the 22d day of April 1943]

Food products—type	Weight		Eastern zone basing-point city				Western zone basing-point cities—Pacific Coast: Los Angeles, San Francisco, Seattle, and Portland	
			Chicago		New York		Dressed	Quick-frozen eviscerated
	Dressed weight	Quick-frozen eviscerated weight	Dressed	Quick-frozen eviscerated	Dressed	Quick-frozen eviscerated		
Roasters:								
Light.....	3½ to 5	2½ to 3¾	35.5	54.5	36.5	55.5	37.0	56.0
Heavy.....	5 and over	3¾ and over	37.5	56.0	38.5	57.0	39.0	57.5
Stags:								
Light.....	Under 5	Under 3¾	30.5	47.5	31.5	48.5	32.0	49.0
Heavy.....	5 and over	3¾ and over	32.0	48.5	33.0	49.5	33.5	50.0
Capons:								
Light.....	Under 7	Under 5	39.5	61.0	40.5	62.0	41.0	62.5
Heavy.....	7 and over	5 and over	40.5	61.5	41.5	62.5	42.0	63.0
Fowl:								
Medium.....		2½ to 3¾		47.5		48.5		49.0
Heavy.....		3¾ and over		47.0		48.0		48.5
Old roosters:								
Light.....		Under 3¾		36.0		37.0		37.5
Heavy.....		3¾ and over		36.5		37.5		38.0

[Paragraph (a) added by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(ii) *Grade "B" poultry items.* All Grade "B" poultry items, except Grade "B" dressed duck items, shall be 1½ cents per pound less in price than the corresponding Grade "A" poultry items listed above. All Grade "B" dressed duck items shall be the same price as Grade "A" duck items.

[Paragraph (ii) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(iii) *Grade "C" poultry items.* All Grade "C" poultry items shall be 4¢ per lb. less in price than the corresponding Grade "A" poultry items listed above.

(iv) *Monthly adjustments in base prices for dressed, drawn, and quick-*

*frozen eviscerated turkey items.* The above prices for dressed, drawn, and quick-frozen eviscerated turkey items shall be in force for the months of November, December, and January. For the remaining months of the year the following additions shall be made to each of the above prices for dressed, drawn, and quick-frozen eviscerated turkey items:

	Cents per pound
February.....	½
March.....	1
April.....	1½
May.....	2
June.....	2½
July.....	3
August.....	3½
September.....	3
October.....	1

[Paragraph (iv) as amended by Amendment 13, 8 F.R. 11691, effective 8-21-43]

(2) *Application of prices for drawn poultry.* The prices established for drawn poultry items in Table A of this section shall apply only when the following requirements are complied with:

(i) Each drawn poultry item must be in "whole carcass", or "split carcass", or "quarter carcass" form when delivered to the purchaser.

(a) "Split carcass" poultry means drawn poultry which has been cut into halves by splitting the bird down the back, so that each half contains approximately equal and as far as possible, equivalent parts of the bird.

(b) "Quarter carcass" poultry means "split carcass" poultry each half of which has been divided into two parts, so that one part includes the back, thigh, and drum-stick, while the other part includes the breast and the wing.

(ii) Each drawn poultry item must be sold and delivered to retailers or ultimate consumers located within a radius of 50 miles from the point of slaughter of such drawn poultry item.

In all other cases, purchases and sales of drawn poultry items shall be made at prices not exceeding those established for the corresponding dressed poultry items in Table A of this section.

[Paragraph (2) as amended by Amendment 16, effective 10-11-43]

(3) *Prices for hard scalded poultry.* Poultry other than ducks and geese subjected to water for dressing at a temperature higher than 135 degrees Fahrenheit shall be eligible for Grade "B" and Grade "C" classification only, and shall be sold at prices no higher than those established for Grade "B" and Grade "C" dressed poultry items in Table A of this section.

(4) *Application of prices for "kosher-killed" and "kosher-dressed-and-plucked" poultry items.* The prices established for "kosher-killed" and "kosher-dressed-and-plucked" poultry items in Table A of this section shall apply

only when such "kosher-killed" and "kosher-dressed-and-plucked" poultry items are sold to a "bona fide buyer" of "kosher-killed" and "kosher-dressed-and-plucked" poultry located within a radius of 50 miles from the point of slaughter. In all other cases purchases and sales of "kosher-killed" and "kosher-dressed-and-plucked" poultry items shall be made at a discount of 1 cent per pound below the maximum base prices established for such "kosher-killed" and "kosher-dressed-and-plucked" poultry items in Table A of this section.

[Paragraphs (3) and (4) as amended by Amendment 14, 8 F.R. 13302, effective 10-12-43]

(5) *Application of prices for all poultry items in packaged form.* The maximum base prices established for dressed, drawn, and quick-frozen eviscerated poultry in Table A of this section may be charged only when such poultry is sold in box-packed or barrel-packed form: *Provided, That:* All "wholesalers" and "hotel supply houses" may sell less than wholesale quantities of dressed, drawn, and quick-frozen eviscerated poultry in loose form to retailers, hotels, restaurants, clubs, dining cars, steamship companies, or institutional users, at the maximum base prices established for such poultry in Table A of this section, plus the permitted increases established in Table B of § 1429.21 of this regulation. In all other cases all dressed, drawn, and quick-frozen eviscerated poultry sold in loose form shall be sold at a discount of one cent per pound below the maximum base prices established for such poultry in Table A of this section.

No additional charge shall be added to the prices established for all poultry items in Table A of this section for the wrapping, packaging, or boxing of such poultry items.

[Paragraph (5) as amended by Amendment 10, 8 F.R. 9061, effective 7-6-43]

(6) *Calculation of prices.* In calculating maximum prices per pound basis in this section, and in §§ 1429.20, 1429.21 and 1429.22 herein, all calculations shall be carried to the fourth decimal place. Final calculations of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest  $\frac{1}{16}$ ¢ per pound.

(1) *Definitions of terms used in this section.* (1) "Poultry" means all broilers, fryers, roasters, fowl, stags, capons, old roosters, turkeys, ducks and geese, including live, dressed, drawn, eviscerated, and all other forms of the foregoing when sold for human consumption: *Provided, however,* That this regulation shall not apply to poultry when in the canned form, and poultry exempted in § 1429.2 above. Poultry in the canned form is covered in the General Maximum Price Regulation, as amended.

(2) "Dressed poultry" means poultry which has been killed, bled, and plucked without regard to the method of plucking or finishing. Poultry items which

have been killed, but not bled and plucked, shall be sold at prices not exceeding those established for the corresponding live poultry items in Table A of this section.

[Paragraph (2) as amended by Amendment 16, effective 10-11-43]

(3) "Drawn poultry" means dressed poultry which has been drawn in accordance with the following requirements:

(i) The head, shanks, crop, windpipe, esophagus, and entrails of each bird must be wholly removed without contamination of the body cavity. The shanks of each bird must be removed at the hock joint.

(ii) The gizzard of each bird must be cleaned by removing the contents and lining, the cleaned gizzard and heart and liver then being included with the carcass.

Dressed poultry items not drawn as herein described shall be sold at prices not exceeding those established for the corresponding dressed poultry items in Table A of this section.

[Paragraph (3) amended by Amendment 8, 8 F.R. 5408, effective 4-22-43 and Amendment 16, effective 10-11-43]

(4) "Quick-frozen eviscerated poultry" means "dressed poultry" which is eviscerated and quick-frozen in accordance with the following requirements:

(i) Each poultry item must be fresh-dressed at the time of its evisceration. No "dressed poultry" item shall be considered fresh-dressed if it has been held in storage for more than sixty days after the date of its slaughter, or if it has developed any appearance of cold storage stock, or if it shows evidence of deterioration from freezing.

(ii) Each poultry item must be eviscerated under the supervision of a federal inspector present at all stages of evisceration.

(iii) The exterior of each bird must be singed.

(iv) The head, shanks, crop, windpipe, esophagus, entrails, gall bladder, lungs, kidneys, and oil sac of each bird must be wholly removed. The shanks of each bird must be removed at the hock joint.

(v) The giblets of each bird must be removed, cleaned, wrapped in water resistant paper, and replaced.

(vi) The carcass and giblets of each bird must be subjected to a cleansing process which makes such bird ready to cook.

(vii) The carcass and giblets of each bird, whether in whole, split, or dismembered form must be weighed before being packaged or frozen, and then must be individually packaged in water resistant paper or cartons, one bird to one package, with the weight of each bird marked or printed on the exterior of each package, and with the following legend printed or attached to the exterior of each package:

UNITED STATES INSPECTED QUICK-FROZEN  
EVisCERATED POULTRY

Inspected and certified by the U. S. Department of Agriculture at Plant No. — (Food Distribution Administration Registry No.).

(viii) Each bird must be placed into a quick-freezing chamber carrying a temperature below zero degrees Fahrenheit within six hours after the evisceration of such bird, and must be kept in such quick-freezing chamber until quick-frozen solid. No bird shall be considered quick-frozen if it is not frozen solid within eighteen hours after being placed into a quick-freezing chamber.

(ix) After quick-freezing, each bird must be kept at a temperature which will preserve the bird in hard-frozen condition until it is delivered to the purchaser. Each bird must also be delivered to the purchaser in the unopened package in which it was originally packaged at the time of its evisceration.

(x) The prices established for "quick-frozen eviscerated poultry" items in Table A of this section shall apply only when such "quick-frozen eviscerated poultry" items completely meet the requirements listed in this definition. In all other cases purchases and sales of "quick-frozen eviscerated poultry" items shall be made at prices not exceeding those established for the corresponding "drawn" poultry items in Table A of this section.

[Paragraph (4) amended by Amendment 8, 8 F.R. 5408, effective 4-22-43 and Amendment 14, 8 F.R. 13302, effective 10-12-43]

(5) "Kosher-killed poultry" means poultry which:

(i) Has been killed and bled in accordance with the requirements of the Hebraic dietary laws; and

(ii) Is identified as kosher-killed by a stamp or tag on each bird.

(6) "Kosher - dressed - and - plucked poultry" means poultry which:

(i) Has been killed, bled and dry-plucked in accordance with the requirements of the Hebraic dietary laws; and

(ii) Is identified as kosher-killed by a stamp or tag on each bird.

(7) "Bona fide buyer of kosher-killed and kosher-dressed-and-plucked poultry" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher poultry as such, or a person who is a purveyor of kosher meals.

(8) "Split poultry" means drawn poultry which has been cut into halves, each half containing approximately equal and as far as possible, equivalent parts of the bird.

(9) "Cut-up poultry" means drawn poultry, the carcass of which has been dismembered or cut into portions.

(j) *Species, age, and sex specifications for items listed in Table A.* Species, age, and sex specifications promulgated by the United States Department of Agriculture in the publications listed immediately below shall be used as the species, age, and sex specifications for all poultry items listed in Table A of this section.

Tentative U. S. Standards for Classes and Grades for Dressed Turkeys.

Classification and Tentative Specifications for U. S. Standards and Grades for Dressed Chickens.

Tentative Specifications for U. S. Standards and Grades for Dressed Ducks, Geese, Guineas, and Squabs.

Tentative U. S. Standards for Grades for Live Poultry.

(k) *Application of grade specifications for items listed in Table A—(1) Dressed turkeys.* The Tentative U. S. Standards for Classes and Grades for Dressed Turkeys now in effect shall apply to all sales, purchases, or deliveries of dressed turkeys covered herein. Revisions promulgated by the U. S. Department of Agriculture shall become concurrently effective for the purposes of this regulation for stock packed after the issuance of such revisions.

(2) *Dressed poultry other than turkeys.* (i) Until June 30, 1943, commercial standards now commonly accepted by the trade for classes and grades of dressed poultry, other than turkeys, shall apply to all sales, purchases, or deliveries of dressed, drawn, and eviscerated poultry, other than turkeys, processed and packed before February 28, 1943, as follows:

(a) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as top and premium packs shall be sold, purchased, or delivered at prices not to exceed those specified for Grade "A" poultry in Table A of this section.

(b) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as second grade or choice poultry shall be sold, purchased, or delivered at prices not to exceed those specified for Grade "B" poultry in Table A of this section.

(c) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as bottom or third grade poultry, shall be sold, purchased, or delivered at prices not to exceed those specified for Grade "C" poultry in Table A of this section.

(ii) The Tentative Grade Specifications for Dressed Poultry as promulgated or revised by the United States Department of Agriculture shall apply to all sales, purchases, or deliveries of all dressed, drawn, and eviscerated poultry, other than turkeys, processed and packed after February 28, 1943.

(iii) After June 30, 1943, the Tentative Grade Specifications For Dressed Poultry as promulgated or revised by the United States Department of Agriculture shall apply to all sales, purchases, or deliveries of all dressed, drawn, and eviscerated poultry, other than turkeys, regardless of the date when such poultry was processed and packed.

[Paragraph (iii) as amended by Amendment 14, 8 F.R. 13302, effective 10-12-43]

[§ 1429.19 amended by Amendment 6, 8 F.R. 3816, effective 3-20-43]

§ 1429.20 *Application of maximum base prices.* The maximum base prices for poultry items established in § 1429.19 of this regulation apply to all persons purchasing or selling or delivering such poultry items as follows:

(a) The maximum base price for live poultry items shall be the maximum base price at the place where the seller parts with physical possession of such live poultry items. The weight of such live poultry items shall be determined at the time when the seller parts with physical possession.

EXAMPLE: A trucker purchases 100 live broilers from a producer; the trucker takes physical possession of the broilers at the producer's place of business which is in an unincorporated area, and loads the live broilers onto his truck. The maximum base price which the producer may charge and which the trucker may pay is the maximum base price established for the producer's place of business, which is the same as that established for the city, town, village, or hamlet nearest such unincorporated area.

The same trucker hauls the live broilers to the county seat for sale at the local market. Here he has his broilers auctioned off to buyers from Pittsburgh, Cleveland, and Detroit. These buyers load the broilers onto their trucks immediately after the auction. The trucker's maximum base price is the maximum base price established for the local market.

A trucker, or farmer, or shipper receives a telephone call from a New York wholesaler ordering 10,000 pounds of fryers. The live fryers are loaded onto the seller's trucks and hauled to the nearest railroad station, where the birds are then loaded onto a freight car. The maximum base price for such a sale is the maximum base price established for the city, town, village, or hamlet in which the railroad freight station is located.

(b) The maximum base price for dressed poultry items shall be the maximum base price at the seller's shipping point in the following instances:

(1) All sales by "wholesalers" as hereinafter defined in § 1429.21, in quantities of less than 10,000 pounds to any type of buyer.

(2) All sales to the United States Government or any agency thereof by any type of seller.

(3) All sales by a producer or processing plant at retail to an ultimate consumer other than a commercial, institutional, industrial, or governmental user.

(c) In all other cases, the maximum base price for dressed poultry items shall be the maximum base price at the buyer's customary receiving point. All sales of dressed poultry, other than those specified in paragraph (b) immediately above, shall be made on the basis of delivery to the buyer's customary receiving point, and the maximum base prices established for those places where the seller's shipping points are located shall not be applicable in such sales.

(1) Where any person purchases any dressed poultry item at one place for shipment or reshipment to another place, his customary receiving point shall be

the place where shipment ends and not the place where shipment begins.

(2) All f. o. b. prices for dressed poultry sales, other than those specified in paragraph (b) immediately above, shall be calculated in relationship to the maximum base prices at the buyer's customary receiving point. Where any person purchases or sells any dressed poultry item at one place for shipment to another place at a price f. o. b. the seller's shipping point, he shall calculate his maximum f. o. b. price as follows:

(i) He shall first determine the maximum base price for such poultry item at the place to which it will be shipped; and

(ii) He shall then subtract from such base price his "freight rate" from the place where shipment begins to the place where shipment ends, and the difference so obtained shall be his maximum selling f. o. b. price for such poultry item.

(3) Except as provided for in paragraph (b) of this section, where any person purchases any dressed poultry item at one place for shipment or reshipment to another place, and at the time of purchase does not know the exact location of the place to which shipment shall be made, he shall purchase on an open price basis until such time as he ascertains the location of the place to which shipment shall be made, and thereafter shall calculate his maximum purchase price as follows:

(i) He shall first determine the maximum base price for such poultry item at the place to which it will be shipped; and

(ii) He shall then subtract from such base price his "freight rate" from the place where shipment begins to the place where shipment ends, and the difference so obtained shall be his maximum purchase price for such poultry item.

Provided, That nothing in this subparagraph (3) shall prevent any purchaser from making part payment for such poultry item in an amount not to exceed 85 percent of the maximum base price for such poultry item at the seller's shipping point at any time before such purchaser ascertains the location of the place to which shipment shall be made.

(d) The following exceptions are provided to paragraph (c) of this section:

(1) [Revoked]

[Paragraph (1) revoked by Amendment 11, 8 F.R. 9299, effective 7-10-43]

(2) For a period of 69 days, to and including the 30th day of June, 1943, any person in the State of Utah may sell and deliver any poultry item produced in the State of Utah to any "wholesaler", individual retail store, or ultimate consumer including commercial, industrial, institutional, or governmental users, located at any place in the States of Idaho, Montana, and Wyoming, at the seller's maximum base price f. o. b. his shipping point without subtracting



his "freight rate" from the place where shipment begins to the place where shipment ends:

*Provided, That:*

(i) The poultry items sold must be destined exclusively for ultimate consumption at any place in the States of Idaho, Montana, and Wyoming.

(e) The maximum base prices for poultry items established in § 1429.19 of this regulation are the maximum base prices to which the specified permitted increase listed in § 1429.21 below may be added.

[§ 1429.20 amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

§ 1429.21 *Permitted increases to maximum base prices*—(a) *Permitted increases which may be added to maximum base prices*—(1) *Permitted increase for transporting live poultry.*

(i) Any person who transports live poultry items for a distance of more than 30 miles to any city, town, or village where such poultry items are destined for ultimate consumption, may sell or deliver such live poultry items to any "wholesaler", individual retail store, or any ultimate consumer, including commercial, industrial, institutional, or governmental users, located in such city, town, or village, at the maximum base price established for such city, town, or village in § 1429.19 (h) (1) Table A, of this Regulation, plus the following permitted increases in cents per pound:

Shortest distance in road miles or railroad miles from the place where transport of live poultry begins to place where such transport ends:	Maximum permitted increase in cents per pound.
Less than 30 miles.....	No increase.
30 to 50 miles.....	¾ cent.
50 to 100 miles.....	1 cent.
100 to 150 miles.....	1¼ cents.
150 to 200 miles.....	1½ cents.
200 to 250 miles.....	1¾ cents.
250 to 300 miles.....	2 cents.
300 miles and over.....	2 cents.

(ii) Only one permitted increase for transporting live poultry items may be added to the maximum base price for such live poultry items at any city, town, or village where such live poultry items are destined for ultimate consumption. Permitted increases for transporting live poultry items may not be added cumulatively.

No. 200—6

(iii) *Examples.* (a) A Delaware producer hauls a truckload of live broilers 35 miles to Wilmington, where he sells the entire load to a trucker who will haul them alive to New York. Question: May the producer add the permitted increase of ¾ cent per pound to the maximum base price for live broilers in Wilmington?

Answer: No, because Wilmington is not the city where the broilers are destined for ultimate consumption. Furthermore, the trucker does not fall within the class of buyers who may be charged with the permitted increase.

(b) A trucker hauls a truckload of live poultry 60 miles to a country dressing plant. He offers this truckload of live poultry for sale at the maximum base price at the country dressing plant plus 1 cent per pound for hauling. Question: May the trucker charge the 1 cent permitted increase?

Answer: No, because the country dressing plant is not the place where the poultry is destined for ultimate consumption. Furthermore, the country dressing plant does not fall within the class of buyers who may be charged with the permitted increase.

(c) A trucker hauls a truckload of live poultry 500 miles to New York City. He sells this truckload to a New York City "wholesaler" who resells such live poultry to New York City retailers.

Question: May the trucker add the 2 cent permitted increase to his maximum base price for the live poultry in New York City?

Answer: Yes, because he is selling the live poultry in the city where the poultry is destined for ultimate consumption, and because he is selling to a "wholesaler".

(d) A trucker hauls a truckload of live poultry 500 miles to Chicago, Illinois. He sells this truckload to a Chicago processing plant which does not qualify as a "wholesaler" under the definition of § 1429.21 (b) (5) of this regulation. This processing plant will convert the live poultry into dressed birds, some of which it will sell for ultimate consumption in Chicago, and most of which it will export out of the city. Question: May the trucker add the 2 cent permitted increase to his maximum base price for the live poultry in Chicago?

Answer: No, because he is selling to a processing plant which does not fall within the class of buyers who may be charged with the permitted increase, and

because Chicago is not the city where most of the live poultry will be ultimately consumed.

(e) A trucker hauls a truckload of live poultry 500 miles to Chicago, Illinois. He sells this truckload to a Chicago "wholesaler" who will convert the live poultry into dressed birds, most of which he will sell for ultimate consumption in Chicago, and some of which he will export out of the city. Question: May the trucker add the 2 cent permitted increase to his maximum base price for the live poultry in Chicago?

Answer: Yes, because he is selling to a "wholesaler" who is processing most of the live poultry for ultimate consumption in Chicago. When any live poultry items are purchased by a processing plant which also qualifies as a "wholesaler" it will be assumed that such live poultry items are being purchased for ultimate consumption in the city where the "wholesaler" is located.

(f) A trucker hauls a truckload of live poultry 500 miles to Chicago, Illinois. He sells this truckload to a Chicago "wholesaler" who will convert all the live poultry into dressed birds to be sold for ultimate consumption in Chicago. The Chicago "wholesaler" pays the trucker the maximum base price for the live poultry in Chicago plus the 2 cent permitted increase for hauling. Question: May the Chicago "wholesaler" add the 2 cent permitted increase paid out by him to the trucker, to the maximum base price for dressed poultry items in Chicago, when he sells such dressed poultry items?

Answer: No. The permitted increase for transporting live poultry items may never be added to the maximum base price for dressed poultry items, notwithstanding the fact that the person selling such dressed poultry items may have originally paid such permitted increase to a transporter of live poultry.

(2) *Other permitted increases to maximum base prices.* (1) Any person who makes any one of the following described sales of poultry items may add the increase indicated below for such sale to the maximum base price indicated below for such sale in order to determine his maximum selling price. No person may add more than one permitted increase to any maximum base price.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

TABLE B.—MAXIMUM PERMITTED INCREASES FOR SALES OF POULTRY ITEMS

Seller and type of sale made	Buyer	Quantity and form of sale	Item sold	Base price to which increase is added	Maximum increase in cents per pound for "wholesaler" and "hotel supply house" only		
					Non-delivered sales	Delivered within 25 miles	Delivered beyond 25 miles
(1) All "wholesalers".....	Any type of buyer.....	Less than 10,000 lbs.....	Any poultry item.....	Maximum base price at seller's shipping point. Maximum base price at seller's shipping point, plus permitted increase established for actual distance live poultry was transported to seller's place of business, in a sum not to exceed 2¢ per lb.	Cents 1½	Cents 1¾	Cents 2
(1a) All "wholesalers" who buy and sell live poultry items, and who have either transported such live poultry items to their place of business, or else have paid out a permitted increase to a live poultry transporter for transporting such live poultry items to their place of business.	All "wholesalers", individual retail stores, or commercial, industrial, or governmental users located in the same metropolitan area where the seller maintains his place of business.	Less than 10,000 lbs.....	Any live poultry item.....		1½	1¾	2
(2) [Revoked by Amendment 15.]							
(3) [Revoked by Amendment 15.]							
(4) "Hotel Supply Houses" making "Special Service Sales."	Hotels, restaurants, clubs, dining cars, steamship lines, or institutional users.	Less than 10,000 lbs.....	Any dressed poultry item.	Maximum base price at seller's shipping point.	¾	¾	¾
(5) Any type of seller.....	Retailers or commercial, industrial, institutional, or "Non-Federal Governmental" Users.	More than 14,000 lbs. in "selected classes".	Any dressed poultry item.	Maximum base price at buyer's customary receiving point.	Maximum increase in cents per pound for any type of seller for items delivered at buyer's customary receiving point		
(6) Any type of seller.....	United States Government or any agency thereof.	Any quantity.....	Any poultry item.....	Maximum base price at seller's shipping point.	½ cent.		
(7) Any type of seller.....	United States Government or any agency thereof.	More than 14,000 lbs. in "selected classes".	Any dressed poultry item.	Maximum base price at seller's shipping point.	¾ cent plus—Lowest "freight rate" from seller's shipping point to buyer's customary receiving point in cents per pound. If shipments are made in less than carlot quantities seller may add lowest actual freight rate from seller's shipping point to buyer's customary receiving point in cents per pound, instead of lowest "freight rate".		
(8) Producers or processing plants only who customarily sell in less than wholesale quantities.	Individual retail stores or commercial, industrial, institutional, or governmental users.	Less than wholesale quantities.	Any poultry item.....	Maximum base price at buyer's customary receiving point.	¾ cent plus—Lowest "freight rate" from seller's shipping point to buyer's customary receiving point in cents per pound. If shipments are made in less than carlot quantities seller may add lowest actual freight rate from seller's shipping point to buyer's customary receiving point in cents per pound, instead of lowest "freight rate".		
					1½ cents.		

[Table B amended by Amendment 8, 8 F.R. 5408, effective 4-22-43; Amendment 10, 8 F.R. 9061, effective 7-6-43, and Amendment 15, 8 F.R. 13303, effective 10-4-43]

(b) *Definitions of terms used in Table B.* (1) All definitions listed in § 1429.19 (i) above for the terms used in Table A shall apply to the same terms when used in Table B.

(2) "Producer" means any person who grows or raises live poultry on a farm or farms operated by or for him.

(3) "Processing plant" means any business establishment which is engaged primarily in the business of converting live poultry into dressed, drawn, or quick-frozen eviscerated poultry. "Processing plant" does not mean any person who is engaged primarily in the distribution of poultry at wholesale or at retail, and who in the course of such distribution incidentally converts live birds into dressed, drawn, or eviscerated birds, or dressed birds into drawn or eviscerated birds.

(4) "Wholesale quantities" means lots of 3,000 pounds or more of live or dressed turkeys, or lots of 1,000 pounds or more of other live or dressed poultry.

(5) "Wholesalers" means any person who possesses all of the following characteristics:

(i) He must customarily receive, or purchase and receive poultry items in wholesale quantities.

(ii) He must maintain at the particular place where he is located a business establishment where he receives and stocks poultry items, where he employs a personnel which physically handles and distributes such poultry items, and from which he sells or distributes such poultry items.

(iii) He must customarily sell or distribute poultry items in quantity lots which are smaller than his purchases or receipts, to: Intermediate wholesalers,

or retailers, or institutional, industrial, commercial, or governmental users.

(iv) He must customarily sell or distribute at least 75 percent of his dollar volume of poultry items, exclusive of sales to the United States Government or agency thereof, for ultimate consumption within a radius of 100 miles from his place of business: *Provided*, That: If he maintains his business establishment at any place in the States of Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon, and Washington, he must customarily sell or distribute at least 75 percent of his dollar volume of poultry items, exclusive of sales to the United States Government or agency thereof, for ultimate consumption within a radius of 200 miles from his place of business.

[Paragraph (iv) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(6) "Hotel supply house" means any person who sells or distributes 90% or more of his dollar volume of poultry items to hotels, restaurants, clubs, dining cars, steamship companies, and institutional users, and who for a period of at least twelve months prior to March 1st, 1943, sold or distributed 90% or more of his dollar volume of poultry items to hotels, restaurants, clubs, dining cars, steamship companies, and institutional users.

(7) "Special service sale" is a sale of any dressed poultry item made by a "wholesaler" or a "hotel supply house" to a hotel, restaurant, club, dining car, steamship company, or institutional user wherein the "wholesaler" or the "hotel supply house" performs the additional service of removing poultry from the wholesale packages, regrading poultry to more uniform grades and sizes than those required by wholesale grades, and selling in less than wholesale package lots.

(8) "Selected classes" means a 14,000 pound or larger assortment of dressed poultry, 95 percent of which consists of no more than three dressed "poultry classes", and all of which is packed into one truck or into one freight car.

"Poultry class" means poultry of one type, one grade, and one uniform weight. Poultry shall be deemed to be of one uniform weight when the range in weight from the lightest to the heaviest bird in the class does not exceed:

- (i) Three pounds in the case of turkeys.
- (ii) One pound in the case of capons.
- (iii) One-half pound in the case of fowl, broilers, fryers, roasters, and stags.
- (iv) Any number of pounds in the case of other types of poultry.

(9) "Shipping point" means that place in the seller's business establishment from which shipments or deliveries of poultry items are made. In the case of non-delivered sales, "shipping point" means that place in the seller's business establishment where the buyer calls for and receives his purchases of poultry items.

[§ 1429.21 amended by Amendment 6, 8 F.R. 3316, effective 3-20-43]

§ 1429.22 *Maximum prices for poultry items when sold by producers or processing plants at retail.* (a) The maximum prices for the sales and deliveries of poultry items when sold by producers or processing plants at retail, that is, to an ultimate consumer other than a commercial, institutional, industrial, or governmental user, shall be calculated as follows:

(1) The seller shall add 1½¢ per pound to the maximum base price at his shipping point for any poultry item, and shall multiply the sum so obtained by 1.20, and the product of such multiplication shall be his maximum selling price for such poultry item: *Provided*, That in cases of mail order sales the seller may add to such maximum selling price his actual express or mailing expense to the buyer's receiving point.

[§ 1429.22 as amended by Amendment 6, 8 F.R. 3316, effective 3-20-43]

§ 1429.23 *Relief from extreme hardship in certain cases.* (a) Any person who purchased for resale any dressed or

quick-frozen eviscerated turkey item during the period, November 9, 1942 to December 18, 1942, inclusive, and retains such turkey item in his possession upon the date of issuance of this amendment may, if he believes that resale of such turkey items remaining in his possession at prices within the maximum prices established by this amendment will impose unreasonable and extreme hardship upon him, apply in writing to the Regional Administrator having jurisdiction of the area in which such person's place of business is located for an adjustment of the maximum prices at which he may sell such turkey items.

(b) Such application to the Regional Administrator shall contain the following:

- (1) Applicant's name and address.
- (2) The date(s) of purchase by applicant.
- (3) The name(s) and address(es) of seller(s) to applicant.
- (4) The quantities, grades, and weight classes of the turkey items bought by applicant during such period, and the prices paid.
- (5) The time(s) of delivery of such turkey items.
- (6) The quantities, grades, weight classes, and number of head of such turkey items remaining in applicant's possession and their location on the date of the application.
- (7) The quantities, grades, weight classes, and number of head proposed to be sold by the applicant.
- (8) The name(s) and address(es) of the proposed purchaser(s).
- (9) The prices proposed to be paid and received for such turkey items.
- (10) The facts constituting unreasonable and extreme hardship.

Upon consideration of such application, the Regional Administrator may grant in writing an adjustment of the maximum prices of such turkey items for the particular sale(s): *Provided*, That such maximum prices shall not exceed the maximum prices permitted under applicable maximum price regulations at the time the applicant received possession of the turkey items, to which may be added the monthly adjustments provided in § 1429.19 (h) (1) (iv).

[§ 1429.23 added by Amendment 8, 8 F.R. 5408, effective 4-22-43]

§ 1429.24 *Maximum prices for poultry items requisitioned or purchased by the United States Government or any agency thereof.* (a) If the United States Government or any agency thereof requisitions or purchases any of the poultry items specified in Table A of § 1429.19 of this regulation from a truck, freight car, or any other carrier, irrespective of the fact that such truck, freight car or carrier is in transit or at stoppage it shall pay no more than the maximum base price established for such poultry item at the place where the requisitioning or transfer of physical possession of such poultry item occurs, plus a sum not in excess of one cent per pound.

(b) The weight of any poultry item requisitioned or purchased by the United States Government or any agency thereof from a truck, freight car, or any

other carrier, shall be determined at the time and place where the requisitioning or transfer of physical possession of such poultry item occurs: *Provided*, That, if the United States Government or any agency thereof believes it is impracticable for it to determine the weight of such poultry item at the time and place where the requisitioning or transfer of physical possession occurs, then such poultry item shall be transported immediately to the nearest available weighing station, and its weight shall there be determined as soon as possible.

§ 1429.25 *Sale of poultry items requisitioned or purchased by the United States Government or any agency thereof.* (a) Whenever the United States Government or any agency thereof finds it necessary to sell any poultry item which it requisitioned or purchased pursuant to the provisions of this regulation, it may sell such poultry item, and any person may purchase such poultry item at a price not in excess of the price which the United States Government or any agency thereof paid for such poultry item pursuant to the provisions of this regulation.

§ 1429.26 *Service charge for the processing of poultry items owned by the United States Government or any agency thereof.* (a) Any person who converts any of the live poultry items specified in Table A of § 1429.19 of this regulation into a dressed poultry item, may charge as compensation for his services a sum not in excess of the differential between the maximum base price established in Table A of § 1429.19 of this regulation for such live poultry item and the maximum base price established in such Table A for the corresponding dressed poultry item into which the live poultry item is converted: *Provided*, That, such poultry is and remains the property of the United States Government or any agency thereof.

[§§ 1429.24, 1429.25 and 1429.26 added by Amendment 12, 8 F.R. 10940, effective 8-4-43]

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

Approved by War Food Administrator as to agricultural commodities only.

[F. R. Doc. 43-16371; Filed, October 6, 1943; 4:42 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL  
COMMODITIES

[MPR 471, Amdt. 1]

LEGUME AND GRASS SEEDS

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

Maximum Price Regulation 471 is amended in the following respects:

1. Section 2.1 (a) (2) is amended to read as follows:

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

<sup>1</sup> 8 F.R. 13050.

(2) "Central alfalfa seed" is alfalfa seed produced in the following places: in the counties of the State of California north of the 40th parallel including the counties of Tehama and Plumas; in the States of Nevada, Utah, Colorado, Kansas, Oklahoma (and known as "Oklahoma approved origin alfalfa seed"), Iowa, Missouri, Illinois and Indiana; in the counties of Ohio which lie entirely south of or are divided by the east-west line drawn half way between the northern and southern extremities of said state; and in the States of Kentucky, West Virginia, Virginia and Maryland.

2. Section 2.6 (c) is amended to read as follows:

(c) The prices set forth in paragraphs (a) and (b) may be increased at the rate of \$7.00 per 100 pounds of seed for the sale of Grimm, Cossack, Ladak, Hardigan and Baltic State Certified improved varieties of processed northern alfalfa seed.

3. Section 2.7 (c) is amended to read as follows:

(c) The prices set forth in paragraphs (a) and (b) may be increased at the rate of \$7.00 per 100 pounds of seed for the sale of Grimm, Cossack, Ladak, Hardigan and Baltic State Certified Improved varieties of processed central alfalfa seed.

4. Section 2.8 (c) is amended to read as follows:

(c) The prices set forth in paragraphs (a) and (b) may be increased at the rate of \$7.00 per 100 pounds of seed for the sale of Grimm, Cossack, Ladak, Hardigan and Baltic State Certified improved varieties of processed southern alfalfa seed.

This amendment shall become effective October 6, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

Approved:

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-16372; Filed, October 6, 1943;  
4:42 p. m.]

## War Department

### ISSUANCE OF NECESSITY CERTIFICATES

Amendment to regulations prescribed by the Secretary of War and the Secretary of the Navy, with the approval of the President, governing the issuance of Necessity Certificates under section 124 (f) of the Internal Revenue Code.

The Regulations governing the issuance of Necessity Certificates under Section 124 (f) of the Internal Revenue Code, prescribed by the Secretary of War and the Secretary of the Navy, and approved by the President May 22, 1942, as amended, (7 F.R. 4233) are amended as follows:

Add to paragraph 3 a subparagraph, as follows:

(d) The construction, reconstruction, erection, installation, or acquisition of a facility shall not be deemed necessary unless (1) the beginning of the construction, reconstruction, erection, installation, or the date of acquisition of such facility, was prior to October 5, 1943; or (2) an application for a Necessity Certificate describing such facility was filed before October 5, 1943; or (3) the Secretary of War or the Secretary of the Navy, in exceptional cases, has determined prior to the beginning of such construction, reconstruction, erection, installation, or the date of such acquisition, that there is a shortage of facilities for a supply required for military or naval uses and that it is to the advantage of the Government that additional facilities for such supply be privately financed.

HENRY L. STIMSON,  
Secretary of War.

JAMES V. FORRESTAL,  
Acting Secretary of the Navy.

Approved:

FRANKLIN D. ROOSEVELT,  
President.

OCTOBER 5, 1943.

[F. R. Doc. 43-16400; Filed, October 7, 1943;  
11:27 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—General Land Office

Subchapter Z—Withdrawals, Restorations, Classifications, and Executive Orders

[Public Land Order 174]

#### PART 298—PUBLIC LAND ORDERS

EXCLUDING CERTAIN TRACTS OF LAND FROM CHUGACH AND TONGASS NATIONAL FORESTS, ALASKA, AND RESTORING THEM TO ENTRY

By virtue of the authority vested in the President and contained in the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

§ 298.174 *Public Land Order 174.* The following-described tracts of public land in Alaska, occupied as home or business sites, and identified by surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests as hereinafter indicated, and restored to entry under the applicable public-land laws:

#### CHUGACH NATIONAL FOREST

U. S. Survey No. 2528, lot 5, 4.79 acres; latitude 60°29'30" N., longitude 149°22'30" W. (Homesite No. 52, Trall Lake Group);

#### TONGASS NATIONAL FOREST

U. S. Survey No. 2321, lot "U", 4.75 acres; latitude 56°27'10" N., longitude 132°23'00" W. (Homesite No. 579, Wrangell Group);  
U. S. Survey No. 2321, lot 5, 0.89 of an acre; latitude 56°27'10" N., longitude 132°23'00" W. (Homesite No. 777, Wrangell Group);  
U. S. Survey No. 2391, lot "R", 4.23 acres; latitude 58°23'30" N., longitude 134°38'00" W. (Homesite No. 529, Triangle Group);

U. S. Survey No. 2391, lot "U", 3.43 acres; latitude 58°23'30" N., longitude 134°38'00" W. (Homesite No. 702, Triangle Group);  
U. S. Survey No. 2403, lot 89, 2.34 acres; latitude 55°19'20" N., longitude 131°30'00" W. (Homesite No. 436, Herring Bay Group);  
U. S. Survey No. 2451, tract 4, 4.24 acres; latitude 57°47'04" N., longitude 135°14'00" W. (Homesite No. 617, Tenakee Group);  
U. S. Survey No. 2475, lot "M", 4.99 acres; latitude 58°21'35" N., longitude 134°33'00" W. (Homesite No. 557, Mile 7 Group);  
U. S. Survey No. 2555, lot "P", 4.91 acres; latitude 55°28'18" N., longitude 131°47'30" W. (Homesite No. 449, Clover Pass Group);  
U. S. Survey No. 2606, lot "R", 1.32 acres; latitude 55°25'05" N., longitude 131°46'00" W. (Homesite No. 694, Totem Bight Group);  
U. S. Survey No. 2615, lot 1 E, 0.73 of an acre; in lot 5, sec. 22, T. 68 S., R. 75 E., C. R. M. (Homesite No. 584, Fishermans Harbor Group);  
On the East Shore of Klawock Inlet, 4.74 acres; latitude 55°35'00" N., longitude 133°05'00" W. (Homesite No. 748);  
On the West Shore of Steamboat Bay, Noyes Island, 35.14 acres; latitude 55°32'00" N., longitude 133°38'00" W. (Cannery site of the New England Fish Company).

ABE FORTAS,

Acting Secretary of the Interior.

SEPTEMBER 29, 1943.

[F. R. Doc. 43-16348; Filed, October 6, 1943;  
2:33 p. m.]

[Public Land Order 178]

#### PART 298—PUBLIC LAND ORDERS

WITHDRAWING PUBLIC LANDS IN IDAHO FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

§ 298.178 *Public Land Order 178.* Subject to valid existing rights, the public lands within the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as a moving target range:

#### BOISE MERIDIAN

T. 6 S., R. 34 E.,  
Sec. 18, lots 3, 4, E½SW¼, and S½SE¼;  
Sec. 19;  
Sec. 20, S½NE¼, W½, and SE¼;  
Sec. 21, SW¼ and S½SE¼;  
Sec. 28, N½, SW¼, and W½SE¼;  
Secs. 29, 30, and 31;  
Sec. 32, N½, SW¼, and NW¼SE¼;  
Sec. 33, N½NW¼ and SW¼NW¼.

The areas described, including both public and non-public lands, aggregate 4,862.53 acres.

This order is subject to the transmission line withdrawals of October 11, 1922, and January 13, 1943, under Federal Power Commission Projects Nos. 352 and 1902, respectively, so far as such withdrawals affect any of the above-described lands.

This order shall take precedence over but not modify the order of November 3, 1936, of the Secretary of the Interior, establishing Idaho Grazing District No. 2, so far as such order affects any of the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,

*Acting Secretary of the Interior.*

OCTOBER 1, 1943.

[F. R. Doc. 43-16349; Filed, October 6, 1943; 2:33 p. m.]

[Public Land Order 179]

PART 298—PUBLIC LAND ORDERS

WITHDRAWING PUBLIC LANDS IN IDAHO FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

§ 298.179 *Public Land Order 179.* Subject to valid existing rights, the public lands within the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as an air to ground gunnery range:

BOISE MERIDIAN

T. 1 S., R. 1 E., secs. 33 to 36, inclusive.  
T. 2 S., R. 1 E., secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, and secs. 21 to 27, inclusive.

The areas described, including both public and non-public lands, aggregate 14,795.20 acres.

This order shall take precedence over but not modify the order of April 8, 1935, of the Secretary of the Interior, establishing Idaho Grazing District No. 1, so far as such order affects the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,

*Acting Secretary of the Interior.*

OCTOBER 1, 1943.

[F. R. Doc. 43-16350; Filed, October 6, 1943; 2:33 p. m.]

[Public Land Order 180]

PART 298—PUBLIC LAND ORDERS

WITHDRAWING PUBLIC LANDS IN IDAHO FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

§ 298.180 *Public Land Order 180.* Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as a bombing range:

BOISE MERIDIAN

T. 2 N., R. 28 E.,  
Sec. 1;  
Sec. 12, E½, NW¼, N½SW¼, and SE¼SW¼.  
T. 2 N., R. 29 E.,  
Secs. 5 to 8, inclusive.  
T. 3 N., R. 29 E.,  
Secs. 31 and 32.

The area described aggregate 5,322.65 acres.

This order shall take precedence over but not modify the order of November 3, 1936, of the Secretary of the Interior, establishing Idaho Grazing District No. 3, so far as such order affects the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,

*Acting Secretary of the Interior.*

OCTOBER 1, 1943.

[F. R. Doc. 43-16351; Filed, October 6, 1943; 2:33 p. m.]

[Public Land Order 181]

PART 298—PUBLIC LAND ORDERS

WITHDRAWING PUBLIC LAND IN CALIFORNIA FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

§ 298.181 *Public Land Order 181.* Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department for the construction of a railroad spur:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 21 E., sec. 18, S½SE¼SE¼.

The area described contains 20 acres.

This order shall take precedence over but not modify the order of June 4, 1930, of the Secretary of the Interior, withdrawing certain lands for reclamation purposes, so far as such order affects the above-described land.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the land hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The land, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,

*Acting Secretary of the Interior.*

OCTOBER 1, 1943.

[F. R. Doc. 43-16352; Filed, October 6, 1943; 2:33 p. m.]

[Public Land Order 182]

PART 298—PUBLIC LAND ORDERS

WITHDRAWING PUBLIC LAND IN KANSAS FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

§ 298.182 *Public Land Order 182.* Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as an aerial gunnery range:

SIXTH PRINCIPAL MERIDIAN

T. 14 S., R. 32 W., sec. 14, SW¼NW¼.

The area described contains 40 acres.

This order shall take precedence over but not modify the withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described land.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the land hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The land, however, shall re-

main withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,

Acting Secretary of the Interior.

OCTOBER 1, 1943.

[F. R. Doc. 43-16353; Filed, October 6, 1943; 2:34 p. m.]

[Public Land Order 183]

PART 298—PUBLIC LAND ORDERS

WITHDRAWING PUBLIC LANDS IN WYOMING FOR USE OF WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

§ 298.183 *Public Land Order 183.* Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as a bombing range:

SIXTH PRINCIPAL MERIDIAN

T. 36 N., R. 74 W.,  
Sec. 1;  
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 680.88 acres.

This order shall take precedence over but not modify (1) the withdrawal for stock driveway purposes made by the order of October 20, 1917, of the Secretary of the Interior, and (2) the withdrawal for classification and other purposes made by the Executive Order No. 6910 of November 26, 1934, as amended, so far as such orders affect any of the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,

Acting Secretary of the Interior.

OCTOBER 1, 1943.

[F. R. Doc. 43-16354; Filed, October 6, 1943; 2:34 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

CARGO VESSELS EQUIPPED WITH CERTIFICATES ISSUED BY THE BRITISH MINISTRY OF WAR TRANSPORT

WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS

The Acting Secretary of the Navy having by order dated 1 October 1942 (7 F.R.

7979) waived compliance with the Navigation and Vessel Inspection Laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war,

Upon the written recommendation of the Administrator of the War Shipping Administration, I hereby find it to be necessary in the conduct of the war that there be waived compliance with subsection (4) of section 4472 of title 52 of the Revised Statutes, as amended (46 U.S.C. 170 (4)), notwithstanding the provisions of subsection (2) of said section (46 U.S.C. 170 (2)), in the case of any vessel within the purview of the order of the Secretary of the Navy of 15 April 1942 (7 F.R. 2869), on condition that there be compliance with said section as though the vessel were a vessel other than a passenger-carrying vessel.

Nothing herein shall be construed to limit in any way the order of the Secretary of the Navy of 15 April 1942 (7 F.R. 2869).

Dated: 6 October 1943.

R. R. WAESCHE,  
Commandant.

[F. R. Doc. 43-16374; Filed, October 7, 1943; 9:07 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order 80, Amdt. 14]

PART 95—CAR SERVICE

DECATUR AND NASHVILLE MARKET AREAS, ILL.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of October, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 80, as amended (codified as § 95.19 of Title 49 CFR):

*It is ordered,* That the town of Pana, Illinois, shall be included in the Decatur, Illinois, market area.

*It is further ordered,* That J. W. Huegeley, of the Huegeley Elevator Company, is hereby designated and appointed as agent of the Commission to issue permits for the movement of grain (including rice) under the terms of this order in the market area of Nashville, Illinois. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered,* That this amendment shall become effective October 7, 1943; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement; and that notice of this amendment be given the general public by depositing a copy

thereof in the office of the Secretary of the Commission at Washington, D. C. By the Commission, Division 3.

[SEAL]

W. F. BARTEL,  
Secretary.

[F. R. Doc. 43-16390; Filed, October 7, 1943; 11:36 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Emergency Order M-4]

PART 166—IDENTIFICATION OF VEHICLES

METHOD OF IDENTIFICATION IN LIEU OF PLATES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of September, A. D. 1943.

Sections 224 and 204 (f) of Part II of the Interstate Commerce Act and the regulations promulgated under said section 224 respecting the identification of vehicles, being under consideration, and

It appearing, that the supply of identification plates on hand in this Commission is approaching exhaustion; that said plates are made of materials essential to the national defense, and that it would not be consonant with the national policy at this time to replenish the supply of such plates; and

It further appearing, that the present national emergency and the need for maximum utilization of motor vehicle equipment have made it necessary for the Commission to authorize a more flexible method whereby motor carriers may operate their own vehicles or vehicles acquired from others without the display of identification plates in the manner prescribed in the Rules and Regulations Governing the Display of Identification Plates promulgated by the Commission, Division 5, effective October 1, 1937; and

It further appearing, that it is in the public interest that said regulations be modified and enlarged to the extent herein specified for the duration of the present war, or until the further order of the Commission in the premises, *It is ordered:*

§ 166.11 *Temporary method of identification in lieu of identification plates.*

(a) Motor carriers required by the Rules and Regulations Governing the Display of Identification Plates promulgated by the Commission, Division 5, effective October 1, 1937, to display on motor vehicles used in operations subject to the Interstate Commerce Act, Interstate Commerce Commission identification plates, may, in lieu of displaying such plates on vehicles for which such carriers do not have such plates in their possession, display on both sides of each single vehicle, or on both sides of the power unit of each combination of vehicles, used in such operations, the name, or trade name, of each motor carrier and the Interstate Commerce Commission certificate, permit, or docket number assigned to the interstate operating authority under which the vehicle or vehicles are being operated. Such certificate, permit, or docket number shall be in the following form: "I. C. C. -----",

and need not include any sub numbers which may have been assigned. If the name of any person other than the operating carrier appears on any such single vehicle, or on the power unit of any such combination of vehicles, the name of the operating carrier shall be preceded by the words, "Operated by".

(b) The display of name and number herein authorized shall be in letters and figures, of such size, shape, and color as to be readily legible, during daylight hours, from a distance of 25 feet while the vehicle is not in motion, and such display shall be kept and maintained in such manner as to remain so legible.

(c) This order shall become effective November 1, 1943, and shall remain in full force and effect until December 31, 1944 or such other time as the Commission may by order hereafter designate.

(49 Stat. 566, Sec. 18, 52 Stat. 1240, 56 Stat. 176; 49 U.S.C. 304 (f), 324)

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director, Division of Federal Register.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-16391; Filed, October 7, 1943;  
11:36 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service

#### PART 23—SOUTHWESTERN REGION NATIONAL WILDLIFE REFUGES

##### WICHITA MOUNTAINS WILDLIFE REFUGE, OKLAHOMA

Pursuant to authority contained in the Regulations for the Administration of the Wichita Mountains Wildlife Refuge, Oklahoma, dated September 20, 1943,<sup>1</sup> and in extension of § 12.3 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,<sup>2</sup> the following is hereby ordered:

The preamble to the regulations in § 23.967a *Wichita Mountains Wildlife Refuge, Oklahoma, fishing*, approved by the Acting Director, Fish and Wildlife Service, on September 3, 1943,<sup>3</sup> and the first paragraph of said regulations are hereby amended to read as follows:

Pursuant to authority contained in the Regulations for the Administration of the Wichita Mountains Wildlife Refuge, Oklahoma, dated September 20, 1943,<sup>1</sup> and in extension of § 12.3 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,<sup>2</sup> the following is hereby ordered:

<sup>1</sup> 8 F.R. 13262.

<sup>2</sup> 5 F.R. 5294.

<sup>3</sup> 8 F.R. 12520.

§ 23.967a *Wichita Mountains Wildlife Refuge, Oklahoma; fishing*. Until further notice noncommercial fishing is permitted in the waters specified herein of the Wichita Mountains Wildlife Refuge, Oklahoma, during the open season each year as fixed by State law or regulation for lakes or waters in that section of the State wherein the refuge is situated, in accordance with the provisions of the Regulations for the Administration of the Wichita Mountains Wildlife Refuge, Oklahoma, dated September 20, 1943,<sup>1</sup> and in extension of § 12.3 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,<sup>2</sup> and subject to the following conditions, restrictions, and requirements:

Pursuant to authority contained in the Regulations for the Administration of the Wichita Mountains Wildlife Refuge, Oklahoma, dated September 20, 1943,<sup>1</sup> and in extension of § 12.2 (d) of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,<sup>2</sup> the following is hereby ordered:

§ 23.967b *Wichita Mountains Wildlife Refuge, Oklahoma; recreational areas*. Entry on and temporary use for recreational or other appropriate purposes of any camp site or other area specifically designated for the use of the public are hereby permitted so long as such use and occupancy are in accordance with these regulations and do not interfere with the purpose for which the refuge was established.

(a) *Recreational areas*. The following areas are hereby designated as recreational areas for the use of the public, in which camping, hiking, bathing, and fishing are permitted in accordance with these regulations:

All that part of the refuge, including reservoirs and lakes, lying south of and including the Scenic Highway, which runs in a general northwesterly and southeasterly direction through the southern half of the refuge and enters and leaves the refuge in section 9, T. 3 N., R. 15 W., on the northwest and in section 24, T. 3 N., R. 14 W., on the southeast; Lake Jed Johnson, part of Lake Rush, and the Easter pageant areas, situated in parts of sections 17, 18, 7, and 8, T. 3 N., R. 13 W.; the Mount Scott scenic drive, the Mount Scott campground, and Lake Thomas areas in parts of sections 11, 12, 13, and 14, T. 3 N., R. 13 W., as designated and marked by the superintendent of the refuge; and all main-traveled roads leading thereto: *Provided*, That bathing will not be permitted in French Lake or in the so-called fish-cultural lakes extending from the Scenic Highway near headquarters to the upper end of Lost Lake on Lower West Cache Creek: *Provided further*, That the superintendent will designate and mark the limits of all campgrounds within the recreational areas to which camping shall be confined, and no camps shall be established or fires built at places other than such designated sites.

(1) *Camping*. (i) No camping will be permitted outside specially designated camp areas, and overnight camping is specifically forbidden for more than 7 consecutive days without special permit of the superintendent.

(ii) Campers shall at all times maintain the camp site occupied by them in a clean and sanitary condition, and must burn combustible rubbish on campfires and place all other garbage and refuse in receptacles provided for that purpose; and dumping or placing garbage or other refuse or debris by any person on any camp site or other part of the refuge or the abandonment of personal property thereon is not permitted.

(iii) Campers shall not wash clothing or cooking utensils in any waters of the refuge, or pollute these waters in any other manner, and shall dispose of all waste water in such way as not to contaminate refuge waters.

(iv) Campers shall completely extinguish campfires when no longer needed and shall smother with earth or extinguish with water all embers so that there shall be no danger of reignition; special care must be observed to prevent lighted matches, cigars, cigarettes, or pipe ashes from being dropped in grass or other inflammable material.

(2) *Bathing*. (i) Bathing will be permitted only in the reservoirs or lakes of the recreational areas to the extent herein specified.

(ii) Where bathhouses are furnished for the use of the public, the users thereof will assume full responsibility for lost or stolen articles.

(iii) Bathing will be permitted in designated waters each day from May 1 to September 15, inclusive, of each year: *Provided*, That the superintendent may suspend bathing privileges for such period as he deems necessary in any reservoir or lake when, in his opinion, public health and safety require it or when an emergency exists, or when such bathing is not compatible with the administration of the refuge.

Dated: October 4, 1943.

ALBERT M. DAY,  
Acting Director.

[F. R. Doc. 43-16378; Filed, October 7, 1943;  
10:12 a. m.]

## Notices

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

##### LEARNER EMPLOYMENT CERTIFICATES

##### ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, part 522 of the regu-

lations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

#### APPAREL INDUSTRY

The Matusaw Manufacturing Company, 40 North Sixth Street, Philadelphia, Pennsylvania; Boys' clothing; 5 learners (T); effective October 4, 1943, expiring October 3, 1944.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES, AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Bayard Sportswear Company, 40 Harrison Avenue, Boston, Massachusetts; Trousers, sport coats, naval officer's uniforms; 3 learners (T); effective October 13, 1943, expiring October 12, 1944.

Co-Ed Garment Company, Main Street, Festus, Missouri; Women's sportswear and outer washable clothing; 35 learners (A. T.); effective October 4, 1943, expiring April 3, 1944.

Burnley Shirt Corporation, 22nd Avenue, Meridian, Mississippi; Army shirts, flannel

O. D., civilian shirts; 10 percent (T); effective October 4, 1943, expiring October 3, 1944.

Fulton Manufacturing Company, 102½ Mitchell Street, S. W., Atlanta, Georgia; Children's and misses' ready to wear; 10 learners (T); effective October 5, 1943, expiring October 4, 1944.

Great Six Company, 430 First Avenue North, Minneapolis, Minnesota; Men's and women's outdoor work & sportswear made of wool, cotton and rayon; 5 learners (T); effective October 4, 1943, expiring October 3, 1944.

Joy Undergarment Company, 64 Main Street, Englishtown, New Jersey; Ladies' rayon and cotton lingerie; 5 percent (T); effective October 5, 1943, expiring October 4, 1944.

Charles Rabin Company, Incorporated, Oak Street, Frackville, Pennsylvania; Men's bathrobes, part wool flannel, rayon, Beacon, gabardine; 10 percent (T); effective October 4, 1943, expiring October 3, 1944.

Rice-Stix Factory, Waterloo, Illinois; Ladies' work clothing, women's and children's slacks and slacks suits; 75 learners (E); effective October 4, 1943, expiring April 3, 1944.

J. H. Stern Garment Company, Hummelstown Street, Elizabethtown, Pennsylvania; Children's dresses, ladies' aprons; 10 percent (T); effective October 20, 1943, expiring October 19, 1944.

#### HOSIERY INDUSTRY

Baker-Mebane Hosiery Mill, Incorporated, Plant 2, Depot Street, Boone, North Carolina; Seamless hosiery; 95 learners (E); effective October 6, 1943, expiring April 5, 1944.

Black Hosiery Mills Company, Midland, North Carolina; Seamless hosiery; 4 learners (T); effective October 5, 1943, expiring October 4, 1944.

Browning Hosiery Mills, Incorporated, Bridgeport, Alabama; Children's and misses' anklets, ladies' seamless hose; 5 percent (T); effective October 4, 1943, expiring October 3, 1944.

Danville Knitting Mills, Danville, Virginia; Seamless hosiery; 10 percent (A. T.); effective October 9, 1943, expiring April 8, 1944.

Ellis Hosiery Mills, Hickory, North Carolina; Seamless hosiery; 33 learners (A. T.); effective October 6, 1943, expiring April 5, 1944.

Ragan Knitting Company, 7 Cox Avenue, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); effective October 5, 1943, expiring October 4, 1944.

#### KNITTED WEAR INDUSTRY

Perkiomen Knitting Mills, 239 Jefferson Street, East Greenville, Pennsylvania; Men's and boys' knitted outerwear, women's knit underwear, women's knit slips; 5 learners (T); effective October 6, 1943, expiring October 5, 1944.

#### TEXTILE INDUSTRY

Fife Fabrics, Incorporated, 626 North Locust Street, Mokenca, Illinois; drapery and novelty fabrics; 2 learners (T); effective October 5, 1943, expiring October 4, 1944.

J. W. Sanders Cotton Mill, Incorporated, Starkville, Mississippi; Cotton chambray; 15 learners (A. T.); effective October 5, 1943, expiring April 4, 1944.

Todd-Smith Banding Company, P. O. Box 116, Gastonia, North Carolina; Cotton bands; 3 learners (T); effective October 5, 1943, expiring October 4, 1944.

Signed at New York, N. Y., this 5th day of October 1943.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-16373; Filed, October 7, 1943; 9:18 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. IT-5857]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF APPLICATION

OCTOBER 5, 1943.

Notice is hereby given that on October 4, 1943, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Union Electric Company of Missouri, a corporation organized under the laws of the State of Missouri and doing business in said State, with its principal office at St. Louis, Missouri, seeking an order authorizing the acquisition, by merger, of all the electric facilities, subject to the jurisdiction of the Commission, owned and/or operated by Laclede Power & Light Company, a corporation organized under the laws of the State of Missouri, and doing business in the States of Illinois and Missouri, with its principal business office at St. Louis, Missouri. The application states that the acquisition of the properties of Laclede Power & Light Company is an essential part of a plan of reorganization providing for the sale by Laclede Power & Light Company, The Laclede Gas Light Company and the Phoenix Light, Heat and Power Company of all of their electrical properties to Union Electric Company of Missouri, for a consideration stated to be \$8,600,000.00 subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22nd day of October 1943, file with the Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 43-16356; Filed, October 6, 1943; 3:50 p. m.]

[Docket No. IT-5854]

EASTERN SHORE PUBLIC SERVICE COMPANY  
OF MARYLAND

ORDER AMENDING NOTICE OF APPLICATION

OCTOBER 6, 1943.

It appearing to the Commission that: (a) On October 2, 1943, pursuant to due authorization of the Commission, there was published in the FEDERAL REGISTER, (Volume 8, page 13401-02) notice of application in the above-entitled matter of the Eastern Shore Public Service Company of Maryland, a Maryland corporation, for an order authorizing the acquisition, by merger, of all the assets of the Maryland Light and Power Company, a Maryland corporation, which notice recited in the second paragraph thereof that any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of October, 1943, file with the Federal Power Commission a petition or protest in accordance with



the Commission's Rules of Practice and Regulations;

(b) Such proposed merger is part of a plan for the merger and consolidation of Delaware Power & Light Company and Eastern Shore Public Service Company, each a Delaware corporation, which is the subject matter of proceedings pending before the Securities and Exchange Commission (see Notice of Filing and Order for Hearing re The United Gas Improvement Co., et al., File No. 70-759, 8 F.R. 10962);

(c) In accordance with said plan of merger and consolidation it is necessary that the Federal Power Commission take action upon the application in the above-entitled matter prior to the merger of said Delaware companies, and for such reason, action thereon should be taken not later than October 13, 1943, prior to the date fixed by the aforesaid notice of application for the filing of any protest or petition with the Commission with reference to said application;

The Commission finds that:

(1) The shortening of the time within which to file any protest or petition with reference to said application, from the period ending October 16, 1943 to a period ending October 12, 1943, will afford a reasonable period of time for the filing of any such protest or petition;

(2) Good cause has been shown by the applicant for so shortening such period of time;

The Commission Orders, That:

(A) The notice of application in the above-entitled matter as heretofore given and published in the FEDERAL REGISTER on October 2, 1943, is hereby amended by deleting the second paragraph thereof, and substituting therefor the following:

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 12th day of October, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

(B) Notice hereof shall be given and published in the same manner as the original notice.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 43-16357; Filed, October 6, 1943; 4:19 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 28 Under Rev. MPR 169, Amdt. 3]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS IN ARIZONA

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 28 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of October 1, 1943.

No. 200—7

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16362; Filed, October 6, 1943; 4:46 p. m.]

[Order 30 Under Rev. MPR 169, Amdt. 2]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS IN SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 30 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16363; Filed, October 6, 1943; 4:46 p. m.]

[Order 32 Under Rev. MPR 169, Amdt. 2]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS IN NEVADA

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 32 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16364; Filed, October 6, 1943; 4:46 p. m.]

[Order 33 Under Rev. MPR 169, Amdt. 3]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS IN NEW MEXICO AND TEXAS

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, un-

less sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16365; Filed, October 6, 1943; 4:46 p. m.]

[Order 33 Under Rev. MPR 148, Amdt. 3]

DRESSED HOGS AND WHOLESALE PORK CUTS IN STATE OF ARIZONA

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16366; Filed, October 6, 1943; 4:46 p. m.]

[Order 34 Under Rev. MPR 148, Amdt. 2]

DRESSED HOGS AND WHOLESALE PORK CUTS IN SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 34 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16367; Filed, October 6, 1943; 4:47 p. m.]

[Order 35 Under Rev. MPR 148, Amdt. 2]

DRESSED HOGS AND WHOLESALE PORK CUTS IN NEVADA

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 35 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16368; Filed, October 6, 1943; 4:47 p. m.]

[Order 36 Under Rev. MPR 148, Amdt. 3]

DRESSED HOGS AND WHOLESALE PORK CUTS  
IN ARIZONA AND TEXAS

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 36 Under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16369; Filed, October 6, 1943; 4:47 p. m.]

[Order 1 Under Rev. MPR 239, Amdt. 3]

LAMB AND MUTTON CARCASSES AND CUTS AT  
WHOLESALE AND RETAIL IN ARIZONA

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 1 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16360; Filed October 6, 1943; 4:47 p. m.]

[Order 2 under Rev. MPR 239, Amdt. 2]

LAMB AND MUTTON CARCASSES AND CUTS AT  
WHOLESALE AND RETAIL IN SAN DIEGO  
COUNTY, CALIF.

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 2 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16359; Filed, October 6, 1943; 4:47 p. m.]

[Order 3 Under Rev. MPR 239, Amdt. 3]

LAMB AND MUTTON CARCASSES AND CUTS AT  
WHOLESALE AND RETAIL IN NEW MEXICO  
AND TEXAS

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 3 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16358; Filed, October 6, 1943; 4:47 p. m.]

[Order 4 Under Rev. MPR 239, Amdt. 2]

LAMB AND MUTTON CARCASSES AND CUTS AT  
WHOLESALE AND RETAIL IN NEVADA

ORDER GRANTING ADJUSTMENT

The second paragraph of Order No. 4 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including December 1, 1943, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective as of October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16370; Filed, October 6, 1943; 4:47 p. m.]

[Order 8 Under RPS 60]

AMERICAN SUGAR REFINING CO.  
AUTHORIZATION OF MAXIMUM PRICES

Order No. 8 Under 1334.51 (a) (6) (1) of Revised Price Schedule 60—Direct-Consumption Sugar.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) Maximum prices governing sales by primary distributors of certain new grades and packages of direct-consumption sugar.

(1) The American Sugar Refining Company, 120 Wall Street, New York, N. Y., a primary distributor of direct-consumption sugar, is hereby authorized to determine its maximum price for granulated sugar packed one and one-fifth ounces per carton, net weight 500 cartons in a fibreboard container by adding a differential of \$4.20 per 100 pounds net to the basic maximum price per 100 pounds.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective October 7, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-16361; Filed October 6, 1943; 4:47 p. m.]

Regional and District Office Orders.

[Region II Order G-9 Under 18 (c) of GMPR]  
FLUID MILK IN BINGHAMTON-ROCHESTER  
AREA, N. Y.

Order No. G-9 under § 1499.18 (c) of the General Maximum Price Regulation (Formerly Order No. 10); File No. II-1499.18 (c)-10.

It is the judgment of the Regional Administrator that there exists, or threatens to exist, in that part of the State of New York which is referred to herein as the Binghamton-Rochester Territory, a shortage in the supply of a commodity which is essential to a standard of living consistent with the prosecution of the war; that such shortage will be substantially reduced or eliminated by adjusting the maximum prices of sellers for such commodity within the Binghamton-Rochester Territory; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation and Revised Procedural Regulation No. 1, *It is ordered, That:*

(a) On and after January 19, 1943, the maximum price for the sale and delivery in glass or paper containers of fluid milk at wholesale into store, at retail out of store and at retail to the home in any of those areas of the Binghamton-Rochester Territory set forth in the following schedule, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified for the appropriate area, whichever is higher.

Locality	Type of fluid milk	Type of delivery	Container size	Adjusted maximum price per container
Area I.....	Grade A, pasteurized..	Into store.....	Quart.....	13 cents.
			Pint.....	7½ cents.
			Half-pint.....	4 cents.
		Out of store and to the home.	Quart.....	15 cents (for single delivery of 2 containers or less).
				14 cents (for single delivery of more than 2 and less than 6 containers).
				13 cents (for single delivery of 6 containers or more).
Area II.....	do.....	Into store.....	Pint.....	8½ cents.
			Half-pint.....	5 cents.
			Quart.....	14 cents.
		Out of store and to the home.	Pint.....	8 cents.
			Half-pint.....	4 cents.
			Quart.....	16 cents.
Area III.....	Grade A, raw and pasteurized.	Into store.....	Quart.....	11 cents.
			Pint.....	6½ cents.
			Half-pint.....	3 cents.
		Out of store.....	Quart.....	13 cents.
			Pint.....	7½ cents.
			Half-pint.....	5 cents.
	To the home....	Quart.....	15 cents (for single delivery of 1 container). 14 cents (for single delivery of 2 containers). 13 cents (for single delivery of 3 containers or more).	
		Pint.....	8 cents.	
		Quart.....	14 cents.	
		Pint.....	8 cents.	
		Quart.....	16 cents.	
		Pint.....	8½ cents.	
Special milk, Guernsey and Jersey. Raw and pasteurized.	Into store.....	Quart.....	16 cents (for single delivery of 1 container). 15 cents (for single delivery of two containers or more).	
		Pint.....	8½ cents.	
		Quart.....	15 cents.	
	Out of store.....	Quart.....	17 cents.	
		Do.	Do.	
		Quart.....	Do.	
To the home....	Pint.....	9½ cents.		
	Quart.....	13 cents.		
	Pint.....	7½ cents.		
	Half-pint.....	4 cents.		
	Quart.....	15 cents.		
	Pint.....	8½ cents.		
Area V.....	Grade A, pasteurized..	Into store.....	Half-pint.....	5 cents.
			Quart.....	12 cents.
			Pint.....	7 cents.
		Out of store and to the home.	Half-pint.....	4 cents.
			Quart.....	14 cents.
			Pint.....	8 cents.
Area VII.....	do.....	Into store.....	Half-pint.....	5 cents.
			Quart.....	12 cents.
			Pint.....	7 cents.
		Out of store and to the home.	Half-pint.....	4 cents.
			Quart.....	14 cents.
			Pint.....	8 cents.
Area VIII.....	do.....	Into store.....	Half-pint.....	5 cents.
			Quart.....	12½ cents.
			Pint.....	7½ cents.
		Out of store and to the home.	Half-pint.....	4 cents.
			Quart.....	14 cents.
			Pint.....	8½ cents.
	Half-pint.....	5 cents.		

(b) On and after January 19, 1943, the maximum price for the sale and delivery in glass or paper containers of fluid milk at wholesale into store, at retail out of store and at retail to the home in any of those areas of the Binghamton-Rochester Territory set forth in the following schedule, shall be 1¢ per

quart and ½¢ per pint higher than the seller's maximum price for such sale and delivery as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified for the appropriate area, whichever is lower.

Locality	Type of fluid milk	Type of delivery	Container size	Adjusted maximum price per container
Area IV.....	Grade A, pasteurized..	Into store.....	Quart.....	Cents 12
			Pint.....	7
		Out of store and to the home.	Quart.....	14
			Pint.....	8
Area VI.....	do.....	Into store.....	Quart.....	11
			Pint.....	6½
		Out of store and to the home.	Quart.....	13
			Pint.....	7½

(c) For each type of milk other than the specific types for which maximum prices have been prescribed herein for a particular area, the maximum price of any seller for the sale and delivery of such milk, in any of the areas of the Binghamton-Rochester Territory set forth above, shall be increased by an amount equal to the increase of maximum prices accruing to such seller from the adjusted maximum prices of Grade

A Pasteurized milk prescribed herein, for the same type of sale and delivery in the same type and size of container. No person who has not received an adjusted maximum price for Grade A Pasteurized milk as a result of this order (either because he does not sell Grade A Pasteurized milk, or because his maximum price therefor under the General Maximum Price Regulation is higher than the adjusted maximum price herein) may

make an adjustment of his maximum prices for any type of milk, other than those adjustments specifically set forth in the foregoing schedules. (For example, if, as a result of this order, seller A's maximum prices for the sale and delivery in Area I of Grade A Pasteurized milk into store and to the home in quart glass containers, have been increased from 12¢ and 13¢, respectively, to 13¢ and 15¢, respectively, he may increase his maximum price for the sale of flavored milk in glass containers by an amount not in excess of 1¢ a quart for sales and deliveries into store and 2¢ a quart for sales and deliveries to the home. If seller B in Area III does not sell Grade A Pasteurized milk, but, as a result of this order, has received an increase in his maximum price of 1¢ per quart for the sale and delivery into store of Guernsey milk in quart glass containers, he may not increase his maximum price for the sale of another type of milk, such as flavored milk, not set forth in the foregoing schedules.)

(d) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or in supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(e) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, or where only one unit is sold, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half-cent, the seller shall adjust the maximum price to the next higher full cent (for example, a maximum price of 15½¢ for one unit shall be adjusted to 16¢ for one unit, 31¢ for two units, 47¢ for three units, etc.; a maximum price of 14¼¢ for one unit shall be adjusted to 14¢ for one unit, 29¢ for two units, 43¢ for three units, etc.).

(f) On or before February 15, 1943, and again on or before March 15, 1943, any person selling fluid milk at wholesale into store, or at retail to the home, at maximum prices established by this order, shall file with the appropriate District Office of the Office of Price Administration a statement giving the information specified below for his respective market for the preceding calendar month. Thereafter, such statement shall be filed on or before May 15, 1943, and on or before the 15th day of every second succeeding month, and shall cover the two calendar months preceding the month during which such statement is required to be filed.

1. The name and address (city, county, state) of such producer from whom milk is purchased.
2. The amount of milk in cwt. purchased from each such producer.
3. The price paid, f. o. b. buyer, per cwt. to each such producer.

4. The quantity of milk sold in cwt.: (a) as fluid milk, (b) as cream, and (c) for manufactured products, e. g. cheese, ice cream, etc.

5. The price at which milk is sold for use: (a) as fluid milk, (b) as cream, and (c) for manufactured products (average price).

6. The price at which fluid milk is sold: (a) for home delivery, (b) out of store, (c) into store.

(g) All orders affecting the maximum price of fluid milk sold and delivered within any part of Area VI (including, but not limited to, the township of North Dansville in Livingston County, and the township of Cohocton in Steuben County) issued by the Regional Administrator of Region II pursuant to § 1499.18 (c) of the General Maximum Price Regulation are hereby revoked and superseded by this Order No. 10.

(h) *Definitions.* When used in this order:

(1) "Appropriate District Office of the Office of Price Administration" means the District Office of the Office of Price Administration for the district in which the seller has sold and delivered the major portion of all fluid milk sold and delivered by him at maximum prices established by this order during the period for which the statement required by section (f) above is to be filed.

(2) "Binghamton-Rochester Territory" means that part of the State of New York which consists of the counties of Allegany, Livingston, Monroe, Wayne, Ontario, Yates, Steuben, Chemung, Schuyler, Seneca, Cortland, Tompkins, Tioga, Broome, Chenango, Otsego and Delaware.

(3) "Area I" means that part of the State of New York which consists of the county of Chemung.

(4) "Area II" means the area included within the township of Ithaca, Tompkins County, State of New York.

(5) "Area III" means that part of Broome County in the State of New York which consists of the corporate limits of the cities of Binghamton, Port Dickinson, Johnson City and Endicott; and the townships of Kirkwood, Fenton, Binghamton, Conklin, Dickinson, and Union Vestal but not including the Villages of Chenango Bridge, Port Crane, Chenango Forks, Castle Creek and Conklin in Broome County in the State of New York.

(6) "Area IV" means that part of the State of New York which consists of the counties of Schuyler, Cortland, Chenango, Otsego, Delaware, Broome (with the exception of that area defined as Area III above), Tompkins (with the exception of that area defined as Area II above) and Tioga (with the exception of the township of Barton).

(7) "Area V" means the area included within the township of Barton in Tioga County; the townships of Erwin, Corning, Caton and Lindley in Steuben County; and in the townships of Sweden and Clarkson in Monroe County, all in the State of New York.

(8) "Area VI" means that part of the State of New York which consists of the counties of Livingston, Yates, Allegany,

Wayne (with the exception of the township of Arcadia), Ontario (with the exception of the township of Geneva), Seneca (with the exception of the townships of Waterloo and Seneca Falls) and Steuben (with the exception of the townships of Erwin, Lindley, Corning, Caton and Hornellville).

(9) "Area VII" means the area included within the township of Hornellville, Steuben County; the townships of Waterloo and Seneca Falls, Seneca County, the township of Arcadia, Wayne County and the County of Monroe (with the exception of the townships of Sweden and Clarkson and the Rochester Milk Marketing Area defined below), all in the State of New York.

(10) "Area VIII" means the area included within the township of Geneva, Ontario County in the State of New York.

(11) "Rochester milk marketing area" means that portion of Monroe County which consists of the City of Rochester and the townships of Pittsford, Perinton, Irondequoit, Penfield, Webster, Greece, Cates, Chili, Brighton, Henrietta, Riga, Ogden and Parma, all in the State of New York.

(12) "Fluid milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(13) "Grade A pasteurized" milk and all other types of milk specified herein shall have the meanings prescribed for such types of milk by the appropriate statutes, orders or regulations of the State of New York, unless such definitions are superseded by statutes, orders or regulations of that political subdivision of the State of New York within which each or all of such types of milk are sold and delivered.

Issued January 19, 1943.

SYLVAN L. JOSEPH,  
Regional Administrator.

[F. R. Doc. 43-16276; Filed, October 5, 1943;  
4:54 p. m.]

[Order G-9 Under 18 (c) of GMPR, Amdt. 1]  
FLUID MILK IN BINGHAMTON-ROCHESTER  
AREA

Amendment No. 1 to Order No. G-9 under § 1499.18 (c) of the General Maximum Price Regulation, Formerly Order No. 10.

Pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, as amended, and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion to be issued simultaneously herewith, it is ordered that paragraph (f) be deleted from New York Regional Office Order No. G-9 issued January 19, 1943 under § 1499.18 (c) of the General Maximum Price Regulation.

SYLVAN L. JOSEPH,  
Regional Administrator.

FEBRUARY 26, 1943.

[F. R. Doc. 43-16277; Filed, October 5, 1943;  
4:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-685]

HOUSTON GULF GAS COMPANY

ORDER CORRECTING ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of October, A. D. 1943.

The Commission having on September 27, 1943, issued its order permitting a post-effective amendment to the declaration herein and the declaration as so amended to become effective; and

The fifth paragraph of said order describing the transactions proposed in said post-effective amendment having been erroneously transcribed so that it did not fully and accurately describe said proposed transactions;

It is ordered, That said fifth paragraph of said order shall be and hereby is corrected to read as follows:

The declarant having on September 21, 1943 filed a second post-effective amendment to the said declaration in which it again states that it has been unable to consummate the conveyance of its pipeline to Defense Plant Corporation under the contract dated February 9, 1943 and as a consequence has not yet received the consideration to be paid to it by Defense Plant Corporation and is therefore not in a position to meet the installment of \$600,000 payable to the First National Bank of Boston under the terms of declarant's note dated August 29, 1940 or to pay the note of declarant to the First National Bank of Boston dated April 15, 1943, maturing October 15, 1943, in the amount of \$600,000 and that declarant and the First National Bank of Boston have entered into a further supplemental agreement extending the time for payment of the above-mentioned installment of \$600,000 from September 28, 1943 to February 28, 1944, extending the time for payment of the above-described note dated April 15, 1943 from October 15, 1943 to February 28, 1944, and extending to the same maturity date the obligation of the First National Bank of Boston to accept a payment in cash and a new note in full payment of the note of August 29, 1940, and that approval is sought of said extension;

It is further ordered, That the permission granted in said Order of September 27, 1943 shall be deemed to have been granted to the transactions as above described.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-16386; Filed, October 7, 1943;  
11:36 a. m.]

[File No. 70-724]

SOUTHWESTERN PUBLIC SERVICE COMPANY  
AND ROYAL PALM ICE COMPANY

ORDER GRANTING APPLICATIONS

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 October, A. D. 1943.

Southwestern Public Service Company, a registered holding company, and Royal Palm Ice Company, a non-utility subsidiary of Southwestern Public Service Company, having filed joint applications and declarations pursuant to sections 11, 7, 9, 10, 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-46 promulgated thereunder, regarding an amendment of a serial note of Royal Palm Ice Company in the principal amount of \$400,000, and the amendment of a mortgage securing the indebtedness evidenced by such note, both note and mortgage being held by Southwestern Public Service Company, the sale by Royal Palm Ice Company of all the physical properties of that company to a non-affiliated corporation for a basic purchase price of \$556,667 (subject to certain adjustments) to be paid by the assumption by the purchaser of the mortgage indebtedness above mentioned and the payment of the balance of such price in cash, and the liquidation and dissolution of Royal Palm Ice Company after such sale including the transfer of assets by said company to Southwestern Public Service Company, its sole stockholder, as a liquidating dividend, or dividends;

A public hearing having been held on such applications and declarations, after appropriate notice, and the Commission having made and filed its findings herein;

*It is ordered*, That said applications and declarations be, and they are, hereby, respectively, granted and permitted to

become effective, subject only to those terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-16387; Filed, October 7, 1943;  
11:36 a. m.]

#### UNITED STATES TARIFF COMMISSION.

[Docket No. 12]

#### IMPORTATION AND SALE OF MEDICAL SWABS PUBLIC HEARING POSTPONED

In the matter of complaint of unfair methods of competition and unfair acts in the importation and sale of medical swabs.

Notice is hereby given by the United States Tariff Commission that the public hearing in the foregoing investigation, heretofore set for October 22, 1943, has been postponed at the request of parties interested and is now set to be held on October 29, 1943.

The hearing will be held in Room 4-231 Empire State Building, 350 Fifth Avenue, New York, N. Y., beginning at 10:00 a. m.

By order of the United States Tariff Commission this 7th day of October 1943.

E. M. WHITCOMB,  
Acting Secretary.

[F. R. Doc. 43-16385; Filed, October 7, 1943;  
11:38 a. m.]

#### WAR FOOD ADMINISTRATION.

[P. & S. Docket No. 1579]

#### TORRINGTON LIVESTOCK COMMISSION COMPANY

#### ORDER EXTENDING PERIOD OF SUSPENSION

On September 8, 1943, the Assistant to the War Food Administrator made an order in this proceeding (8 F.R. 12457), which, among other things, suspended and deferred the operation and use of Supplement No. 4 to respondent's Tariff No. 1 for a period of thirty days beyond its effective date. Since it now appears that this proceeding cannot be concluded within the aforesaid period of suspension, the operation and use of such tariff should be suspended and deferred for an additional period of thirty days.

#### Order

The operation and use of the respondent's tariff designated as Supplement No. 4 to Tariff No. 1 shall be, and the same hereby is, suspended and deferred for a further period of thirty days beyond the date when such tariff would otherwise become effective.

A copy of this order shall 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 6th day of October 1943.

THOMAS J. FLAVIN,  
Assistant to the War  
Food Administrator.

[F. R. Doc. 43-16399; Filed, October 7, 1943;  
11:19 a. m.]





